



Report of: **Service Director - Public Protection**

Meeting of	Date	Agenda Item	Ward(s)
Licensing Sub-Committee	26 November 2013	32	Bunhill

Delete as appropriate	Exempt	Non-exempt
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**Subject: PREMISES LICENCE NEW APPLICATION**  
**RE: 5 CLERKENWELL ROAD, LONDON EC1M 5PA**

### 1. Synopsis

- 1.1 This is an application for a new premise licence under the Licensing Act 2003.
- 1.2 The new application is to:
  - i) Supply alcohol for consumption on the premises 12:00 to 23:00 Monday to Sunday.
  - ii) Agree the opening hours from 06:00 to midnight Monday to Sunday.

### 2. Recommendations

- 2.1 To determine the application for a new premises licence under Section 19 of the Licensing Act 2003.
- 2.2 To consider that this address is in the Bunhill Saturation or "Cumulative Impact Policy" of Islington. This special policy creates a rebuttable presumption that applications for new premises licences, club premises certificates, or variation applications that are likely to add to the existing cumulative impact will normally be refused, unless the applicant can demonstrate why the operation of the premises involved will not add to the cumulative impact or otherwise impact adversely on the promotion of the licensing objectives.
- 2.3 If the Committee grants the application it should be subject to:
  - i) conditions of the current premises licence;

- ii) conditions prepared by the Licensing Officer which are consistent with the Operating Schedule
- iii) conditions recommended by responsible Authorities
- iv) any conditions deemed necessary by the Committee to promote the four licensing objectives.

### 3. Background

3.1 The application for recorded music has been withdrawn.

3.2 The premises was previously licenced for

- i) Sale of alcohol for consumption on the premises 10:00 to midnight Monday to Saturday and 12:00 to 23:30 on Sunday
- ii) Late night refreshment 23:00 to 00:30 Monday to Saturday and 23:00 to midnight Sunday.
- iii) Recorded music 24 hours Monday to Sunday.

3.3 The licence contained conditions restricting the sale of alcohol to ancillary to a main meal.

3.4 The previous premises licence was surrendered on 26 June 2013

3.5 Papers are attached as follows:-

- Appendix 1: application form;
- Appendix 2: representation from the Noise Team and one local resident;
- Appendix 3: suggested conditions and map of premise location.

### 4. Planning Implications

4.1 The use of this site as a restaurant is lawful.

### 5. Conclusion and reasons for recommendations

5.1 The Council is required to consider this application in the light of all relevant information, and if approval is given, it may attach such conditions necessary to promote the licensing objectives.

#### Background papers:

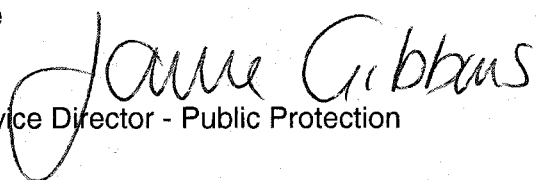
The Council's Statement of Licensing Policy

Licensing Act 2003

Secretary of States Guidance

Final Report Clearance

Signed by

  
Service Director - Public Protection

Date

14/11/13

Received by

Head of Scrutiny and Democratic Services

Date

Report author: Licensing Team

Tel: 020-7527-3031

Fax: 0207-527-3057

E-mail: [licensing@islington.gov.uk](mailto:licensing@islington.gov.uk)

10/315255

£315.00

OK TO PROCESS

TL 27/9/13



**Islington**  
**Application for a premises licence**  
**Licensing Act 2003**

For help contact  
licensing@islington.gov.uk  
Telephone: 020 7527 3031

\* required information

**Section 1 of 19**

You can save the form at any time and resume it later. You do not need to be logged in when you resume.

System reference  This is the unique reference for this application generated by the system.

Your reference  You can put what you want here to help you track applications if you make lots of them. It is passed to the authority.

Are you an agent acting on behalf of the applicant?

Yes  No

Put "no" if you are applying on your own behalf or on behalf of a business you own or work for.

**Applicant Details**

\* First name

\* Family name

\* E-mail

Main telephone number  Include country code.

Other telephone number

Indicate here if you would prefer not to be contacted by telephone

Are you:

Applying as a business or organisation, including as a sole trader

Applying as an individual

A sole trader is a business owned by one person without any special legal structure. Applying as an individual means you are applying so you can be employed, or for some other personal reason, such as following a hobby.

**Applicant Business**

\* Is your business registered in the UK with Companies House?  Yes  No

\* Registration number

\* Business name

If your business is registered, use its registered name.

\* VAT number

Put "none" if you are not registered for VAT.

\* Legal status

Continued from previous page...

\* Your position in the business

Home country

The country where the headquarters of your business is located.

**Registered Address**

Address registered with Companies House.

\* Building number or name

\* Street

District

\* City or town

County or administrative area

\* Postcode

\* Country

**Section 2 of 19**

**PREMISES DETAILS**

I/we, as named in section 1, apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in section 2 below (the premises) and I/we are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003.

**Premises Address**

Are you able to provide a postal address, OS map reference or description of the premises?

Address     OS map reference     Description

**Postal Address Of Premises**

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

**Further Details**

Telephone number

Non-domestic rateable value of premises (£)

**Section 3 of 19**

**APPLICATION DETAILS**

In what capacity are you applying for the premises licence?

- An individual or individuals
- A limited company
- A partnership
- An unincorporated association
- A recognised club
- A charity
- The proprietor of an educational establishment
- A health service body
- A person who is registered under part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales
- A person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 in respect of the carrying on of a regulated activity (within the meaning of that Part) in an independent hospital in England
- The chief officer of police of a police force in England and Wales
- Other (for example a statutory corporation)

**Confirm The Following**

- I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities
- I am making the application pursuant to a statutory function
- I am making the application pursuant to a function discharged by virtue of Her Majesty's prerogative

**Section 4 of 19**

**NON INDIVIDUAL APPLICANTS**

Provide name and registered address of applicant in full. Where appropriate give any registered number. In the case of a partnership or other joint venture (other than a body corporate), give the name and address of each party concerned.

**Non Individual Applicant's Name**

Name

**Details**

Registered number (where applicable)

Description of applicant (for example partnership, company, unincorporated association etc)

Continued from previous page...

Limited Liability Company

**Address**

Building number or name   
Street   
District   
City or town   
County or administrative area   
Postcode   
Country

**Contact Details**

E-mail   
Telephone number   
Other telephone number

**Section 5 of 19**

**OPERATING SCHEDULE**

When do you want the premises licence to start?  /  /   
dd mm yyyy

If you wish the licence to be valid only for a limited period, when do you want it to end  /  /   
dd mm yyyy

Provide a general description of 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 for consumption of these off-supplies you must include a description of where the place will be and its proximity to the premises.

The premises is a ground floor cafe / restaurant, with customer toilets accessible in the basement. A fully fitted kitchen is located in the basement for staff use only. The premises has a counter at the back for service, and tables and chairs which seat approximately 30 people on one floor.

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

Continued from previous page...

**Section 6 of 19**

**PROVISION OF PLAYS**

Will you be providing plays?

Yes  No

**Section 7 of 19**

**PROVISION OF FILMS**

Will you be providing films?

Yes  No

**Section 8 of 19**

**PROVISION OF INDOOR SPORTING EVENTS**

Will you be providing indoor sporting events?

Yes  No

**Section 9 of 19**

**PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS**

Will you be providing boxing or wrestling entertainments?

Yes  No

**Section 10 of 19**

**PROVISION OF LIVE MUSIC**

Will you be providing live music?

Yes  No

**Section 11 of 19**

**PROVISION OF RECORDED MUSIC**

Will you be providing recorded music?

Yes  No

**Standard Days And Timings**

MONDAY

Start

End

Start

End

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

Give timings in 24 hour clock.  
(e.g., 16:00) and only give details for the days  
of the week when you intend the premises  
to be used for the activity.



Continued from previous page...

THURSDAY

Start  End   
Start  End

FRIDAY

Start  End   
Start  End

SATURDAY

Start  End   
Start  End

SUNDAY

Start  End   
Start  End

Will the playing of recorded music take place indoors or outdoors or both?

Indoors       Outdoors       Both

Where taking place in a building or other structure tick as appropriate. Indoors may include a tent.

State type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.

State any seasonal variations for playing recorded music

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Non-standard timings. Where the premises will be used for the playing of recorded music at different times from those listed in the column on the left, list below

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

**Section 12 of 19**

**PROVISION OF PERFORMANCES OF DANCE**

Will you be providing performances of dance?

Continued from previous page...

Yes

No

**Section 13 of 19**

**PROVISION OF ANYTHING OF A SIMILAR DESCRIPTION TO LIVE MUSIC, RECORDED MUSIC OR PERFORMANCES OF DANCE**

Will you be providing anything similar to live music, recorded music or performances of dance?

Yes

No

**Section 14 of 19**

**LATE NIGHT REFRESHMENT**

Will you be providing late night refreshment?

Yes

No

**Section 15 of 19**

**SUPPLY OF ALCOHOL**

Will you be selling or supplying alcohol?

Yes

No

**Standard Days And Timings**

MONDAY

Start

End

Start

End

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

Give timings in 24 hour clock. (e.g., 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.

Continued from previous page...

SUNDAY

Start

End

Start

End

Will the sale of alcohol be for consumption:

- On the premises     Off the premises     Both

If the sale of alcohol is for consumption on the premises select on, if the sale of alcohol is for consumption away from the premises select off. If the sale of alcohol is for consumption on the premises and away from the premises select both.

State any seasonal variations

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Non-standard timings. Where the premises will be used for the supply of alcohol at different times from those listed in the column on the left, list below

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

State the name and details of the individual whom you wish to specify on the licence as premises supervisor

**Name**

First name

Family name

**Enter the contact's address**

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Continued from previous page...

Personal Licence number (if known)

Issuing licensing authority (if known)

**PROPOSED DESIGNATED PREMISES SUPERVISOR CONSENT**

How will the consent form of the proposed designated premises supervisor be supplied to the authority?

- Electronically, by the proposed designated premises supervisor
- As an attachment to this application

Reference number for consent form (if known)

If the consent form is already submitted, ask the proposed designated premises supervisor for its 'system reference' or 'your reference'.

**Section 16 of 19**

**ADULT ENTERTAINMENT**

Highlight any adult entertainment or services, activities, or other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children

Give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children, regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups etc gambling machines etc.

**Section 17 of 19**

**HOURS PREMISES ARE OPEN TO THE PUBLIC**

**Standard Days And Timings**

MONDAY

Start

End

Start

End

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

Give timings in 24 hour clock. (e.g., 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.

Continued from previous page...

THURSDAY

Start	<input type="text" value="06:00"/>	End	<input type="text" value="24:00"/>
Start	<input type="text"/>	End	<input type="text"/>

FRIDAY

Start	<input type="text" value="06:00"/>	End	<input type="text" value="24:00"/>
Start	<input type="text"/>	End	<input type="text"/>

SATURDAY

Start	<input type="text" value="06:00"/>	End	<input type="text" value="24:00"/>
Start	<input type="text"/>	End	<input type="text"/>

SUNDAY

Start	<input type="text" value="06:00"/>	End	<input type="text" value="24:00"/>
Start	<input type="text"/>	End	<input type="text"/>

State any seasonal variations

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Non standard timings. Where you intend to use the premises to be open to the members and guests at different times from those listed in the column on the left, list below

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

**Section 18 of 19**

**LICENSING OBJECTIVES**

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

a) General – all four licensing objectives (b,c,d,e)

List here steps you will take to promote all four licensing objectives together.

We will have a limited range of alcoholic beverages available to customers who are sitting down to eat. The alcoholic beverages are purely ancillary to our main business which is a high quality cafe / bistro. We anticipate that the majority of our customers are more likely to drink non alcoholic drinks including coffee, tea and our freshly made juices.

b) The prevention of crime and disorder

We will have CCTV installed and working at all times during opening hours.

**Continued from previous page...**

The maximum occupancy of the venue at any one time will be restricted to 60 people, exclusive of staff.  
All staff who are serving alcohol to customers shall receive training in the service of alcohol.  
We will not run any special promotions or deals involving alcohol.

**c) Public safety**

Patrons will not be allowed to leave the premises with any glass or bottles.  
The premises will be kept in a good state of repair.  
Cold drinking water will be available for free at all times.  
There will be no vertical drinking permitted.  
Risk assessments have been carried in respect of all relevant areas of alcohol consumption.

**d) The prevention of public nuisance**

Music played on the premises will be background music and not distinguishable outside the building from other noise.  
Our customers will leave at a staggered pace, as all of those who are consuming alcohol will be eating.

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

All staff will be trained to ask for identification from all customers wishing to purchase alcohol who look under the age of 25. Anyone not able to provide identification in such an instance will be refused service, as will anyone who is under the age of 18. There will be no sale of cigarettes or tobacco products on the premises.

**Section 19 of 19**

**PAYMENT DETAILS**

This fee must be paid to the authority. If you complete the application online, you must pay it by debit or credit card.  
Premises Licence Fees are determined by the non domestic rateable value of the premises.  
To find out a premises non domestic rateable value go to the Valuation Office Agency site at [http://www.voa.gov.uk/business\\_rates/index.htm](http://www.voa.gov.uk/business_rates/index.htm)

Band A - No RV to £4300	£100.00
Band B - £4301 to £33000	£190.00
Band C - £33001 to £87000	£315.00
Band D - £87001 to £125000	£450.00*
Band E - £125001 and over	£635.00*

\*If the premises rateable value is in Bands D or E and the premises is primarily used for the consumption of alcohol on the premises then you are required to pay a higher fee

Band D - £87001 to £125000	£900.00
Band E - £125001 and over	£1,905.00

There is an exemption from the payment of fees in relation to the provision of regulated entertainment at church halls, chapel halls or premises of a similar nature, village halls, parish or community halls, or other premises of a similar nature. The costs associated with these licences will be met by central Government. If, however, the licence also authorises the use of the premises for the supply of alcohol or the provision of late night refreshment, a fee will be required.

Schools and sixth form colleges are exempt from the fees associated with the authorisation of regulated entertainment where the entertainment is provided by and at the school or college and for the purposes of the school or college.

If you operate a large event you are subject to ADDITIONAL fees based upon the number in attendance at any one time

**Continued from previous page...**

Capacity 5000-9999	£1,000.00
Capacity 10000 -14999	£2,000.00
Capacity 15000-19999	£4,000.00
Capacity 20000-29999	£8,000.00
Capacity 30000-39999	£16,000.00
Capacity 40000-49999	£24,000.00
Capacity 50000-59999	£32,000.00
Capacity 60000-69999	£40,000.00
Capacity 70000-79999	£48,000.00
Capacity 80000-89999	£56,000.00
Capacity 90000 and over	£64,000.00

\* Fee amount (£)

315.00

**ATTACHMENTS**

**AUTHORITY POSTAL ADDRESS**

**Address**

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

United Kingdom

**DECLARATION**

\* I/we understand it is an offence, liable on conviction to a fine up to level 5 on the standard scale, under section 158 of the licensing act 2003, to make a false statement in or in connection with this application.

Ticking this box indicates you have read and understood the above declaration

This section should be completed by the applicant, unless you answered "Yes" to the question "Are you an agent acting on behalf of the applicant?"

\* Full name

\* Capacity

Date (dd/mm/yyyy)

Add another signatory

One you're finished you need to do the following:

1. Save this form to your computer by clicking to file/save as...
2. Go back to <https://www.gov.uk/apply-for-a-licence/premises-licence/islington/apply-1> to upload this file and continue with your application

Don't forget to make sure you have all your supporting documentation to hand.

*Continued from previous page...*

**IT IS AN OFFENCE, LIABLE ON SUMMARY CONVICTION TO A FINE NOT EXCEEDING LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION**



**Fitzsimons, Aiden**

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**From:** ~~Richard Kerry~~  
**Sent:** 26 October 2013 11:08  
**To:** Licensing  
**Cc:** Manu  
**Subject:** 5 Clerkenwell Rd application

re Premises Licence Application New 5 Clerkenwell Rd ref WK/201326423

I am a resident of \_\_\_\_\_ and would like to strongly oppose the application for a new licence for the above property.

The location is very close to many residential properties which already suffer from a lot of noise and public nuisance. We are frequently woken by noise and disorder; on one side from Clerkenwell Road as people make their way to and from the bars and clubs of Smithfields and Old St. and on the other from the student campus of Barts/Queen Mary. The access street of Charterhouse Buildings is already frequently used as a thoroughfare. A bar on this corner would clearly make the situation far worse.

So the area is already problematic without the addition of a licensed premises on a crowded street with a narrow pavement.

Drinking in the street here would cause a serious and dangerous obstruction with many accidents already at the busy crossroads with Goswell Rd.

There are plenty of nearby hubs for pubs and bars without worsening this area. I request that this application is rejected.

Yours sincerely

~~Richard Kerry~~

## **Tomashevski, Katie**

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**From:** Bancroft, Eryka  
**Sent:** 16 October 2013 12:37  
**To:** ~~graham@temptationsafe.co.uk~~  
**Cc:** Tomashevski, Katie; Licensing  
**Subject:** WK201326484 Licensing Act 2003: New Premises Licence - Ground Floor and Basement 5 Clerkenwell Road Islington EC1M  
**Attachments:** Basement and Ground Floor Representation Conditions.docx

Dear Graham,

I'm following up on my recent visit and attach a copy of draft conditions that we would wish to agree with you and have on the Licence.

My conditions are based on you withdrawing the recorded music element of your application – I would be grateful if you could write confirming that you are content to do this.

I note that you are in a Cumulative Impact Area and that will have a bearing on your application.

I have reviewed the Planning files for the premises and I cannot find anything relating to the extraction system or air conditioning – this being the case I am suggesting a precautionary condition relating to fixed plant.

Kind regards

Eryka Bancroft

Senior Environmental Health Officer (Noise) Pollution Projects Team Public Protection Division Islington Council  
Zone A 3rd Floor 222 Upper Street N1 1XR Tel 020 7527 3846 Fax 020 7527 3057 email  
[eryka.bancroft@islington.gov.uk](mailto:eryka.bancroft@islington.gov.uk) [www.islington.gov.uk](http://www.islington.gov.uk) Alternative Contact Paul Clift Pollution Projects Team  
Manager 020 7527 3199 <http://www.islington.gov.uk/>  
<http://www.islington.gov.uk/contact/visitingoffices/municipaloffices.asp>

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**Basement and Ground Floor Draft Conditions  
(Based on withdrawal of Recorded Music)**

A. Deliveries

1. No deliveries will take place on Sundays or Bank Holidays nor between the hours of 23:00 and 07:00 hours on any other days of the week.

B. Rubbish Clearance

1. No rubbish will be moved, removed or placed in bins outside the premises on Sundays or Bank Holidays nor between the hours of 23:00 and 07:00 hours on any other days of the week.

C. Premises Frontage

1. The premises frontage tables and chairs must be rendered unusable and cleared of patrons by 23:00 hours.
2. Adequate notices shall be displayed to inform patrons of this requirement.

D. Notices

1. Staff will monitor guests leaving the premises to control the levels of noise and, where necessary, requesting patrons to avoid causing noise, nuisance or disturbance to local residents.

E. Fixed Plant Noise

1. Noise or vibration must not emanate from the premises fixed plant so as to cause a nuisance to nearby properties.

F. External Door and Ground Floor Rear Casement Window

1. The premises external door shall be kept closed so far as practicable after 21:00.
2. The Ground Floor casement window will be kept closed after 21:00

A. External Tables and Chairs

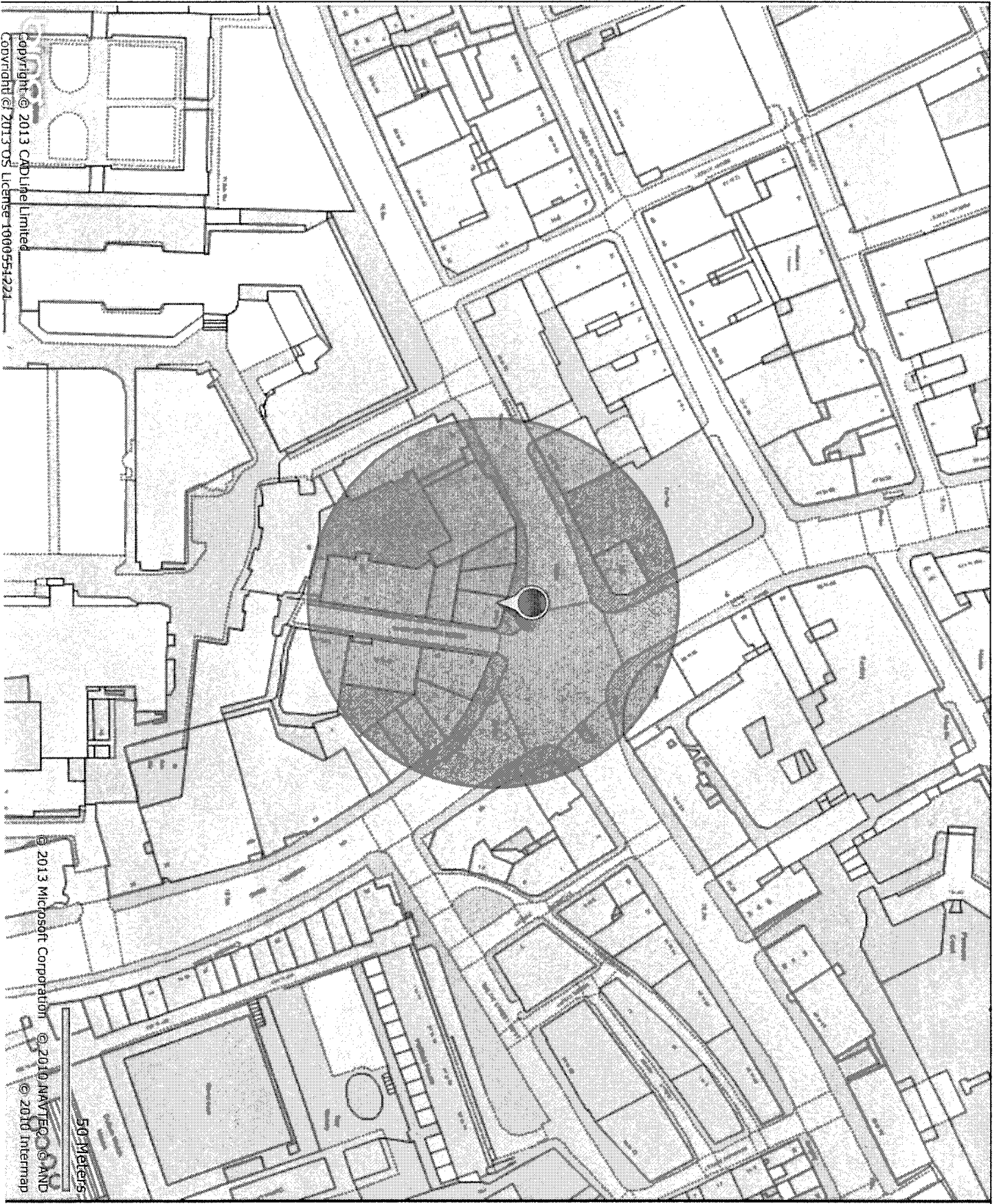
1. The outside tables and chairs shall be cleared of patrons and rendered unusable by 23:00;
2. adequate notices shall be displayed to inform patrons of the requirement in 1.; and,
3. any moveable furniture will be fitted with rubber (or equivalent) feet.

**Suggested conditions of approval consistent with the operating schedule**

1. CCTV shall be installed, operated and maintained in agreement with the Police. The system will enable frontal identification of every person entering the premises. The system shall record in real time with a date and time stamp and operate whilst the premises are open for licensable activities. The recordings shall be kept available for a minimum of 31 days. Recordings shall be made available to an Authorised Officer or a Police Officer (subject to the Data Protection Act 1998) within 24 hours of any request.
2. The maximum number of persons (excluding staff) permitted on the premises at any one time is 60.
3. The supply of alcohol at the premises shall only be to a person seated taking a table meal there and for the consumption by such a person as ancillary to their meal.
4. There shall be not vertical drinking allowed at the premises.
5. The licensee shall not allow any special promotions involving alcohol.
6. Music shall only be played at background levels only.
7. Customers shall be prevented from leaving the premises with any glass or bottles.
8. All staff shall be trained in: Licensing Act 2003 and the prevention of underage sales.
9. The licensee shall adopt the Challenge 25 and the BII National Standards Proof of Age Scheme.
10. The licensee shall put arrangements in place to ensure that before serving alcohol to young persons, staff ask to see accredited proof of age cards bearing the PASS hologram e.g. Passport, or UK Driving Licence bearing the photograph and date of birth of the bearer.
11. Music shall only be played at background levels.

**Suggested conditions of approval from the Noise Team**

12. No deliveries will take place on Sundays or Bank Holidays nor between the hours of 23:00 and 07:00 hours on any other days of the week.
13. No rubbish will be moved, removed or placed in bins outside the premises on Sundays or Bank Holidays nor between the hours of 23:00 and 07:00 hours on any other days of the week.
14. The premises frontage tables and chairs must be rendered unusable and cleared of patrons by 23:00 hours.
15. Adequate notices shall be displayed to inform patrons of this requirement in condition 11.
16. Staff will monitor guests leaving the premises to control the levels of noise and, where necessary, requesting patrons to avoid causing noise, nuisance or disturbance to local residents.
17. Noise or vibration must not emanate from the premises fixed plant so as to cause a nuisance to nearby properties.
18. The premises external door shall be kept closed so far as practicable after 21:00.
19. The Ground Floor casement window will be kept closed after 21:00.
20. The outside tables and chairs shall be cleared of patrons and rendered unusable by 23:00 and adequate notices shall be displayed to inform patrons of this requirement.
21. Any moveable furniture will be fitted with rubber (or equivalent) feet.



**Title : 5 Clerkenwell  
Road EC1M 5PA**

Islington Borough  
Boundary

**Printed by :**  
RO RO

**Printed at :**  
12-11-2013