

<b>REPORT OF THE GROUP DIRECTOR, NEIGHBOURHOODS AND HOUSING</b>		
<b>LICENSING SUB-COMMITTEE:</b> 18/02/2020	<b>Classification</b>  DECISION	Enclosure
<b>APPLICATION TO VARY THE PREMISES LICENCE :</b> Best American Pizza 16A Pitfield Street, Hackney, N1 6EY	<b>Ward(s) affected</b>  <b>Hoxton East &amp; Shoreditch</b>	

### 1. SUMMARY

<b>Applicant(s)</b> Farid Milaad	<b>In SPA</b> Shoreditch Area
<b>Date of Application</b> 21 November 2019	<b>Period of Application</b> Permanent
<b>Proposed variation:</b> 1.To extend hours for late night refreshment 2.to remove supply of alcohol 3.to replace old conditions	
<b>Proposed hours for licensable activity</b>	
<b>Late Night Refreshment</b>  <b>Indoors</b>	<b>Standard Hours:</b> Mon 23:00-03:00 Tue 23:00-03:00 Wed 23:00-03:00 Thu 23:00-03:00 Fri 23:00-05:00 Sat 23:00-05:00 Sun 23:00-03:00 <b>Non-Standard Hours:</b> On the day when British Summer Time commences- licensable activities extended by 1 Hour. New Year Eve- Licensable activities extended from the end of permitted hours on New Years eve to the start of the permitted hours on New Years Day On bank holidays Sundays including Easter, licensable activities will be extended by 1 hour.

<b>The opening hours of the premises:</b>	
	<p><b>Standard Hours:</b>  Mon 11:00-03:00  Tue 11:00-03:00  Wed 11:00-03:00  Thu 11:00-03:00  Fri 11:00-05:00  Sat 11:00-05:00  Sun 11:00-03:00</p> <p><b>Non-Standard Hours:</b>  On the day when British Summer Time commences- licensable activities extended by 1 Hour. New Year Eve- Licensable activities extended from the end of permitted hours on New Year's eve to the start of the permitted hours on New Year's Day On bank holiday Sundays including Easter, licensable activities will be extended by 1 hour.</p>
<b>Current activities/hours:</b> Premises Licence permitting Sale by retail of alcohol Provision of Late Night Refreshment See Appendix D for detail.	
<b>Capacity:</b> not known	
<b>Policies Applicable</b>	LP1 (General Principles), LP2 (Licensing Objectives), LP3 (Core Hours), LP10 (Special Policy Areas – Dalston and Shoreditch)
<b>List of Appendices</b>	A – Application for variation of premises licence and supporting documents B – -- Representations from responsible authorities C Representations from 'other persons' D – Current Premises Licence E – Location map
<b>Relevant Representations</b>	<ul style="list-style-type: none"> <li>• Police</li> <li>• Licensing Authority</li> <li>• Other Persons</li> </ul>

## 2. APPLICATION

- 2.1 Mr Farid Millad has made an application vary their premises licence under the Licensing Act 2003:
- to extend hours for late night refreshment
  - to remove supply of alcohol
  - to replace old conditions

2.2 The application is attached as Appendix A.

## 3. CURRENT STATUS / HISTORY

- 3.1 The premises have been in possession of a Premises Licence since 2005. The licence was transferred to Mr Millad in 2011. An application to extend the hours for late night refreshment was refused by Licensing Sub-Committee on 5<sup>th</sup> April 2018. The premises licence was subsequently revoked by Licensing Sub-committee in September 2018 following a review application. A signed Consent Order to re-instate the licence was agreed following an appeal on 28<sup>th</sup> June 2019. A copy of the current licence is attached as Appendix D
- 3.2 No Temporary Event Notices have been given for this premises in 2019.

#### 4. REPRESENTATIONS: RESPONSIBLE AUTHORITIES

From	Details
Environmental Health Authority (Environmental Protection)	No representation received
Environmental Health Authority (Environmental Enforcement)	Have confirmed no representation on this application
Environmental Health Authority (Health & Safety)	No representation received
Weights and Measures (Trading Standards)	Have confirmed no representation on this application
Planning Authority	No representation received
Area Child Protection Officer	No representation received
Fire Authority	Have confirmed no representation on this application
Police	Representation received on the grounds of The Prevention of Crime and Disorder, Prevention of Public Nuisance and Special Policy Area
<b>Appendix C1</b> Licensing Authority	Representation received on the grounds of The Prevention of Crime and Disorder , Prevention of Public Nuisance and Special Policy Area
<b>Appendix C2</b> Health Authority	No representation received

#### 5. REPRESENTATIONS: OTHER PERSONS

2 representations received from and on behalf of local residents. <b>Appendix D1 to D2</b>	Representations received on the grounds of Public Safety and Prevention of Public Nuisance
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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 LP11 (Cumulative Impact - General) are relevant.

## **8. OFFICER OBSERVATIONS**

- 8.1 If the Sub-Committee is minded to approve the application, all conditions should be deleted from the current licence and replaced with the following conditions:

### **Mandatory Conditions:**

None

### **Conditions derived from operating schedule**

1. A digital Closed Circuit Television System (CCTV) will be installed and maintained in good working order and be correctly time and date stamped.
  - The system will incorporate sufficient built in hard-drive capacity to suit the number of cameras installed.
  - CCTV will be capable of providing pictures of evidential quality in all lighting conditions, particularly facial recognition.
  - Cameras will encompass all ingress and egress to the premises, the immediate area outside the frontage of the Premises and all areas where the sale/supply of alcohol occurs.
  - The system will record and retain CCTV footage for a minimum of 28 days
  - The system will record at all times when the Premises are open.
  - The system will incorporate a means of transferring images from the hard drive to a format that can be played back on any desktop computer.
  - The Digital recorder will be password protected to prevent unauthorised access, tampering, or deletion of images.
  - There will be at all times, when the premises is open, a member of staff on duty with access to the CCTV system who is trained in the use of the equipment.
  - Upon receipt of a request for a copy of CCTV footage from the Metropolitan Police, Licensing Officers or any other Responsible Authority, the member of staff will produce the footage within 24 hours or less if urgently required for investigations of serious crime.
  - CCTV footage must be made available to be viewed by the Metropolitan Police, licensing Officers or other Responsible Authorities on request during an inspection of or visit to the Premises
2. An incident book must be kept at the Premises and maintained up to date (no later than 24 hours after the incident) at all times and will record the following:
  - Time date and details of all incidents/complaints of crime and disorder or antisocial behaviour

- All crimes reported to the venue
  - Any faults in the CCTV system, searching equipment or scanning equipment
  - Any visit by a responsible authority or emergency service
  - The incident book must be made available to the Metropolitan Police, licensing Officers and all other Responsible Authorities on request or during an inspection
3. Training in relation to: refusals registers, incident records and all other conditions on the Premises Licence must be provided and undertaken by all members of staff (whether paid or unpaid) before he / she makes a sale or supply of alcohol and at least every six months thereafter.
  4. Documented training records must be completed in respect of every member of staff and must include the name of the member of staff trained, date, time and content of the training. The record must be signed by the member of staff who has received the training, the Designated Premises Supervisor, the Premises Licence Holder or external training providers.
  5. Documented training records must be kept at the Premises and made available to the Metropolitan Police, Licensing Officers and all other Responsible Authorities on request or during an inspection.
  6. The Premises Licence Holder or nominated representative shall keep and maintain all right to work documents for all staff members.
  7. Right to work documents shall be kept at the premises and produced to authorised officers of the Metropolitan Police and Hackney Council upon request.
  8. A refusals register must be kept at the Premises and maintained up to date at all times recording the date time and reasons for every refusal and the name and signature of member of staff refusing the sale.
  9. The refusals record must be made available to the Metropolitan Police, Licensing Officers and all other Responsible Authorities on request or during an inspection.
  10. The Premises Licence Holder or the Designated Premises Supervisor must monitor the Refusals Register every month and must sign and date the Refusals Register when this has been completed, or if the Refusals Register is electronic the check and date and time of the check must be clearly recorded
  11. The premises shall undertake a fire risk assessment that will be reviewed annually which will be available for inspection to any officer of a responsible authority upon request. All Fire safety equipment must be checked annually, and this check must recorded, and also be available for inspection.
  12. The licence holder shall have a first aid kit available at all times.

13. All equipment associated with licensable activities shall be properly maintained.

14. Signs shall be placed at all exits asking customers to respect the needs of local residents and requesting that they leave the premises quietly.

15. Litter bins shall be provided immediately outside or within the premises

## **9. REASONS FOR OFFICER OBSERVATIONS**

9.1 No additional conditions have been suggested by Responsible Authorities.

## **10. LEGAL COMMENTS**

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

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

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

## **11. HUMAN RIGHTS ACT 1998 IMPLICATIONS**

11.1 There are implications to;

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

## **12. MEMBERS DECISION MAKING**

### **A. Option 1**

**That the application be refused**

### **B. Option 2**

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

## **13. CONCLUSION**

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

<b>Acting Group Director, Neighbourhoods and Housing</b>	Ajman Ali
<b>Lead Officer (holder of original copy):</b>	Sanaria Hussain Senior 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.

<b>Description of document</b>	<b>Location</b>
Best American Pizza 16A Pitfield Street, N1 6EY	Hackney Service Centre Licensing Service 1 Hillman Street London E8 1DY

#### **Printed matter**

Licensing Act 2003

LBH Statement of Licensing Policy

**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 Farid Millad

*(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**

LBH-PRE-T-0532

**Part 1 – Premises Details**

Postal address of premises or, if none, ordnance survey map reference or description			
16a Pitfield Street Hackney			
Post town	London	Postcode	N1 6EY

Telephone number at premises (if any)	n/a
Non-domestic rateable value of premises	£14,750

**Part 2 – Applicant details**

Daytime contact telephone number	
E-mail address (optional)	
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)

An increase in the hours for the provision of late night refreshment

Removal of the sale of alcohol as an authorised licensable activity

New conditions to replace the existing (attached)

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:

0
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## 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**

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	<input checked="" type="checkbox"/>				
				Outdoors	<input type="checkbox"/>				
Day	Start	Finish		Both	<input type="checkbox"/>				
Mon	23:00	23:59	<b>Please give further details here</b> (please read guidance note 5)						
	00:00	03:00							
Tue	23:00	23:59				<b>State any seasonal variations for the provision of late night refreshment</b> (please read guidance note 6)			
	00:00	03:00							
Wed	23:00	23:59						<b>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</b> (please read guidance note 7) On the day when British Summer Time commences - licensable activities extended by 1 hour New Years Eve - Licensable activities extended from the end of permitted hours on New Years Eve to the start of Permitted hours on New Years Day On Bank Holiday Sundays including Easter, licensable activities will be extended by 1 hour.	
	00:00	03:00							
Thur	23:00	23:59							
	00:00	03:00							
Fri	23:00	23:59							
	00:00	05:00							
Sat	23:00	23:59							
	00:00	05:00							
Sun	23:00	23:59							
	00:00	03:00							

J

<b>Supply of alcohol</b> Standard days and timings (please read guidance note 8)			<b>Will the supply of alcohol be for consumption – please tick</b> (please read guidance note 9)	On the premises	<input type="checkbox"/>
				Off the premises	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<b>State any seasonal variations for the supply of alcohol</b> (please read guidance note 6)		
Mon					
Tue					
Wed					
Thur					
Fri					
Sat					
Sun			<b>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</b> (please read guidance note 7)		
			Supply of alcohol removed from scope of licence		

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).**  
 N/A

L

<b>Hours premises are open to the public</b> Standard days and timings (please read guidance note 8)			<b>State any seasonal variations</b> (please read guidance note 6)
Day	Start	Finish	
Mon	11:00	23:59	<p><b>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</b> (please read guidance note 7)</p> <p>On the day when British Summer Time commences - licensable activities extended by 1 hour            New Years Eve - Licensable activities extended from the end of permitted hours on New Years Eve to the start of Permitted hours on New Years Day            On Bank Holiday Sundays including Easter, licensable activities will be extended by 1 hour.</p>
	00:00	03:00	
Tue	11:00	23:59	
	00:00	03:00	
Wed	11:00	23:59	
	00:00	03:00	
Thur	11:00	23:59	
	00:00	03:00	
Fri	11:00	23:59	
	00:00	05:00	
Sat	11:00	23:59	
	00:00	05:00	
Sun	11:00	23:59	
	00:00	03:00	

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.

All, to be replaced by proposed conditions attached to application

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.

Not to hand

**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)**

Proposed conditions attached to application
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**b) The prevention of crime and disorder**

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**c) Public safety**

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**d) The prevention of public nuisance**

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**e) The protection of children from harm**

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Checklist:

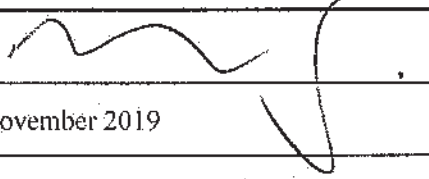
**Please tick to indicate agreement**

- 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	18th November 2019
Capacity	Duncan Craig - Barrister and Duly Authorised Agent

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

Signature	
Date	
Capacity	



## BEST AMERICAN PIZZA PROPOSED CONDITIONS

### GENERAL

1. A digital Closed Circuit Television System (CCTV) will be installed and maintained in good working order and be correctly time and date stamped.
  - The system will incorporate sufficient built-in hard-drive capacity to suit the number of cameras installed.
  - CCTV will be capable of providing pictures of evidential quality in all lighting conditions, particularly facial recognition.
  - Cameras will encompass all ingress and egress to the premises, the immediate area outside the frontage of the Premises and all areas where the sale/supply of alcohol occurs.
  - The system will record and retain CCTV footage for a minimum of 28 days
  - The system will record at all times when the Premises are open.
  - The system will incorporate a means of transferring images from the hard-drive to a format that can be played back on any desktop computer.
  - The Digital recorder will be password protected to prevent unauthorised access, tampering, or deletion of images.
  - There will be at all times, when the premises is open, a member of staff on duty with access to the CCTV system who is trained in the use of the equipment.
  - Upon receipt of a request for a copy of CCTV footage from the Metropolitan Police , Licensing Officers or any other Responsible Authority, the member of staff will produce the footage within 24 hours or less if urgently required for investigations of serious crime.
  - CCTV footage must be made available to be viewed by the Metropolitan Police, Licensing Officers or other Responsible Authorities on request during an inspection of or visit to the Premises.
  
2. An incident book must be kept at the Premises and maintained up to date (no later than 24 hours after the incident) at all times and will record the following:
  - Time date and details of all incidents/complaints of crime and disorder or anti-social behaviour
  - All crimes reported to the venue
  - Any faults in the CCTV system, searching equipment or scanning equipment
  - Any visit by a responsible authority or emergency service
  
  - The incident book must be made available to the Metropolitan Police, Licensing Officers and all other Responsible Authorities on request or during an inspection

3. Training in relation to: refusals registers, incident records and all other conditions on the Premises Licence must be provided and undertaken by all members of staff (whether paid or unpaid) before he / she makes a sale or supply of alcohol and at least every six months thereafter.
4. Documented training records must be completed in respect of every member of staff and must include the name of the member of staff trained, date, time and content of the training. The record must be signed by the member of staff who has received the training, the Designated Premises Supervisor, the Premises Licence Holder or external training providers.
5. Documented training records must be kept at the Premises and made available to the Metropolitan Police, Licensing Officers and all other Responsible Authorities on request or during an inspection.

#### **PREVENTION OF CRIME AND DISORDER**

6. The Premises Licence Holder or nominated representative shall keep and maintain all right to work documents for all staff members.
7. Right to work documents shall be kept at the premises and produced to authorised officers of the Metropolitan Police and Hackney Council upon request.

#### **PROTECTION OF CHILDREN FROM HARM**

8. A refusals register must be kept at the Premises and maintained up to date at all times recording the date time and reasons for every refusal and the name and signature of member of staff refusing the sale.
9. The refusals record must be made available to the Metropolitan Police, Licensing Officers and all other Responsible Authorities on request or during an inspection.
10. The Premises Licence Holder or the Designated Premises Supervisor must monitor the Refusals Register every month and must sign and date the Refusals Register when this has been completed, or if the Refusals Register is electronic the check and date and time of the check must be clearly recorded

### **PUBLIC SAFETY**

11. The premises shall undertake a fire risk assessment that will be reviewed annually which will be available for inspection to any officer of a responsible authority upon request. All Fire safety equipment must be checked annually, and this check must be recorded, and also be available for inspection.
12. The licence holder shall have a first aid kit available at all times.
13. All equipment associated with licensable activities shall be properly maintained.

### **THE PREVENTION OF PUBLIC NUISANCE**

14. Signs shall be placed at all exits asking customers to respect the needs of local residents and requesting that they leave the premises quietly.
15. Litter bins shall be provided immediately outside or within the premises.

# APPENDIX B1

## 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	<b>Best American Pizza</b> <b>16 Pitfield Street</b> <b>London</b> <b>N1 6EY</b>
NAME OF PREMISES USER	<b>Farid MILLAD</b>

### 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 BEST AMERICAN PIZZA, 16 PITFIELD STREET, LONDON, N1 6EY for the following reason(s):

This premises is located near a busy junction in Shoreditch and is inside the Shoreditch Special Policy Area (SPA). This premises is one of a number of late night food outlets that attracts customers after they have consumed varying amounts of alcohol on a night out visiting the bars and clubs of Shoreditch. The premises currently operates serving food until 0200hrs each day and alcohol until 2300hrs each day. This application, seeks to extend the sale of late night refreshment and remove the sale of alcohol from the licence.

The hours authorised on the current licence for licensable activity are already in excess of the hours laid out in LBH's Statement of Licensing Policy. Shoreditch is a very busy and popular night time economy area. There is a huge footfall through Shoreditch every night, but especially at weekends, as thousands of people travel to visit the pubs and clubs and drink alcohol. Police are concerned that should the hours be extended to cover, what would effectively be 24 hours over the weekend, it will encourage drunk patrons to linger in the area longer than they normally would rather than making their way to the nearest transport hub to go home. It is also very often the case that when groups or individuals that have been drinking, come into contact with each other in small food outlets such as this, there is often an increased risk of aggressive confrontations, violence and disorder.

LP10 of LBH's Statement of Licensing Policy states *'The applicant will need to demonstrate in their operating schedule that there will be no negative cumulative impact on one or more of the licensing objectives'*. The applicant has not included anywhere in this application, what policies and procedures they would consider implementing to ensure that the increase of hours for the sale of hot food from their premises would not have a negative effect on the cumulative impact and add to the existing problems currently being experienced in Shoreditch.

In addition to this, listed in the proposed conditions - numbers 3, 4, 8 and 9, are conditions based around training staff before sales of alcohol and refusals. Police would like to confirm whether the sale of alcohol is being removed from the premises licence entirely?

Police also have concerns around the proposed nonstandard hours. Police propose that the applicant apply for temporary event notices in the event of wishing to stay open later on bank holidays, New Years Eve, BST etc. These days are always much busier for the public, the premises and police/emergency services. Police can resource these days more efficiently with TENS as they can be risk assessed.

Having considered the above, police are unable to support this application, but welcome contact from the applicant to discuss further.

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 3691CE RYAN  
(By E-mail)

Name (printed)

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

**APPENDIX B2**

**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	Best American Pizza 16A Pitfield Street London N1 6EY
NAME OF APPLICANT	Farid Millad

**COMMENTS**

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

- 1) the prevention of crime and disorder **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 Special Policy Area (SPA) in Shoreditch. 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 hours of activity could hinder dispersal from the area encouraging patrons from nearby premises to loiter. This could then 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.

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, amended hours and conditions may assist. However, due to the location it is likely that the application will be referred to the Licensing Sub-Committee for determination.

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

**Date:** 17/12/2019



---

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

---

message

Kind Regards,

Licensing Service  
London Borough of Hackney  
Tel: 020 8356 2431  
Email: [licensing@hackney.gov.uk](mailto:licensing@hackney.gov.uk)  
[www.hackney.gov.uk/licensing](http://www.hackney.gov.uk/licensing)

## APPENDIX C1

[REDACTED]

Date: Wed, 18 Dec 2019 at 15:13  
Subject: Best American Pizza, 16a Pitfield Street, London N1 6EY  
To: [licensing@hackney.gov.uk](mailto:licensing@hackney.gov.uk) <[licensing@hackney.gov.uk](mailto:licensing@hackney.gov.uk)>

I refer to the application for a variation of the premises licence of the above property to extend late night refreshment until 03:00am Sunday to Thursday and until 05:00am on Friday and Saturday and to remove the supply of alcohol licence.

The University of Westminster own the freehold of Alexander Fleming House, the block within which this retail unit is located. The building comprises ground floor retail units with student halls of residence above on first to fourth floors. As landlord of the applicant, whilst the University is supportive of the removal of the licence to supply alcohol, it strongly objects to the request to extend the late night premises licence for 16a Pitfield Street on the grounds of the prevention of crime & disorder, prevention of public nuisance and public safety. In support of our objection we set out below our reasons and, if appropriate, a representative from the University would be willing to give evidence to, and answer questions from, the London Borough of Hackney's Licencing panel.

1. The University has experienced a long history of public nuisance and law & order issues with the current applicant which have created innumerable management issues and impacted significantly on the quiet enjoyment of students living in the accommodation above the shop. These issues have mostly related to late night noise and disturbance caused by the applicant remaining open after permitted hours but there have also been health & safety issues, fly tipping in the rear car park and unauthorised parking in the rear car park. The applicant is not a good tenant.
2. The applicant previously applied to vary the premises licence in 2017 but Hackney's Licence Authority recommended that the application be refused. At that time:
  - The Metropolitan Police did not support the application because there were regular reports from local residents about late night noise, litter and anti-social behaviour caused by the applicant's business.
  - Hackney's Community Safety & Environmental Department did not support the application because there were incidents of fly tipping.
  - Local residents did not support the application because of disturbance from the business regularly opening beyond permitted hours.
3. We believe that the London Borough of Hackney subsequently revoked the applicant's premises licence although they managed to reinstate it on appeal. The University question whether this is the nature of business that Hackney should be encouraging to operate well into the early hours of the morning in a residential building/neighbourhood.
4. The tenant today is the same business as in 2017. The University believes that allowing the variation to extend the opening hours presents a significant risk of increasing public nuisance to unacceptable levels, impacting on public disorder and creating a threat to public safety.
5. In the past, longer opening hours (permitted or unauthorised) have resulted in significant disturbance to students living in the halls of residence over the unit. Permitting the extension of the premises licence until 3:00am Sunday to Thursday and until 05:00am on Friday and Saturday will result in an unacceptable level of disturbance to the residents on the upper floors.
6. In terms of public safety, the tenant's Health & Safety record is poor – they have been uncooperative with Fire Risk Assessments and there have been a number of breaches in recent years particularly concerning gas leaks and leaving the gas supply to a pizza oven on overnight. The primary use of the Alexander Fleming

House is as a university student hall of residence and the commercial use is an ancillary activity. The University of Westminster has a duty of care for the health and safety of the residents at Alexander Fleming House and we believe that extending the opening hours of the unit until 3:00am Sunday to Thursday and until 05:00am on Friday and Saturday will create an increased fire risk to the students who live in the floors above. In the context of recent events, including Grenfell Tower in Kensington & Chelsea and, more recently, the fire at The Cube student hall of residence in Manchester in November 2019, we urge the London Borough of Hackney in the strongest possible terms to refuse any extension to the opening hours at 16a Pitfield Street.

If you have any questions or would like me to provide further evidence please let me know.

[REDACTED]  
Property Consultant

University of Westminster - Estates Planning & Services

[REDACTED] New Cavendish Street

London [REDACTED]  
[REDACTED]

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Registered Office: 309 Regent Street, London W1B 2HW.

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**Re Application for extended hours, Best American Pizza, 16a Pitfield st.**

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message

18 December 2019 at 21:03

  
Dear Licensing,**APPENDIX C2**

I am writing as regards these premises wishing to extend their license.

You may recall that for some time there was a problem with these premises and that they nearly lost their license last year. It was at this point that I supported the proprietor Abdul Wahid retaining his license after speaking personally to him.

Since that period we have been on very friendly terms and his premises have caused me no problems.

However, as a resident in this street I have to admit that I do not really welcome any later night opening. Mr Wahid has asked for an extension in order to remain open for the same hours as his principal competitor, City Best Kebab at 10 Pitfield st. He therefore has asked for a license until 5 a.m. on Friday and Saturday since he has seen them open until that time. However their licence (LBH-PRE-T-0366) specifies a closing time of 4 a.m.

I therefore agree not to oppose Best American Pizza's hours being extended to 4 a.m. on Friday and Saturday, but suggest that the hours allowed to his competitor, City Best Kebab, be enforced and that they should close when they are supposed to close, so that there is a level playing field.

I agree to this because Mr Wahid has been as good as his word and I trust t him to continue managing these premises in a responsible and neighbourly way.

If the premises should change hands I suggest its license should revert to hours more in line with the SSPA.

Many thanks,

 Pitfield st.



## APPENDIX D

**This premises licence has been issued by:**

Licensing Service  
1 Hillman Street  
London E8 1DY

### **PART A – PREMISES LICENCE**

#### **Premises Licence Number**

LBH-PRE-T-0532

#### **Part 1 – Premises details**

Best American Pizza  
16a Pitfield Street  
Hackney  
London  
N1 6EY

#### **Where the licence is time limited the dates**

Not Applicable

#### **Licensable activities authorised by the licence**

Late Night Refreshment  
Supply of Alcohol

#### **The times the licence authorises the carrying out of licensable activities**

##### **Late Night Refreshment**

Indoors and Outdoors

##### **Standard Hours:**

Mon 23:00-02:00  
Tue 23:00-02:00  
Wed 23:00-02:00  
Thu 23:00-02:00  
Fri 23:00-03:00  
Sat 23:00-03:00  
Sun 23:00-02:00

**Supply of Alcohol  
Premises:**

**Standard Hours:**

Mon 11:00-23:00  
Tue 11:00-23:00  
Wed 11:00-23:00  
Thu 11:00-23:00  
Fri 11:00-23:00  
Sat 11:00-23:00  
Sun 11:00-22:30

**The opening hours of the premises**

**Standard Hours:**

Mon 11:00-02:00  
Tue 11:00-02:00  
Wed 11:00-02:00  
Thu 11:00-02:00  
Fri 11:00-03:00  
Sat 11:00-03:00  
Sun 11:00-02:00

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

Off Premises

**Part 2 –**

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

Mr Farid Milaad  
42 Tithe Walk  
Mill Hill  
London  
NW7 2QA

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

N/A

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

Farid Milaad

**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:** 16 December 2005

**Signed:**

**David Tuitt  
Team Leader - Licensing**

## Annex 1 - Mandatory Conditions

### Supply of Alcohol

1. No supply of alcohol may be made under the premises licence:
  - (a) At a time when there is no designated premises supervisor in respect of the premises licence.
  - (b) At a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.
2. Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.
3.
  - 3.1. The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sales or supply of alcohol.
  - 3.2. The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and a holographic mark.
4.
  - 4.1 A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.
    - 4.2 For the purposes of the condition set out in paragraph 4.1 above -
      - (a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;
      - (b) "permitted price" is the price found by applying the formula -  $P = D + (D \times V)$   
Where -
        - (i) P is the permitted price,
        - (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
        - (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
      - (c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence -
        - (i) the holder of the premises licence,
        - (ii) the designated premises supervisor (if any) in respect of such a licence, or
        - (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;
      - (d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
      - (e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.

4.3 Where the permitted price given by Paragraph 4.2(b) above would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

4.4 (1) Sub-paragraph 4.4(2) below applies where the permitted price given by Paragraph 4.2(b) above on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.

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

## **Annex 2 – Conditions consistent with the Operating Schedule**

5. Maximum number of persons shall not exceed five.
6. Firefighting equipment shall be maintained
7. No paraffin or other mineral oil shall be used in any lamp, stove or other appliance.
8. Lighting, heating and ventilation and all sanitary accommodation shall be properly maintained.

## **Conditions derived from Responsible Authority representations**

9. Litter bins shall be provided outside or within curtilage of premises.

## **Conditions agreed by way of consent:**

10. Any alcohol sold or supplied must be in a sealed container.
11. All sales of alcohol to be accompanied with the sale of substantial food.
12. The licensee 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 as a minimum 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 provided immediately upon the request of Police or authorised officer throughout the preceding 31 day period.
13. No less than one member of staff who is able to operate the CCTV system shall be on the premises at all times.
14. The licence holder shall ensure that any queue to enter the premises which forms outside the premises is orderly and supervised.



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 as a minimum record the following:
  - (a) all crimes reported to the venue
  - (b) all ejections of patrons
  - (c) any complaints received
  - (d) any incidents of disorder
  - (e) seizures of drugs or offensive weapons
  - (f) any faults in the CCTV system or searching equipment or scanning equipment
  - (g) any refusal of the sale of alcohol
  - (h) any visit by a relevant authority or emergency services.
16. A record shall be kept detailing all refused sales of alcohol. The refusals book will be maintained at the premises and will be available for immediate inspection upon request by a representative of the statutory authorities. Such refusals book to is to be inspected and signed by the DPS or, in the absence of the DPS, by an alternative member of store management at intervals not exceeding seven days. All occasions when persons have been refused service shall be recorded and kept at the premises for not less than 12 months after the last entry recorded.
17. All staff who are engaged or employed as cashiers will receive. Formalised training in the sale of age restricted products and its staff training manual (this training must include the operating hours and the other conditions set-out in the licence). Evidencing such training will be kept and maintained in store, available for inspection by a representative of the statutory authorities for not less than 2 years. Such training is to be refreshed at intervals not exceeding 12 months.
18. The licensee shall display the telephone number/email address of the Designated Premises Supervisor for use by any Responsible Authority or any person who may wish to make a complaint during the operation of the licence in a prominent external location at the premises that is easily accessible to the public.
19. The premises will display clear and prominent notices/ signage that shall be displayed, and maintained at all exits in a place where they can be seen, and easily read by customers requiring customers to leave the premises, and the area quietly and to respect the local residents.
20. A clear and prominent notice shall be clearly displayed and maintained at the premises where it can be read from Pitfield Street detailing the opening and closing times of the premises.
21. All staff are to be fully trained and made aware of the legal requirement of businesses to comply with their duty of care as regards the disposal of waste

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

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

N/A

**Annex 4 – Plans**

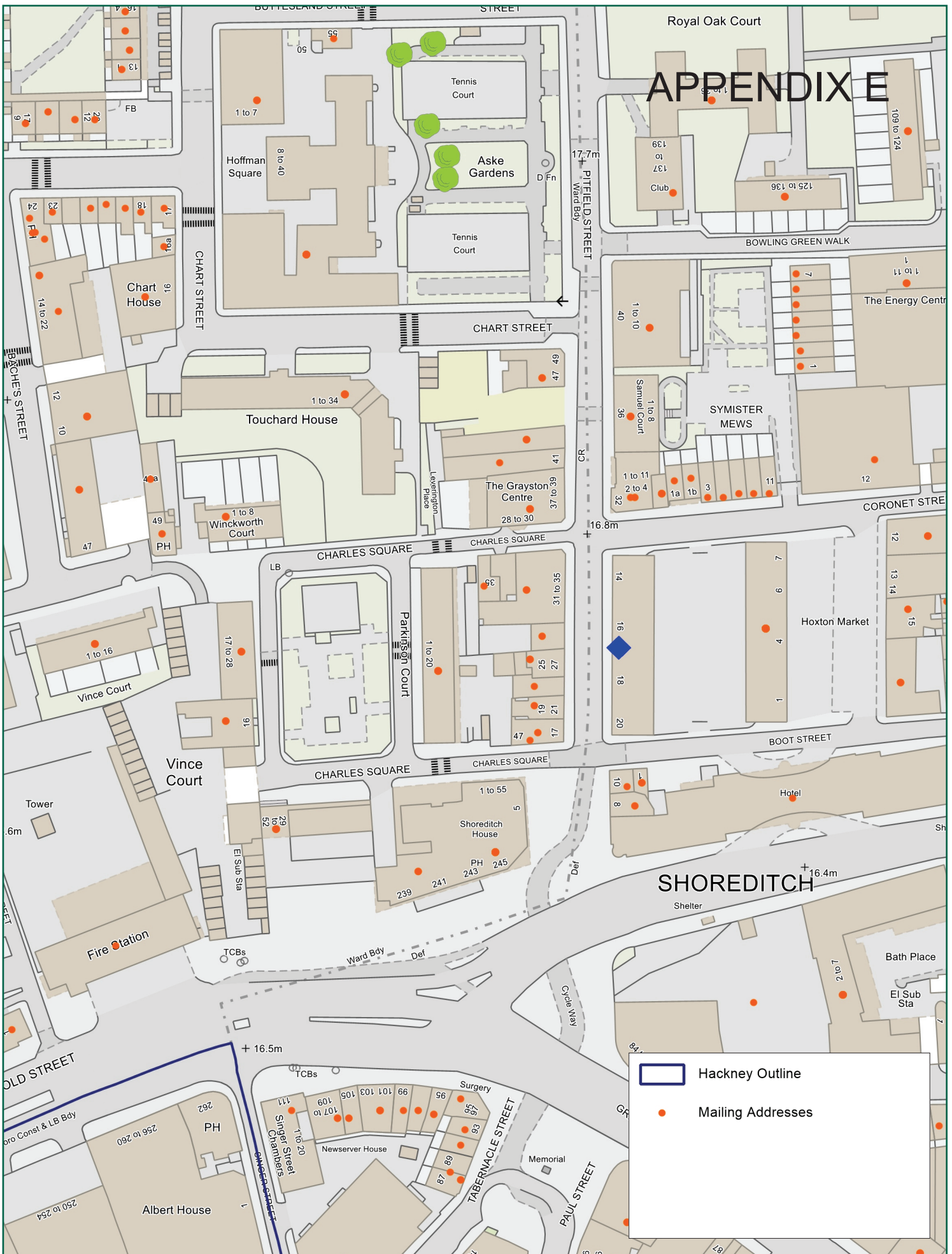
PLAN/LBH-PRE-T-0532/101005

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# APPENDIX E



Scale: 1:1250 at A4

## Best American Pizza 16a Pitfield Street



Ref:  
09 January 2020

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