

REPORT OF THE GROUP DIRECTOR, NEIGHBOURHOODS AND HOUSING		
LICENSING SUB-COMMITTEE: 27/11/2018	Classification DECISION	Enclosure
APPLICATION TO VARY THE PREMISES LICENCE : Chef Cafe Bistro, 273 Kingsland Road, E2 8AS	Ward(s) affected Hoxton East & Shoreditch	

1. SUMMARY

Applicant(s) Chef GIG Limited	In SPA No
Date of Application 11 October 2018	Period of Application Permanent
Proposed variation: Late Night Refreshment Supply of Alcohol (On and Off Premises)	
Proposed hours for licensable activity	
Late Night Refreshment BOTH	Standard Hours: Mon 23:00-03:00 Tue 23:00-03:00 Wed 23:00-03:00 Thu 23:00-03:00 Fri 23:00-03:00 Sat 23:00-03:00 Sun 23:00-01:00
Supply of Alcohol BOTH	Standard Hours: Mon 08:00-01:00 Tue 08:00-01:00 Wed 08:00-01:00 Thu 08:00-01:00 Fri 08:00-01:00 Sat 08:00-01:00 Sun 08:00-00:00

The opening hours of the premises: INDOOR		Standard Hours: Mon 08:00-03:00 Tue 08:00-03:00 Wed 08:00-03:00 Thu 08:00-03:00 Fri 08:00-03:00 Sat 08:00-03:00 Sun 08:00-01:00
Current activities/hours: See Licence attached as Appendix D		
Capacity: not known		
Policies Applicable	LP1 (General Principles), LP2 (Licensing Objectives), LP3 (Core Hours), LP4 ('Off' Sales of Alcohol), LP5 (Planning Status)	
List of Appendices	A – Application for variation of premises licence and supporting documents B – Representations from responsible authorities C – Representations from 'other persons' D – Current Licence E - Location map	
Relevant Representations	<ul style="list-style-type: none"> • Environmental Health Authority • Planning Authority • Area Child Protection Officer • Police • Other Persons 	

2. APPLICATION

- 2.1 Chef GIG Limited has made an application vary their premises licence under the Licensing Act 2003:
- To extend hours for supply of alcohol for consumption **on and off** the premises
 - To include late night refreshment

2.2 The application is attached as Appendix A..

3. CURRENT STATUS / HISTORY

- 3.1 The current premises licence was granted in October 2017
- 3.2 No TENs have been submitted in respect of the premises in the current calendar year.

4. REPRESENTATIONS: RESPONSIBLE AUTHORITIES

From	Details
Environmental Health Authority (Environmental Protection) (Appendix B1)	Representation received on the grounds of the prevention of public nuisance
Environmental Health Authority (Environmental Enforcement)	Have confirmed no representation on this application
Environmental Health Authority (Health & Safety)	Have confirmed no representation on this application
Weights and Measures (Trading Standards)	Have confirmed no representation on this application
Planning Authority (Appendix B2)	Informative
Area Child Protection Officer	Have confirmed no representation on this application
Fire Authority	Have confirmed no representation on this application
Police (Appendix B3)	Representation received on the grounds of The Prevention of Crime and Disorder, Prevention of Public Nuisance, Core Hours,
Licensing Authority (Appendix B4)	Representation received on the grounds of The Prevention of Public Nuisance and Core Hours
Health Authority	Have confirmed no representation on this application

5. REPRESENTATIONS: OTHER PERSONS

Representation received from and on behalf of local residents. (Appendix C)	Representation received on the grounds of The Prevention of Crime and Disorder, Public Safety, Prevention of Public Nuisance, The Protection of Children from Harm,
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6. GUIDANCE CONSIDERATIONS

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

7. POLICY CONSIDERATIONS

- 7.1 Licensing Sub-Committee is required to have regard to the London Borough of Hackney's Statement of Licensing Policy ("the Policy") adopted by the Licensing Authority.
- 7.2 The Policy applies to applications where relevant representations have been made. With regard to this application, policies LP1 (General Principles), LP2 (Licensing Objectives), LP3 (Core Hours), LP4 ('Off' Sales of Alcohol) and LP5 (Planning Status) are relevant.

8. OFFICER OBSERVATIONS

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

Not applicable

9. REASONS FOR OFFICER OBSERVATIONS

- 9.1 Neither the applicant nor Responsible Authorities have proposed additional conditions to be included on the licence.

10. LEGAL COMMENTS

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

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

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

11. HUMAN RIGHTS ACT 1998 IMPLICATIONS

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

12. MEMBERS DECISION MAKING

- A. **Option 1**
That the application be refused
- B. **Option 2**
That the application be approved, together with any conditions or restrictions which Members consider necessary for the promotion of the Licensing objectives.

13. CONCLUSION

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

Group Director, Neighbourhoods and Housing	Kim Wright
Lead Officer (holder of original copy):	Mike Smith Principal Licensing Officer Licensing Service 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
Chef Cafe Bistro 273 Kingsland Road, E2 8AS	Hackney Service Centre Licensing Service 1 Hillman Street London E8 1DY

Printed matter

Licensing Act 2003

LBH Statement of Licensing Policy

APPENDIX A

Hackney
LA07

Application to vary a premises licence under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

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

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

I/We CHEF GIG LIMITED

(Insert name(s) of applicant)

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

Premises licence number

089656

Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description
chef cafe bistro
273 KINGSLAND ROAD
HACKNEY

Post town

LONDON

Postcode

E2 8AS

Telephone number at premises (if any)

[REDACTED]

Non-domestic rateable value of premises

£0

Part 2 – Applicant details

Daytime contact telephone number

[REDACTED]

E-mail address (optional)

[REDACTED]

Current postal address if different from premises address

[REDACTED]

[REDACTED]

Post

EDMONTON

Postcode

[REDACTED]

town			
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Part 3 – Variation

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

<p>Please describe briefly the nature of the proposed variation (Please see guidance note 2)</p> <p>we would like to extend our trading hours to sell hot food until 3am so we want to trade from 8am to 3am</p> <p>we would also want to extend our alcohol license as well but does not have to be until 3am 1am will be ok for us</p>

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

40

Part 4 Operating Schedule

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

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

I

Late night refreshment Standard days and timings (please read guidance note 8)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 4)	Indoors	
Day	Start	Finish		Outdoors	
				Both	<input checked="" type="checkbox"/>
Mon	08:00	03:00	Please give further details here (please read guidance note 5) after 1am we are not going to sell alcohol to the public and we accept only takeaway orders after 1am		
Tue	08:00	03:00			
Wed	08:00	03:00	State any seasonal variations for the provision of late night refreshment (please read guidance note 6) we are planning to open only weekends till 2 or 3am		
Thur	08:00	03:00			
Fri	08:00	03:00	Non-standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list (please read guidance note 7)		
Sat	08:00	03:00			
Sun	08:00	01:00			

J

Supply of alcohol Standard days and timings (please read guidance note 8)			Will the supply of alcohol be for consumption – please tick (please read guidance note 9)	On the premises	
				Off the premises	
				Both	<input checked="" type="checkbox"/>
Day	Start	Finish	State any seasonal variations for the supply of alcohol (please read guidance note 6) no		
Mon	08:00	01:00			
	-----	-----			
Tue	08:00	01:00			
	-----	-----			
Wed	08:00	01:00			
	-----	-----			
Thur	08:00	01:00			
	-----	-----	Non-standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 7) Default.LicesableActivitiesJ_plays_non_s»		
Fri	08:00	01:00			
	-----	-----			
Sat	08:00	01:00			
	-----	-----			
Sun	08:00	12:00			
	-----	-----			

K

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

none

L

Hours premises are open to the public Standard days and timings (please read guidance note 8)			State any seasonal variations (please read guidance note 6) none
Day	Start	Finish	Non-standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list (please read guidance note 7) none
Mon	08:00	03:00	
Tue	08:00	03:00	
Wed	08:00	03:00	
Thur	08:00	03:00	
Fri	08:00	03:00	
Sat	08:00	03:00	
Sun	08:00	01:00	

Please identify those conditions currently imposed on the licence which you believe could be removed as a consequence of the proposed variation you are seeking.

Please tick as appropriate

- I have enclosed the premises licence
- I have enclosed the relevant part of the premises licence

If you have not ticked one of these boxes, please fill in reasons for not including the licence or part of it below

Reasons why I have not enclosed the premises licence or relevant part of premises licence.

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

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

b) The prevention of crime and disorder

we wont supply alcohol to anyone does not eat in and we will have the necessary staff to prevent crime, disorder and noise

c) Public safety

we will shut out seat in facility after certain time and we will watch the costumers all the time

d) The prevention of public nuisance

we will have the necessary stuff to prevent noise and we will make sure the costumers leaving the place quietly and safe

e) The protection of children from harm

we wont give alcohol to take away

Checklist:

Please tick to indicate agreement

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

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

Part 5 – Signatures (please read guidance note 12)

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

Signature	ilhan erdogan
Date	11/10/2018
Capacity	owner

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

Signature	
Date	11/10/2018

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

Notes for Guidance

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

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

RESPONSIBLE AUTHORITY REPRESENTATION: APPLICATION UNDER THE LICENSING ACT 2003

RESPONSIBLE AUTHORITY DETAILS

NAME OF AUTHORITY	London Borough of Hackney
ADDRESS OF AUTHORITY	Environmental Protection Officer Environmental Health 1 st Floor, 1 Hillman Street London, E8 1BY
CONTACT NAME	Khadine Jackson
TELEPHONE NUMBER	020 8356 4825
E-MAIL ADDRESS	Khadine.jackson@hackney.gov.uk

APPLICATION PREMISES

NAME & ADDRESS OF PREMISES	273 Kingsland Road
NAME OF LICENCE HOLDER/ DESIGNATED PREMISES SUPERVISOR	Chef Gig Ltd

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:



The Environmental Protection Team would object to the grant of the licence; the application would not currently comply with the following Licensing Policy requirement:

LP2 Licensing Objectives

The applicant has not addressed the potential for nuisance arising.

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

The applicant has stated they *“will have the necessary stuff to prevent noise and we will make sure the costumers leaving the place quietly and safe”* without providing any further details.

The Environmental Protection Team have received 3 complaints within the last year of smoke/odour nuisance. This is not thought to be significant, however, increased operational hours and customer turnover increases the potential for further odour and smoke nuisance. The present kitchen extract system and maintenance schedule needs to be adequate to cope with the new demand.

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

Submit documentation to show:

- a) That noise, smoke and/or odour nuisance will not arise from the extended use of the kitchen extraction system.
- b) The management of any noise and other ASB arising from additional customers.

Signed: by Email

Name: Khadine Jackson

Date: 5th November 2018

**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	Chef Gig Bistro 273 Kingsland Road London E2 8AS
Applicant name	Chef Gig Limited

COMMENTS

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

- Prevention of crime and disorder
- Public safety
- Prevention of public nuisance
- Protection of children from harm

Please supply any relevant evidence/information to support the above representation.

The application is to vary an existing premises license. The proposed variation is to extend the hours of trading. The following licensable activities are proposed:

Late night refreshment: 08:00 - 03:00 Monday - Saturday, 08:00 - 01:00 Sunday;
Supply of alcohol: 08:00 - 01:00 Monday - Saturday, 08:00 - 00:00 Sunday; and
Hours of operation: 08:00 - 03:00 Monday to Saturday, 08:00 - 01:00 Sunday.

Planning application 2016/4580 granted the change of use from mini cab office to restaurant and hot food takeaway (A3/A5 use) and erection of single storey ground floor rear extension and erection of external rear ducting. Condition 4 of the planning consent states the following:

'The use hereby permitted shall not be open to members of the public outside of the following hours:

*07:00 - 23:00 on Mondays to Saturdays;
08:00 - 22:30 on Sundays and Public Holidays.'*

The usage of the premises as a restaurant/take away is permitted. The proposed hours of operation exceed those permitted under the planning consent. The applicant is reminded that licensing approval does not grant planning approval. Operation of the premises outside of the permitted hours of operation is unlawful and may result in enforcement action. The applicant is advised to gain planning permission for the proposed extension of hours.

Please provide the following information (if applicable)


Area (that permission applies to)	Ground floor
Permitted use	A3/A4
Permitted hours	07:00 - 23:00pm on Mondays to Saturdays; 08:00 - 22:30 on Sundays and Public Holidays.
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 representations with informative.

The usage of the premises as a restaurant/take away is permitted. The proposed hours of operation exceed those permitted under the planning consent. The applicant is reminded that licensing approval does not grant planning approval. Operation of the premises outside of the permitted hours of operation is unlawful and may result in enforcement action. The applicant is advised to gain planning permission for the proposed extension of hours.

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	01/11/2018

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

NAME OF AUTHORITY	Metropolitan Police service
CONTACT NAME	PC 3691CE Kerrie RYAN
TELEPHONE NUMBER	020 7275 3022
E-MAIL ADDRESS	hackneylicensing@met.police.uk

APPLICATION PREMISES

NAME & ADDRESS OF PREMISES	Chef Café Bistro 273 Kingsland Road London E2 8AS
NAME OF PREMISES USER	CHEF GIG LIMITED

COMMENTS

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

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

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

Police make the following representations in relation to the application to vary the Premises Licence at CHEF CAFÉ BISTRO, 273 KINGSLAND ROAD, LONDON, E2 8AS for the following reason(s);

This premises is located on a main road that runs through the centre of Hackney, linking Shoreditch, Kingsland and Dalston. This premises is part of a parade of shops, bars and food establishments, but is surrounded by residential properties. There are several blocks of flats that house residents old and young. The hours proposed in this application are significantly later than the hours currently operated. During the hours on the existing licence and the proposed hours, customers behaviour is dramatically altered, usually as a result of large quantities of alcohol consumed. The customers attracted to this premises will be from the nearby bars and clubs. What experience does the applicant have of running licensed premises in a late night time economy area?

Police would like further information on what policies and procedures will be in place to deal with drunken and potentially aggressive behaviour and ensure that the licensing objectives are not undermined.

Police would like to clarify a couple of points from the application;

- Section I of the application - Late Night Refreshment - states 'after 1am we are not going to sell alcohol to the public and we accept only take away orders after 1am'. Does this mean that the shop will be closed to the public and orders will be taken for food deliveries only?
- Also Section I - Application states - 'we are planning to open only weekends till 2 or 3am'. This being the case, what time do you expect to open until during the week? The timings on the application should be amended to reflect this.
- Section J - Supply of Alcohol requests sale of alcohol on and off the premises until 0100hrs everyday. LP4 of the Statement of Licensing Policy states that 'hours of the supply of alcohol will generally be restricted to between 0800hrs - 2300hrs. Police propose the hours be amended so that all off sales cease at 2300hrs.

Police look forward to hearing from the applicant soon.

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)

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

B4

RESPONSIBLE AUTHORITY DETAILS

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

APPLICATION PREMISES

NAME & ADDRESS OF PREMISES	Chef Gig 273 Kingsland Road London E2 8AS
NAME OF APPLICANT	Chef Gig Limited

COMMENTS

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

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

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

I write to make a representation in relation to this application. The additional hours of activity may have a negative impact on the promotion of the licensing objectives, in particular, the prevention of public nuisance. Residential premises appear to be located close by which may suffer negative harm as a result of any additional trading hours.

As the hours on the existing licence are already aligned with those set out in Policy LP3 (Core Hours) the applicant is advised to note the following extract from that section:

“Later hours may be considered where the applicant has identified any risk that may undermine the promotion of the licensing objectives and has put in place robust measures to mitigate those risks.”

The applicant has not offered any new measures to promote the licensing objectives.

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

The Licensing Act 2003, Statement of Licensing Policy 2018-2023 and S182 Guidance issued by the Home Office.

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

Discussion with the applicant to obtain further information in relation to the proposed operation and the matters raised above.

Name: David Tuitt, Business Regulation Team Leader – Licensing and Technical Support

Date: 08/11/2018

APPENDIX C



OBJECTION UNDER 2003 LICENSING ACT

Objection by: ■■■■■
Kingsland Road, London, E2 ■■■■.

Application Address: Chef Café Bistro, 273
Kingsland Road, London, E2 8AS.

Summary of Application: Application for variation of premises licence to include late night refreshment from 23:00 to 03:00am Mon to Sat and from 23:00 to 01:00am Sun and to extend supply of alcohol till 01:00am Mon to Sat and till 00:00 Sun.

November 2018

1.0 INTRODUCTION

1.1 This objection is submitted on behalf of [REDACTED] Kingsland Road, London, E2 [REDACTED] against the licensing application at Chef Café Bistro, 273 Kingsland Road, London, E2 8AS. [REDACTED] has retained the services of [REDACTED] to make this objection.

1.2 [REDACTED] lives [REDACTED] has experienced nuisance and disturbance from the operation of the current premises.

2.0 BACKGROUND / CONTEXT

2.1 The premises in question was granted planning permission in March 2017 under Application Ref. No. 2016/4580. Condition No. 4 of the planning permission states:

“The use hereby permitted shall not be open to members of the public outside the following hours:

07:00am - 23:00pm on Mondays to Saturdays

08:00am - 22:30pm on Sundays and Bank Holidays”

Thus to approve the proposed licensing application would result in a flagrant breach of a planning condition attached to the premises. The premises does not have planning permission to operate beyond 11pm Monday to Saturdays or beyond 10.30pm on Sundays and Bank Holidays.

2.2 Condition No. 5 of the planning permission in question states:

“Full particulars and details of provisions for soundproofing between ground and first floor shall be submitted to and approved by the Local Planning Authority, in writing, before the commencement of works on site, and subsequently installed and retained in the building in a satisfactory manner, before the development is first occupied/use commenced”.

It is not known if any such details were approved and there is a risk that the existing building is not sufficiently soundproofed.

2.3 Condition No. 10 of the planning permission in question states:

“Any external flue must be fixed to the wall with anti-vibration mountings and the mechanical ventilation must discharge at one metre above eaves level and be vertical towards the sky with no restriction to the final opening, such as a plate, cap or cowl.”

Whilst an extraction system is in place for the premises, to Mr. Fleming's knowledge the extraction system has not been carried out in full accordance with this condition, and thus it could be in breach of planning permission.

3.0 VALIDITY OF APPLICATION

3.1 The validity of the application is questioned as the applicant has not seen a licensing application notice displayed on the premises (and certainly not in a conspicuous position) and has only found out about the application by chance. It is submitted that many neighbours to the premises will not be aware of the application due to the failure to display a notice on the premises and this prejudices the opportunity for many to make comments on the application.

4.0 OBJECTIONS

4.1 In accordance with the 2003 Licensing Act, objections are discussed under the relevant headings below.

The Prevention of Crime and Disorder

4.2 The stretch of Kingsland Road in question has a number of bars and clubs selling alcohol. It is [REDACTED] experience that late-night street noise and anti-social behaviour is a significant problem. He has had to call the non-emergency police number on numerous occasions in recent months due to the severity of such issues (reference numbers for these calls can be provided).

4.3 Crime statistics for the area back up [REDACTED] experience. According to data from www.crime-statistics.co.uk there have been 17 reported incidents in the E2 8AS postcode region alone in just September this year - see Figure 1 below.

Number of Crimes in London, Greater London (Hackney), E2 8AS, England September 2018

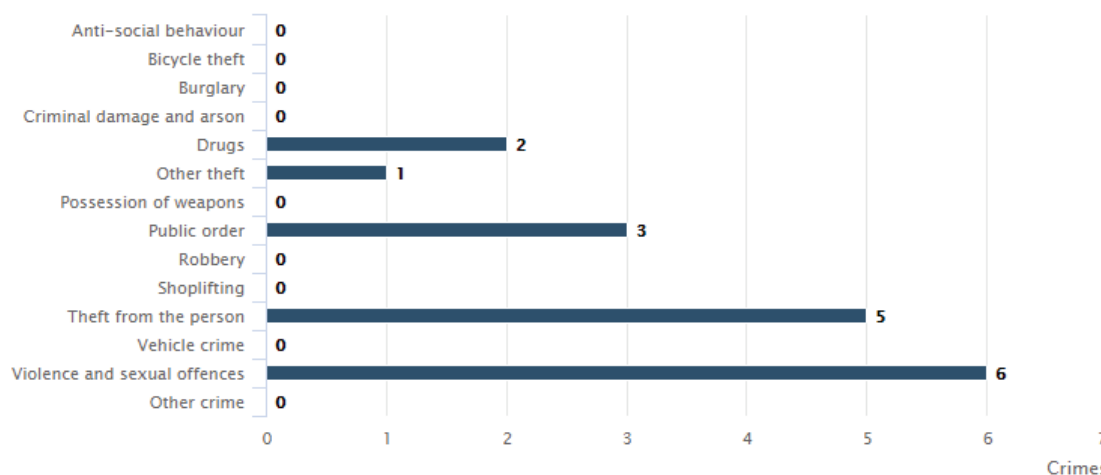


Figure 1 – data from www.crime-statistics.co.uk for the Month of September 2018

4.4 *It is considered the proliferation of late night premises is contributing to crime in the area. The sale of alcohol until 1am and takeaway food until 3am in the application premises will only exacerbate existing crime in the area. There is no need for a further late night take-away in the area.*

Public Safety

4.5 Given the non-compliance with planning issues cited above, it is queried whether there may be compliance issues with other statutory codes such as building regulations and environmental health.

Prevention of Public Nuisance

4.6 As detailed above, the premises does not have planning permission to open during the hours sought under the application. Therefore it would be remiss of the Licensing Authority to permit the application. *It is essential that planning permission be in place for the opening hours sought before any licence is granted.*

4.7 Also as detailed above, there are concerns with regards the adequacy and compliance (in planning terms) of extraction associated with the premises. The premises cooks predominantly grilled meat, and [REDACTED] regularly experiences odours both outside and inside his house, sometimes even when the windows in his home are closed. This is indicative of an ineffective extraction system.

At the very least and without prejudice to objection points above, the applicant should be requested to verify the adequacy and compliance (in planning permission terms) of existing odour extraction measures. The applicant believes that to have existing operations continue until 3am would be intolerable for him.

4.8 There is concern that comings and goings of vehicles to/from the premises late at night would cause significant disturbance to neighbours. Issues such as engines revving, vehicle doors closing, and conversations would all contribute to noise and nuisance. There are residential units immediately above, abutting and opposite the premises.

Protection of Children from Harm

4.9 [REDACTED] has no comment to make with regards this matter except to have it noted that there are many family livings nearby and rather than adding to late night premises in the area, the Licensing Authority should be seeking to curtail and reduce such premises in the interests of protecting residential amenity in general.

5.0 CONCLUSION

5.1 Having regard to the concerns set out above it is requested that the licensing application be refused. [REDACTED] requests to be notified of any developments with the application.

APPENDIX D



This premises licence has been issued by:

Licensing Service
1 Hillman Street
London E8 1DY

PART A – PREMISES LICENCE

Premises Licence Number

089656

Part 1 – Premises details

273 Kingsland Road
Hackney
London
E2 8AS
0203 487 0900

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:

Mon 08:00-22:30
Tue 08:00-22:30
Wed 08:00-22:30
Thu 08:00-22:30
Fri 08:00-22:30
Sat 08:00-22:30
Sun 08:00-22:00

The opening hours of the premises

Standard Hours:

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 08:00-22:30

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

On and Off Premises

Part 2 –

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

Chef GIG Limited
273 Kingsland Road
Hackney
London
E2 8AS

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

10812069

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

Ilhan Erdogan

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: 17 October 2017

Signed:

**David Tuitt
Team Leader - Licensing**

Annex 1 - Mandatory Conditions

Mandatory condition for Supply of Alcohol (On/Both):

1. No supply of alcohol may be made under the premises licence:
 - (a) At a time when there is no designated premises supervisor in respect of the premises licence.
 - (b) At a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.
2. Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.
3.
 - (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
 - (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises -
 - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to;
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
 - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
 - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
 - (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner.

(e)dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).

4. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
- 5.5.1. The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sales or supply of alcohol.
- 5.2 The designated premises supervisor in relation to the premises licences must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
- 5.3. The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either:-
 - (a) a holographic mark or
 - (b) an ultraviolet feature
6. The responsible person must ensure that:
 - a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures:
 - beer or cider:1/2 pint;
 - gin, rum, vodka or whisky: 25ml or 35ml; and
 - still wine in a glass: 125ml; and
 - b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
 - c)where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customers is made aware that these measures are available.

Minimum Drinks Pricing

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

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

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

(b) “permitted price” is the price found by applying the formula -

$$P = D + (D \times V)$$

Where -

(i) P is the permitted price,

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

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

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

(i) the holder of the premises licence,

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

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

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

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

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

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

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

Door Supervision

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

Annex 2 – Conditions consistent with the Operating Schedule

9. No emptying of bins or containers late in the evening, and minimum movement of bins and rubbish containers in the evenings. All rubbish produced by the premises will be stored securely in a designated area in a bin with a tight fitting and lockable lid.
10. Adequate waste receptacles for use by customers will be provided in the local vicinity.
11. Any concerns relating to children will be reported to the Duty and Assessment Team at Children's Services.

Conditions derived from Responsible Authority representations

12. The premises shall maintain a comprehensive CCTV system as per the minimum requirements of a Metropolitan Police Crime Prevention Officer. All public areas, entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Recordings shall be made available immediately upon the request of Police or authorised officer. (To be discussed)
13. 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. (To be discussed)
14. An incident log shall be kept at the premises, and made available immediately to an authorised officer of the Hackney Borough Council or the Police, which will record the following:
 - a. all crimes reported to the venue
 - b. any complaints received
 - c. any incidents of disorder
 - d. any faults in the CCTV system
 - e. any refusal of the sale of alcohol
 - f. any visit by a relevant authority or emergency service.
15. There shall be "CCTV in Operation" signs prominently displayed.

16. All instances of crime or disorder to be reported by the designated premises supervisor or responsible member of staff to an agreed police contact point, as agreed with the Police.
17. 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.
18. All staff will be given refresher training every twelve months on the legislation relating to the sales of alcohol to underage persons and drunken persons. Written records of this training shall be kept on the premises and produced to police or other authorised officer upon request.
19. There shall be a personal licence holder or DPS contactable whenever licensable activity is taking place. A contact number should be left and made available to police or other authorised officer upon request.
20. Intoxicating liquor shall not be sold, supplied or consumed otherwise than to persons who are taking a substantial meal from the menu and that the consumption of alcohol by such persons is ancillary to taking such meals. The supply of alcohol shall be by waiter/waitress service only.
21. All patrons will be seated and served by waitress/waiter service.
22. The premises shall adhere to Hackney Police Theft, Weapons and Drugs Policies and any updates thereof.
23. There shall be no open containers or bottles taken outside of the premises at any time.
24. The premises shall ensure that the front of the premises and the curtilage of the building is kept tidy and free of litter.
25. SIA registered door supervisors shall be employed at the premises, on an ongoing risk assessment basis. All security staff and stewards shall be clearly identifiable at all times. Additional SIA registered supervisors to be employed on an operational risk assessment basis. All supervisors shall enter their full details in the premises daily register at the commencement of their work. They shall record their full name, home address and contact telephone number, their SIA registration number, and the time they commence and conclude working. If the supervisor was provided by an agency the name, registered business address and contact telephone number will also be recorded. This register will be made available to police or authorised officer immediately upon request.

- Web Copy
26. All off sales of alcohol shall be sold in sealed containers to be consumed away from the premises.
 27. There shall be clear signage asking customers to respect the local residents and leave the premises quietly.
 28. No beers, lagers or ciders (including perries) in single cans, bottles or multi-packs with an ABV of more than 6.5% will be displayed, sold or offered for sale from the premises. This condition does not apply to organic or craft beers.
 29. Any sales of alcohol shall be charged at no less than 50p per unit of alcohol. A unit of alcohol is 10ml of ethanol. The number of units is calculated by multiplying the % Alcohol By Volume x Volume in centilitres. Thus a half-litre of beer at 5% ABV contains 2.5 units: $(5/100 \text{ ABV}) \times 50\text{cl}$.
 30. Delivery
 - a. Alcohol will only be delivered as part of a substantial meal.
 - b. At the time the order is placed a declaration will required from the person placing the order to confirm they are over 18 years of age.
 - c. Customers to be reminded it is a criminal offence for a person under 18 years to purchase or attempt to purchase alcohol and that it is also an offence to purchase alcohol on behalf of a person aged under 18 years
 - d. ID verification will be made when orders containing alcohol are delivered (no ID no delivery) – acceptable proof of age shall include identification bearing the customer's photograph, date of birth and integral holographic mark or security measure
 - e. Staff making the deliveries must be at least 18 years old
 - f. Alcohol can only be delivered to a residential or business address and not to a public place, and delivery staff will not deliver to any person anywhere other than at the residential or business address given when the order was placed
 - g. Deliveries will not be made between the hours of 23:00 and 07:00
 31. The Licensee shall ensure that all staff are fully trained and made aware of the legal requirement of businesses to comply with their duty
- Web Copy

of care as regards the disposal of waste produced from the business premises. The procedure for handling and preparing for disposal of the waste shall be in writing and displayed in a prominent place where it can be referred to at all times by staff.

32. 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.
33. The Licensee's premises are situated in an area within which refuse may only be left on the public highway during certain time bands (Kingsland Road 6:45-7:45 and 18:00-19:00). If the Licensee's waste carrier cannot or does not comply by collecting the refuse during the present or any future time bands imposed by the waste authority, the Licensee must remove the refuse from the public highway and/or keep it within the premises until such time as its waste carrier arrives to collect the refuse.
34. The Licensee shall erect a sign asking customers to refrain from littering the public highway outside the premises and will also instruct member of staff to make regular checks of the area immediately outside and within 10 metres either side of the premises and remove any litter, bottles and glasses emanating from the premises. The collection and removal of litter should include satisfactory disposal of spilled food and similar materials so as to leave the footway in a clean, safe and wholesome condition.
35. The Licensee shall provide a safe receptacle for cigarette ends to be placed outside, either on the wall or close to the wall of the building so as not to cause an obstruction or trip, for the use of customers.

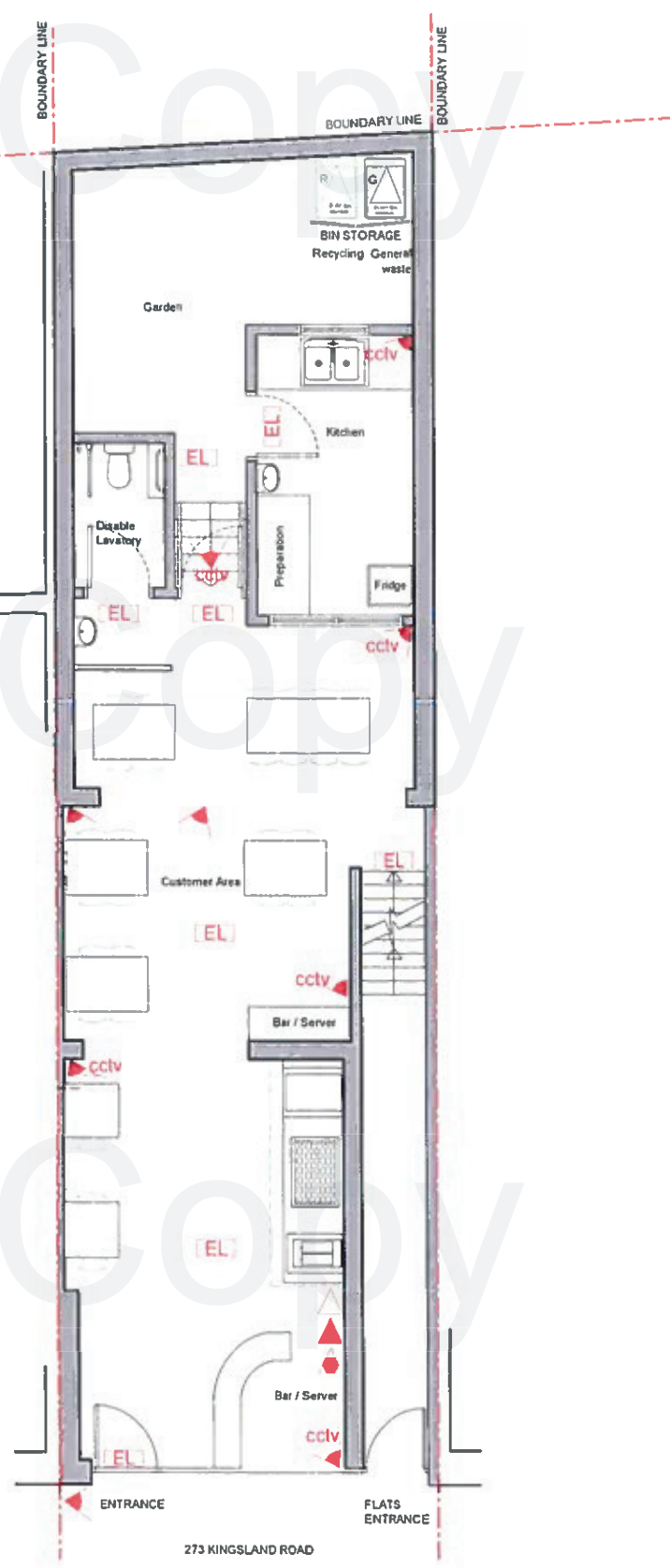
Annex 3 – Conditions attached after a hearing by the licensing authority

N/A

Annex 4 – Plans

PLAN/089656/17102017

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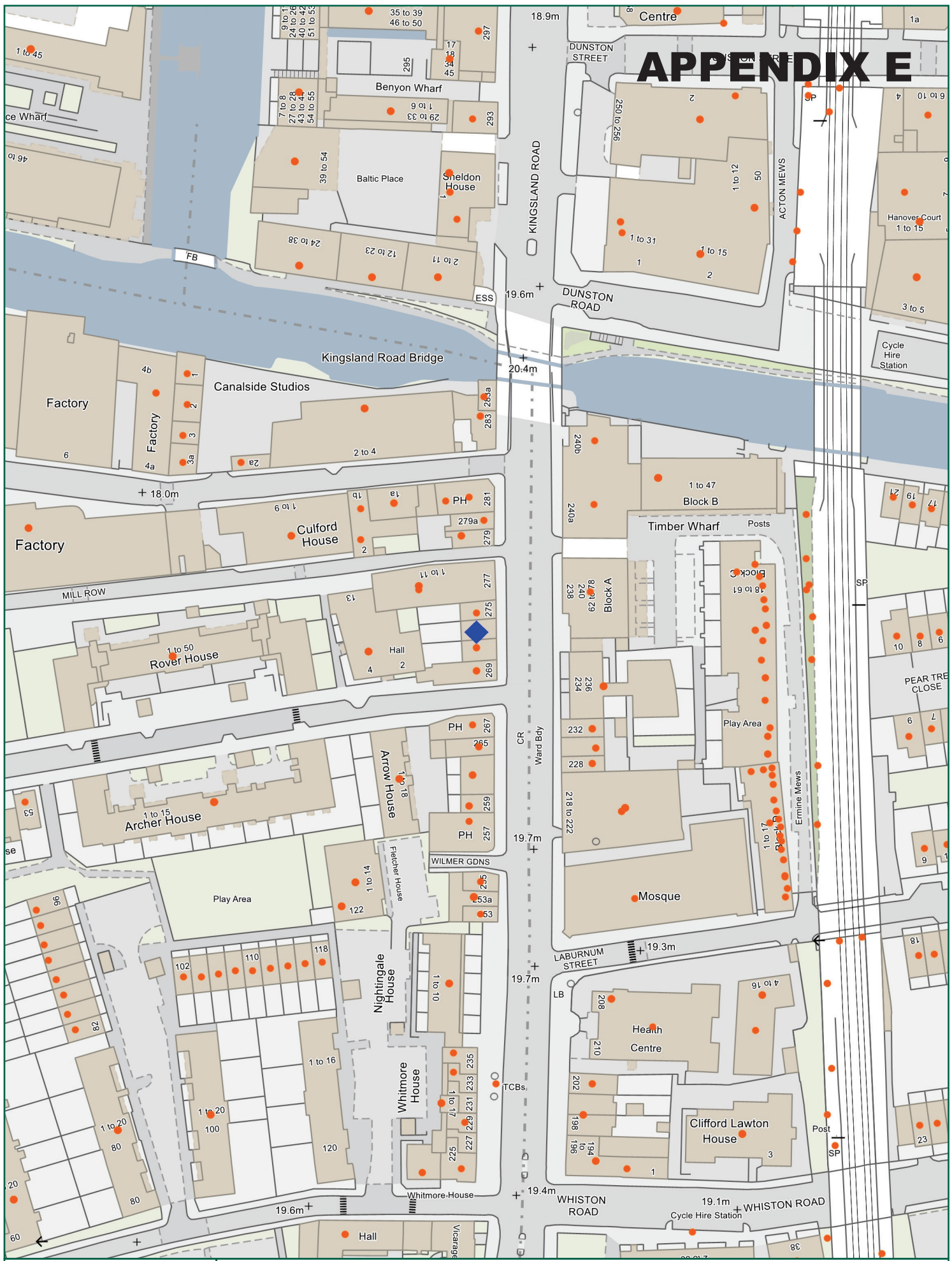


GROUND FLOOR PLAN
SCALE 1:100



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APPENDIX E



Scale: 1:1250 at A4



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14 November 2018

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