

REPORT OF THE GROUP DIRECTOR, NEIGHBOURHOODS AND HOUSING

LICENSING SUB-COMMITTEE: 10/10/2019	Classification DECISION	Enclosure
APPLICATION TO VARY THE PREMISES LICENCE : Passione Vino, Basement And Ground Floor, 85 Leonard Street, EC2A 4QS	Ward(s) affected Hoxton East & Shoreditch	

1. SUMMARY

Applicant(s) Pandemonio Ltd		In SPA Shoreditch SPA
Date of Application 16 August 2019		Period of Application Permanent
Proposed variation: <ul style="list-style-type: none">• Extension of Hours for Supply of Alcohol (On Premises)• Extension of area for consumption of alcohol on premises• Amendment of current conditions 9 and 21		
Proposed hours for licensable activity		
Supply of Alcohol On-sales (Off-sales to remain as existing)	Standard Hours: Mon 12:00-22:30 Tue 12:00-22:30 Wed 12:00-22:30 Thu 12:00-22:30 Fri 12:00-22:30 Sat 12:00-22:30 Sun 12:00-18:00	
The opening hours of the premises: (No change to current hours)		
Standard Hours: Mon 10:00-23:00 Tue 10:00-23:00 Wed 10:00-23:00 Thu 10:00-23:00 Fri 10:00-23:00 Sat 10:00-23:00 Sun 11:00-19:00		

Current activities/hours: See current licence attached as Appendix D	
Capacity: 38 patrons, plus 4 in outside seating area	
Policies Applicable	LP1 (General Principles), LP2 (Licensing Objectives), LP10 (Special Policy Areas – Dalston and Shoreditch)
List of Appendices	A – Application for variation of premises licence and supporting documents B – Representations from responsible authorities C – Representations from ‘other persons’ D – Location map
Relevant Representations	<ul style="list-style-type: none"> • Planning Authority • Police • Licensing Authority • Health Authority • Other Persons

2. APPLICATION

2.1 Pandemonio Ltd has made an application vary their premises licence under the Licensing Act 2003:

- To extend hours for supply of alcohol for consumption **on** the premises
- To extend areas for consumption of alcohol on the premises to mezzanine, ground floor and shop front pavement
- To amend current conditions 9 and 21

2.2 The application is attached as Appendix A.

3. CURRENT STATUS / HISTORY

3.1 The current premises licence was granted in July 2014.

3.2 No Temporary Event Notices have been submitted in respect of the premises in the current calendar year.

4. REPRESENTATIONS: RESPONSIBLE AUTHORITIES

From	Details
Environmental Health Authority (Environmental Protection)	Have confirmed no representation on this application
Environmental Health Authority (Environmental Enforcement)	No representation received
Environmental Health Authority (Health & Safety)	No representation received
Weights and Measures (Trading Standards)	Have confirmed no representation on this application

Planning Authority (Appendix B1)	Informative
Area Child Protection Officer	No representation received
Fire Authority	No representation received
Police (Appendix B2)	Representation received on the grounds of The Prevention of Crime and Disorder, Prevention of Public Nuisance, Special Policy Area
Licensing Authority (Appendix B3)	Representation received on the grounds of The Prevention of Crime and Disorder, Prevention of Public Nuisance, Special Policy Area
Health Authority (Appendix B4)	Representation received on the grounds of The Prevention of Crime and Disorder, Prevention of Public Nuisance, Special Policy Area

5. REPRESENTATIONS: OTHER PERSONS

2 representations received from and on behalf of local residents. (Appendices C1 and C2)	Representation received on the grounds of The Prevention of Crime and Disorder, Public Safety, Prevention of Public Nuisance and Cumulative Impact.
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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) and LP10 (Special Policy Areas – Dalston and Shoreditch) are relevant.

8. OFFICER OBSERVATIONS

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

9 to read: "There shall be no people gathering outside the premises except for the 4 people sitting at the 2 outdoor seasonal tables"

21 to read: "There shall be no more than 38 patrons plus 4 patrons in the dedicated and delimited area outdoor- in attendance at any given time within all the 3 indoor areas/rooms of the premises"

9. REASONS FOR OFFICER OBSERVATIONS

- 9.1 No additional conditions have been proposed by the applicant or responsible authorities, although the applicant has indicated a willingness to accept use of plastic glasses for those seated in outside areas.
- 9.2 The applicant has proposed amendment to current wording of conditions 9 and 21.

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
Passione Vino Basement And Ground Floor, 85 Leonard Street, EC2A 4QS	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.

Use
London Borough of Hackney
Projects & Regulatory Services

15 AUG 2019

I/We PANDEMONIO LTD (t.a. PASSIONE VINO)

(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

060304

Part 1 – Premises Details

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

PASSIONE VINO
BASEMENT & GROUND FLOOR
85 LEONARD STREET
HACKNEY

Post town LONDON

Postcode EC2A 4QS

Telephone number at premises (if any)

[REDACTED]

Non-domestic rateable value of premises

£12250 16,500

Part 2 – Applicant details

Daytime contact telephone number

[REDACTED]

E-mail address (optional)

[REDACTED]

Current postal address if different from premises address

Post town		Postcode	
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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
☐ No

If not, from what date do you want the variation to take effect?

DD	MM	YYYY

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 ☒ No

Please describe briefly the nature of the proposed variation (Please see guidance note 2)

1) Extension of the Supply of Alcohol for the Consumption On the Premises by the general public to:

a) the Mezzanine (used in the past - and only rarely at present - for tasting sessions with clients of the Wholesale Dept. of the Business)

b) the Ground Floor/Shop (for a maximum of 10 customers)

c) a portion of the outdoor pavement (2 seasonal tables and max of 4 customers. Authorisation for the use of a portion of the pavement will be requested, in due time, to Hackney Council's Street Trade Dept.)

2) Removal of Condition 21, limiting the maximum number of Patrons to 18 and only in the basement area or modification of said Condition as to allow a maximum of 38 Customers indoor among the 3 areas of the premises and 4 patrons at the tables outdoor (if Authorisation is granted by Street Trading for the seasonal use of a portion of the pavement)

3) Extension of the Finishing Time for the Supply of Alcohol On the Premises from 22:00 to 22:30 Monday to Saturday only (the Closing Times of the Premises will remain 23:00 Monday to Saturday and 19:00 on Sunday)

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:

N.A.

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

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

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

In all cases complete boxes K, L and M

J

Supply of alcohol Standard days and timings (please read guidance note 8)			Will the supply of alcohol be for consumption – please tick (please read guidance note 9)	On the premises	<input type="checkbox"/>
				Off the premises	<input type="checkbox"/>
				Both	<input checked="" type="checkbox"/>
Day	Start	Finish	State any seasonal variations for the supply of alcohol (please read guidance note 6) PLEASE NOTE THAT THE VARIATION OF TIMES BETWEEN "ON" AND "OFF" SALES IN THE "TIMINGS" COLUMN ON THE LEFT IS TO BE INTENDED AS FOLLOW: FOR EACH DAY: SALES "OFF" THE PREMISES ARE INDICATED IN THE UPPER ROW (e.g. Mon 10:00/23:00), SALES "ON" THE PREMISES ARE INDICATED IN THE LOWER ROW (e.g. Mon 12:00/22:30) 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)		
Mon	10:00	23:00			
	12:00	22:30			
Tue	10:00	23:00			
	12:00	22:30			
Wed	10:00	23:00			
	12:00	22:30			
Thur	10:00	23:00			
	12:00	22:30			
Fri	10:00	23:00			
	12:00	22:30			
Sat	10:00	23:00			
	12:00	22:30			
Sun	11:00	19:00			
	12:00	18:00			

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).

There are not and there will not be any Adult Entertainment, Services, Activities, Spectacles or other Entertainment or Matters Ancillary to the Use of the Premises which may give rise to concern in respect of children or underage people.

L

Hours premises are open to the public Standard days and timings (please read guidance note 8)			State any seasonal variations (please read guidance note 6)
Day	Start	Finish	
Mon	10:00	23:00	
Tue	10:00	23:00	
Wed	10:00	23:00	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)
Thur	10:00	23:00	
Fri	10:00	23:00	
Sat	10:00	23:00	
Sun	11:00	19:00	

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.

In the Section "Conditions derived from Operationg Schedule":

CONDITION 9 should be removed or could become: "There shall be no people gathering outside the premises except for the 4 people sitting at the 2 outdoor seasonal tables"
(if, in due time, these 2 tables and 4 chairs will be authorised by Hackney Council's Street Trading Services)

In the Section "Conditions derived from Responsible Authority representations":

CONDITION 21 should be removed or could become: "There shall be no more than 38 patrons - plus 4 patrons in the dedicated and delimited area outdoor - in attendance at any given time within all the 3 indoor areas/rooms of the premises"

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.

The Original Licence could not be found by the Business owners when they were asked to provide it in order to be enclosed with this Application; it could have been misplaced or lost when the office was moved away from the Premises.

The original Operational Schedule is still at the Premises exhibited to the Public near the main entrance of the Shop.

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)

- The CCTV System will be extended to cover more areas of the Premises.
- the use of special plastic glasses may be introduced to serve customers sitting at the outdoor seasonal tables if Authorisation for outdoor seating is granted.
- the current 4 Personal Licence Holders working for the business (out of the current 8 employees) will be taken to 8 (out of 10/11 forecast employees) if this extension is granted
- there will be no admittance to any person under 18 years of age even if accompanied by an adult.

b) The prevention of crime and disorder

The CCTV System that was installed following the granting of the current Licence in July 2014 - and has been recently updated - could be extended further into the Mezzanine and above the pavement outdoor (in order to cover the outdoor tables if this Variation is granted).

Please see also point "c" below

c) Public safety

If outdoor tables are allowed by the granting of this Variation and by the Relevant Hackney's Street Trading Service, and if the Relevant Authorities believe that only special plastic glasses should be used when serving wine to the customers sitting at these tables in order to allay any concerns regarding Public Safety and the Prevention of Crime and Disorders, the Applicants are willing to introduce this style of glasses even if their Business model and the upmarket position of their trading would advice for the use of traditional crystal glasses.

Please see also points "b" above and "e" below

d) The prevention of public nuisance

There is no loud music played within the Premises, only low key background ambience music that allow normal low voice conversation among the patrons.

If outdoor tables and chairs will be permitted, the staff serving at these tables will make sure that they will be cleared of glasses and bottles as soon as the customers leave and regularly check and clean - when needed - the ashtray and the pavement outside the shopfront.

e) The protection of children from harm

- There is no admission to underage persons in the premises not even if accompanied by adults (except when customers with children enter the wine shop to buy bottles of wine to be taken away for Consumption Off the Premises).

- Passione Vino employs only skilled Sommeliers specialising in Craft and Organic Italian Wines; if, when employed, they don't have already a Personal Licence issued by an English Council, they will, usually, be trained on the England & Wales Licensing Legislation and asked to apply for a Personal Licence. If the Variations applied for will be granted, there are plans to have 2 Personal Licence Holders on duty at any time when Alcohol is on sale for Consumption On the Premises

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	
Date	13th of August 2019
Capacity	 duly authorised Agent for

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	
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Date	
Capacity	

Contact name (where not previously given) and address for correspondence associated with this application (please read guidance note 15)

MAURIZIO PEPI-FISICHELLA

c/o RONDA Ltd

17, ENSIGN HOUSE, ADMIRALS WAY, CANARY WHARF

Post town	LONDON	Post code	E14 9XQ
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Telephone number (if any)	
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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 audience does not exceed 1000. Combined fighting sports – defined

LICENSING PLAN

PASSIONE VINO.

85 Leonard Street, London EC2 4QS

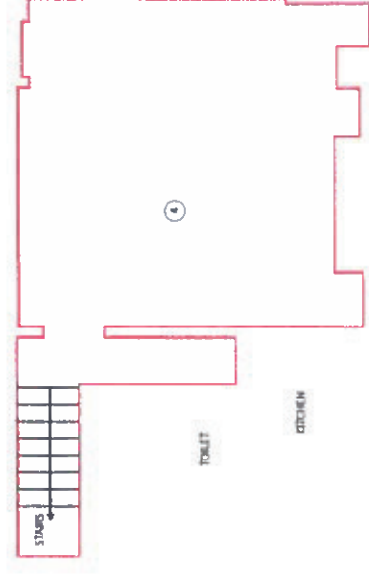
GROUND FLOOR



Outside area.
60cm deep.

- 1. Ground floor. ON SALES and OFF SALES.
- 2. Rear space. ON SALES.
- 3. Outside area (60cm deep) ON SALES.

BASEMENT LEVEL



- 4 Basement Room. ON SALES

Scale: 1:100 at A4

APPENDIX B1

Planning Authority Representation: Application under the Licensing Act 2003

Details of Authority	2 Hillman Street, Hackney, London, E8 1FB
Officer contact name	Claudette Abraham
Officer telephone number	020 8356 4870
Officer's email address	claudette.abraham@hackney.gov.uk

APPLICATION PREMISES

Name and address of premises	Passione Vino 85 Leonard Street Hackney London EC2A 4QS
Applicant name	Pandemonio Ltd (t.a. Passione Vino)

COMMENTS

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

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

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

The application proposes for a variation of the existing premises licence as a restaurant under the licensing Act 2003. The variation are:

- Extension of the supply of alcohol for consumption on the premises by the general public
- The mezzanine (used in the past and only rarely at present, -for tasting sessions with clients of the wholesale Dept of the business
- Ground floor/Shop for a (max of 10 customers)
- Portion of the outdoor pavement (2 seasonal tables and max of 4 customer, authorisation for the use of a portion of the pavement will requested.
- Removal of condition 21
- Extension of the finishing time for the Supply of Alcohol on the Premises from 22:00 to 22:30 Monday to Saturday only (the closing Times of the Premise will remain 23:00 Monday to Saturday and 19:00 on Sunday)

The licensable activities are:

Supply of alcohol Mon-Sat 10:00-23:30, Sun 11:00-19:00

Hours of opening Mon-Sat 10:00-23:30, Sun 11:00-19:00

No record could be found for the approval of the site as a restaurant. 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
Permitted use	Class
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 Informatives

No record could be found for the approval of the site as a restaurant. 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	06/09/19

**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 3691CE Kerrie RYAN
TELEPHONE NUMBER	020 7275 3022
E-MAIL ADDRESS	hackneylicensing@met.police.uk

APPLICATION PREMISES

NAME & ADDRESS OF PREMISES	Passione Vino 85 Leonard Street London EC2A 4QS
NAME OF PREMISES USER	Pandemonio 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:

Police make the following objections in relation to the application to vary the Premises Licence at PASSIONE VINO, 85 LEONARD STREET, LONDON, EC2A 4qs for the following reason(s);

This premises is located within the Shoreditch Special Policy Area. It is set just off Great Eastern Street and is very busy at all times of the day and night. It is often busier during the later hours – evenings into the early hours – as there are many other hotels, bars, clubs and restaurants surrounding this premises.

The application seeks to extend the supply of alcohol for consumption on the premises by 30 minutes each day and to extend this supply throughout the whole of the premises – where it was previously restricted to the basement. The applicant proposes to remove condition 21 to achieve this, and this causes concern for the police. This condition was initially included on the licence to prevent the venue from becoming a bar. The premises was granted a licence for a wine shop that would host wine meetings and tastings. The removal of this condition and the inclusion of the rest of the premises indicates that this premises is going to become a bar, with vertical drinking, which is exactly what this licence was conditioned against. Has the nature of the business or the business model now changed?

Shoreditch has changed significantly during the past year or so and has seen a marked increase in the amount of violent crime, ASB and disorder. The applicant has not provided any details of how they intend to demonstrate that they will not add to the cumulative impact that is currently being experienced in these areas as set out in LP10 of LBH's Statement of Licensing Policy. Although this premises is not set on the main road, because of the introduction of new premises and hotels, this street has seen an increased footfall, which would in turn could mean the potential for an increase in ASB, crime and disorder.

Police look forward to hearing from the applicant soon with what policies and procedures that have in place that will ensure that they will not add to the cumulative impact.

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

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

Signed
PC3691CE RYAN (By E-mail)

Name (printed)

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

B3

RESPONSIBLE AUTHORITY DETAILS

NAME OF AUTHORITY	Licensing Authority
ADDRESS OF AUTHORITY	Hackney Service Centre 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	Passione Vino 85 Leonard Street London EC2A 4QS
NAME OF APPLICANT	Pandemonio 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 | x |
| 2) | public safety | |
| 3) | the prevention of public nuisance | x |
| 4) | the protection of children from harm | |

Representation in relation to:

I write to make a representation in relation to this application as the premises is located within the Shoreditch Special Policy Area (SPA). The SPA is area that has been identified as suffering from the negative cumulative impact of the concentration of licensed premises in the area. The proposed variation could lead to a negative impact on the promotion of the licensing objectives, in particular, the prevention of crime and disorder and the prevention of public nuisance. It should be noted that **LP10** (Special Policy Areas – Dalston and Shoreditch) of the Council's Statement of Licensing Policy states:

LP10 Special Policy Areas – Dalston and Shoreditch

It is the Council's policy that where a relevant representation is made to any application within the area of the Dalston SPA or Shoreditch SPA, the applicant will need to demonstrate that the proposed activity and the operation of the premises will not add to the cumulative impact that is currently being experienced in these areas. This policy is to be strictly applied.

It should also be noted that the;

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

May not be in itself sufficient.

It should be noted that if an applicant can demonstrate that they will not add to the cumulative impact in their operating schedule and at any hearing, then the Core Hours Policy within LP3 will apply.

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

Licensing Act 2003, Guidance issued by the Home Office, Statement of Licensing Policy

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

Discussion with the applicant and clarification on the "mezzanine area" that does not appear on the plan annexed to the licence (attached).

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

Date: 12/09/2019

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

NAME OF AUTHORITY	City and Hackney Public Health directorate
ADDRESS OF AUTHORITY	City and Hackney Public Health 1 Hillman St London E8 1DY
CONTACT NAME	Jerry Hill
TELEPHONE NUMBER	020 8356 1807
E-MAIL ADDRESS	Jerry.Hill@hackney.gov.uk

APPLICATION PREMISES

NAME & ADDRESS OF PREMISES	Passione Vino 86 Leonard Street EC2A 4QS
NAME OF APPLICANT/PREMISES USER	Maurizio Pepi-Fisichella Ronda Suite 17. Ensign House Admiral Way Canary Wharf E14 9XQ Ronda.corp.services@gmail.com 0207 863 7510

COMMENTS

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

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

Dr Susan Milner
Interim Director of Public Health
Hackney Council

27 Aug 2019

RE: Representation against Passione Vino, 86 Leonard Street, EC2A 4QS

As Director of Public Health (a responsible authority under the Licensing Act 2004), I wish to make a representation against the application to vary the current license for **Passione Vino**

The City and Hackney Public Health function recognises the role that licensed premises play in contributing to the local economy, but the dense availability of alcohol has a significant impact on the health and wellbeing of many of the borough's residents.

Tackling alcohol misuse is key to achieving the aspirations of Hackney's Health and Wellbeing Strategy. We want to establish an environment that recognises the role of alcohol in our society, whilst minimising the significant health damage caused by alcohol misuse. Licensing is an important component in the wider efforts to reduce this harm.

This representation is made under the **prevention of crime and disorder and the prevention of public nuisance** licensing objectives.

The application is for a venue within the Shoreditch Special Policy Area (SPA). As laid out in the Council's Licensing Policy, and under **LP10**, where a relevant representation is made to any application within the area of the Shoreditch SPA, the application should demonstrate that the proposed activity and the operation of the premises will not add to the cumulative impact that is currently being experienced in these areas.

Shoreditch has been defined as a cumulative impact area. I am concerned that if this application is granted it will increase the availability of alcohol for consumption off premises. There is increasing recognition of the impact that high density availability



has¹, which could lead to an increase in public nuisance, crime and disorder and impact adversely on the health of both those consuming the alcohol but also of others who come into contact with them.

The area already has sufficient premises to meet demand and additional outlets supplying alcohol with expanded capacity both internally and in external areas to the venue will be detrimental to the local residents in terms of noise and disturbance, anti-social behaviour and crime.

The area within which this premise is located has high incidences of crime and violence, including those that are alcohol related. The information below is drawn from Bullseye and Safestats, a service within the Greater London Authority that hosts data from emergency services and other agencies. This data shows that, within 500m of the premises:

- There were **273** alcohol related incidents
- **50** alcohol related incidents involved those aged under 26 years
- **102** assaults were recorded by the London Ambulance Service

According to the council's Licensing database of premises allowed to sell alcohol, there are **72 on licence premises** and **32 off licence premises** within 500m of the application venue, with a further **119 having a licence for on and off sales**.

Based on the information provided and the conditions outlined in LP10, **the Public Health function recommends that the variations on the application for a licence to supply alcohol be refused.**

Yours sincerely



Dr Susan Milner
Interim Director of Public Health
London Borough of Hackney and City of London Corporation

¹ Livingstone M. et al. Changing the density of alcohol outlets to reduce alcohol related harm. Drug and Alcohol Review 2007; 26: 557-566
<http://onlinelibrary.wiley.com/doi/10.1080/09595230701499191/abstract>



APPENDIX C1

Dear Councillors,

I am writing to object to the proposal to extend the license at 85 Leonard Street (Passione Vino) to 22:30 inside their premises and to allow customers to drink on a portion of the outdoor pavement.

SPA context:

The location of 85 Leonard Street is right next to the Griffin Pub, Casita & Home, which are all located in this part of Leonard/Ravey street and no more than a few hundred yards from Book Club on Leonard Street. Residents, supported by our ward councillors, have submitted evidence of the increasing negative impact in this quiet area of Shoreditch. Councillor Plouviez is aware of submitted examples, and Councillor Sellman committed to Feryal and residents that the SPA boundary would be reassessed due to the fast- developing nature of our streets.

In addition to the large/established venues - there has been an expansion of tacky venues such as Rascals and Ballie Ballerson. Even “restaurants” are contributing to all day drunkenness, due to the “bottomless brunch” trend.

Local services including Environmental noise team; local police; the “out of hours” incident reporting website are already unable to prevent the negative impacts on residents, and neighbouring properties.

Licencing context:

The license to extend the supply of alcohol and to allow customers out onto a portion of the outdoor pavement must be rejected on the grounds of the high risk of adding to existing cumulative negative impact including:

- Public health and safety: on street drinkers blocking pavements outside the Griffin and Book club; people staggering into the road; urinating on private property all across Leonard & Ravey Street.
- Public nuisance: littering, noise nuisance from drivers parking under residential windows, at all hours; loud music (from car stereos, and outdoor drinking venues); drunk and shouty groups, including young girls vomiting on private property at 3-4pm (not just 3-4am).
- Crime and disorder: pre-loading, and drug taking in the street, before going to clubs; dangerous driving; and violent behaviour.

In addition, existing venues in this exact part of Shoreditch already have licensing conditions which this would challenge or exacerbate the issue of their already poor compliance to.

Dipesh Confectioners – next door to 85 Leonard Street (Passione Vino) has a license for off-sales only, which requires them to close earlier than 22:30 to comply with.

The Griffin has a condition that no people should be outside drinking on the Leonard Street pavement, on the same side of the road as Passione Vino right from 91 to 75 Leonard Street. Passione Vino have applied for a license to allow people to drink outside almost exactly in the centre of the area the Griffin are forbidden to allow people to drink (which is a condition for the record they do not 100% comply with!!).

This section of Leonard street, next to Ravey Street and adjoining Great Eastern street is the most saturated part of the Shoreditch area, outside of SPA. It would be totally nonsensical and unbearable for local residents to allow an extension to a license to attract and empty further inebriated customers onto this part of Shoreditch. It will have a dramatic cumulative impact that cannot be ignored.

"Future Shoreditch" context:

We are in an area that is strategically planned to undergo intensive COMMERCIAL development and provide economic growth for the Borough and London. Several sites, in the Conservation Area, are already highlighted for demolition and newbuild office construction. Very few sites are as closely surrounded by residential properties as in Leonard Street.

Many developers and businesses in this area are driven by profit, profit which comes from Alcohol sales.

The real cost- the impact on the Local community, residents, and public resources - is unsustainably high.

Granting further licensing and negligently allowing venues to attract and empty further customers onto this saturated part of Leonard Street would be catastrophic in destroying trust in the council to effectively manage the area and licensed premises.

Please ensure that this Licence application is rejected.

Yours sincerely

██████████

██████████ Leonard Street EC2A ██████████

Fwd: LICENSING ACT 2003: Variation of Premises Licence RE: Passione Vino - Basement And Ground Floor, 85 Leonard Street, Hackney, London, EC2A 4QS.

1 message

Mike Smith <mike.smith@hackney.gov.uk>
To: Mike Smith <mike.smith@hackney.gov.uk>

30 September 2019 at 12:09

----- Forwarded message -----

[REDACTED]
Date: Sun, 29 Sep 2019 at 18:08

Subject: RE: LICENSING ACT 2003: Variation of Premises Licence RE: Passione Vino - Basement And Ground Floor, 85 Leonard Street, Hackney, London, EC2A 4QS.

To: Mike Smith <mike.smith@hackney.gov.uk>

Cc: Sanaria Hussain <sanaria.hussain@hackney.gov.uk>, [REDACTED]

Good afternoon Mike,

Thank you for re-scheduling the Passione Vino hearing to the evening of the 10th October, Unfortunately neither my wife or I are able to attend the hearing on the 10th either.

However, please ensure my objections are put forward, to further support my objections please find attached pictorial evidence from Leonard street. All pictures were taken in the last four weeks.

As you can see from the attached images, upwards of 100 patrons of The Griffin (Casita & Home) regularly gather across both sides of Leonard street, where Leonard street crosses with Ravey Street.

The implications of this are;

- Huge congestion along Leonard street, creating a highly unsafe environment for both pedestrians and motorists as they regularly meet in the road.

- Excessive noise, which continues into the early hours of the morning. The noise is created from the excess of people, smashed glasses and the arrival of Taxi's to collect Patron's for the entirety of every evening.

- Antisocial behaviour. The mass of people often creates confrontation amongst the Patron's, with The Griffin security staff member or motorist/taxi's as they clash on the road.

- Litter/Pollution. It is a regular occurrence to find broken glass, bodily fluids & litter thorough the street and even on our door step of a morning.

These issues are compounded by a similar number of Patrons from the Book Club no more than 15meters away replicating exactly the same issues and behaviour!!

The Griffin have several restriction on their license conditions;

Point 5 – Customers shall not smoke on Ravey Street

Point 10 – Customers shall not consume drinks from glass

Point 17 – A minimum of one SIA door staff to be present per 100 customers

Point 18 – No customers outside post 11pm

These restrictions are already blatantly being abused! The pictures above show customers smoking, drinking from glass bottles and wine glasses, over 100 customers outside, let alone inside (The Griffin only ever has one SIA Doorman).

With the existing licenses already clearly being abused and the level of impact from inebriated patrons at excessive levels, it is utterly impossible for any license extensions to be considered whilst upholding the licensing policy objectives.

- The licensing changes requested by Passione Vino MUST be firmly denied.

- The license request by Zabeel Hotel MUST only be granted on the basis of the following conditions being applied;

- No customers being allowed to exit the hotel to smoke on Leonard Street (All smokers must be directed to the Great Eastern Street entrance/smoking area)

- The bar to only be licensed until 11.00pm

- No entry to the Hotel, except for Hotel residents post 11.00pm

- No exit from the hotel onto Leonard street, post 9.00pm. These exits onto Leonard street must be shut, with guests directed to enter and exit the hotel via the Great Eastern street entrance only

- Significant testing and observation of The Griffin's compliance with their licensing conditions must be conducted ASAP.

I'd like this evidence to be presented in the hearings on both the 3rd and 10th October.

Can you please confirm ahead of the hearings on the 3rd and 10th October, your thoughts on the evidence, exactly how this will be presented and what is going to be done to control The Griffin??

Kind Regards,

[Redacted]

[Redacted]

[Redacted]

[Redacted]



[Redacted]



[Redacted]



[Redacted]





T & MANAGED
Subject to Contract
033 1414
Raxtons.co.uk





T & MANAGED
Subject to Contract
0333 1414
Foxtons.co.uk









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Please ensure that this Licence application is rejected.

Yours sincerely

██████████

██████████ Leonard Street EC2A ██████████

APPENDIX C



This premises licence has been issued by:

Licensing Service
2 Hillman Street
London E8 1FB

PART A – PREMISES LICENCE

Premises Licence Number

060304

Part 1 – Premises details

Passione Vino
Basement and Ground Floor
85 Leonard Street
Hackney
London
EC2A 4QS

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:
--------------------------	------------------------

On sales	Mon 12:00-22:00
Basement Only	Tue 12:00-22:00
	Wed 12:00-22:00
	Thu 12:00-22:00
	Fri 12:00-22:00
	Sat 12:00-22:00
	Sun 12:00-18:00

Supply of Alcohol	Standard Hours:
--------------------------	------------------------

Off sales	Mon 10:00-23:00
	Tue 10:00-23:00
	Wed 10:00-23:00
	Thu 10:00-23:00
	Fri 10:00-23:00
	Sat 10:00-23:00
	Sun 11:00-19:00

The opening hours of the premises

Primary

Standard Hours:

Mon 10:00-23:00
Tue 10:00-23:00
Wed 10:00-23:00
Thu 10:00-23:00
Fri 10:00-23:00
Sat 10:00-23:00
Sun 11:00-19:00

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

On Premises

Part 2 –

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

Pandemonio Limited
First Floor Units W111 W113,
1 Phipp Street
Hackney
London
EC2A 4PS

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

07079946

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

Federico Bruschetta

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: 28 July 2014

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. The responsible person shall take all reasonable steps to ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
4. The responsible person shall ensure that no alcohol is dispensed 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).
5. The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available.
 - 6.1. 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.
 - 6.2. 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.
7. The responsible person shall 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) customers are made aware of the availability of these measures.

Annex 2 – Conditions consistent with the Operating Schedule

8. No cans of beer, lager or cider of any strength will be sold.
9. There shall be no people gathering outside the premises at any time.

Conditions derived from Responsible Authority representations

10. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of a Metropolitan Police Crime Prevention Officer. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Recordings shall be made available as soon as practicable upon the request of Police or authorised officer throughout the preceding 31-day period.
11. Any staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises are open to the public. This staff member must be able to show a Police or authorised council officer recent data or footage when requested.
12. There shall be a personal licence holder on duty on the premises at all times when the premises are authorised to sell alcohol.
13. Signs will be prominently displayed at all exit points reminding customers to leave quietly and respect local residents.
14. A challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as driving licence or passport.
15. An incident log shall be kept at the premises, and made available on request to an authorised officer of the council or the police, which will record the following.
 - a. All crimes reported:
 - b. All ejections of patrons
 - c. Any complaints received.
 - d. Any incidents of disorder.
 - e. Any faults in the CCTV system or searching equipment or scanning equipment.
 - f. Any refusal of the sale of alcohol.
 - g. Any visit by a relevant authority or emergency service.
16. Premises to operate zero tolerance policy to drugs and comply with Hackney

Police and Council Community safety unit drugs and weapons policy where appropriate.

17. An adequate and appropriate supply of first aid equipment and materials shall be available on the premises.
18. All staff will be given refresher training every two years on the legislation relating to the sales of alcohol to underage persons and drunken persons.
19. The licence holder shall maintain a dedicated telephone number of the Designated Premises Supervisor for use by any Responsible Authority or any person who may wish to make a complaint. This contact number shall be provided to licensing authority, police and to any local residents upon request.
20. There shall be no partly consumed or opened bottles removed from the premises at any time. All alcohol off sales will be wrapped and bagged/boxed
21. There shall be no more than 18 patrons in attendance at any wine meetings and tastings, which will take place in the basement area only.
22. Patrons shall not be allowed to take open containers outside of the premises at any time.
23. There shall be no children allowed in the premises at any time

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

24. Any recorded music played at the premises will be at a background level only that allows a face to face conversation, at normal speech level.

Annex 4 – Plans

PLAN/060304/28072014

APPENDIX D



NORTH

Scale: 1:1250 at A4



Ref:

25 September 2019

Produced by: unspecified

email:

please specify copyright statement