



# L I C E N S I N G   S U B C O M M I T T E E   D

Thursday 16 February 2023  
at 2.00 pm

Until further notice, all Licensing Sub-Committees  
will be held remotely.

**Supplementary Papers: Item 7, Arch 322**

Members of the Sub-Committee:  
Councillor Richard Lufkin (substitute)  
Councillor Sheila Suso-Runge

Mark Carroll  
Chief Executive  
Wednesday 15 February 2023  
[www.hackney.gov.uk](http://www.hackney.gov.uk)

Contact:  
Gareth Sykes  
Governance Officer  
[gareth.sykes@hackney.gov.uk](mailto:gareth.sykes@hackney.gov.uk)



**Licensing Sub Committee D**  
**Thursday 16 February 2023**  
**Agenda**

**Supplementary Papers: Item 7, Arch 322**

- 7 Application for a Premises License: Arch 322, Andrews Road, E8 4RP**  
(Pages 11 - 48)

Supplementary papers attached:

1. Police withdrawal email
2. Dispersal policy
3. Applicant submission
4. Additional information

### **Licensing Sub-Committee Hearings**

This guide details the procedure for Licensing Sub-Committee hearings under the Licensing Act 2003. Whilst this will be used in most cases, the procedure will be altered in exceptional circumstances and when for example Personal Licences, Temporary Event Notices and Reviews are considered.

Until further notice, all Licensing Sub-Committee Hearings will be held remotely using the Google Meets platform. Licensing Sub-Committee Hearings are public meetings that are live-streamed. Hearings are available to be viewed by the public online.

#### **A Licensing Sub-Committee will be held if:**

- The applicant has applied for a Premises Licence, Provisional Statement, Club Premises Certificate or expressed their intention to vary their existing licence/certificate and has advertised this in a local newspaper and displayed a distinctive blue notice at the premises, following which representations have been made by a Responsible Authority or Other Person/s.
- A Review has been requested by a Responsible Authority or Other Person/s and the Review has been advertised by displaying a distinctive blue notice at the premises and also at the Council's office and website.
- An application is made to transfer a Premises Licence or for interim authority and the Police have issued an objection
- The applicant has made a Personal Licence application and the Police have objected to the Licence being granted.
- A Temporary Event Notice has been given and the Police and/or those in the Council that exercise environmental health functions have issued an objection.

#### **Prior to your item being heard:**

- The Licensing team upon receiving representations will form a view as to whether the representations are irrelevant, frivolous, vexatious or for review applications; repetitious.

- The Licensing team would have provided written notice to all parties in advance of the hearing and would have responded to any request relating to personal details being removed from the agenda.

If you do not believe this to have happened, please contact the Licensing Service on 020 8356 4970 or email [licensing@hackney.gov.uk](mailto:licensing@hackney.gov.uk) as soon as possible. For further information on the application process, please see the guidance notes at [www.hackney.gov.uk/licensing](http://www.hackney.gov.uk/licensing).

### **Making decisions on the items being heard:**

Hearings will normally be held in public unless the Sub-Committee believe it not to be in the public interest to do so. Although the Chair will try to make the proceedings as informal as possible, these hearings are of a quasi-judicial nature, and the rules of natural justice shall apply.

Only those Responsible Authorities and Other Persons who have made a relevant representation in writing at the consultation stage **can register to speak at a subsequent hearing**. Applicants, Other Persons and Responsible Authorities will all be given a fair opportunity to put their case and the Sub-Committee will take these representations into account when making their decision. The Sub-Committee may still make a decision on any matter even if any party fails to attend the hearing. However, in these circumstances, it will only be that party's written representation that may be taken into account.

For new applications relating to Premises Licences and Club Premises Certificates, Members can grant with additional conditions attached to the licence, exclude any licensable activities, refuse a Designated Premises Supervisor (DPS) if appropriate or reject the application.

Members when making decisions on variation applications regarding a Premises Licence or Club Premises Certificate, can modify (add, delete or amend) conditions on the licence or reject the application in whole or part. Members will be considering the request for a variation and the impact that this may have. Therefore, representations should be focused on the impact of the variation, although concerns relating to the existing terms of the licence may be relevant in considering the track record of the applicant. However, Members may consider other issues which relate to the promotion of the licensing objectives, although only if it is reasonable and proportionate to do so.

For Provisional Statements, Members can consider any steps that are necessary having regard to the representations made in order to ensure the licensing objectives are not undermined.

Members when deciding a Review application can modify (add, delete or amend) the conditions of the licence, exclude any licensable activities, remove a DPS if appropriate, suspend the licence/certificate for up to 3 months or revoke the licence/certificate completely.

For transfer of Premises Licences, interim authority requests and Personal Licence applications Members can only refuse or grant the application.

Members when deciding on an objection made against a Temporary Event Notice (TEN) will determine whether or not to issue a Counter Notice, which if issued will prevent the proposed event from proceeding. If a TEN has been given for a premises that already has a licence/certificate, Members may impose any of those conditions from the existing licence/certificate to the TEN.

### **Before the meeting starts:**

The Sub-Committee Members are requested to report for business no more than half an hour before the meeting starts to deal with any administrative/procedural issues. This will allow Members to consider;

- the appointment for any substitutes if required
- the appointment of the chair
- any procedural issues
- obtain the list of attendees
- late documents delivered prior to the meeting and to ensure all the paperwork is in order

The Sub-Committee will not be considering any of the actual points raised within the Report itself and no Responsible Authority or Other Person/s shall be present when the Sub-Committee deal with the above issues.

### **Attending the hearing that concerns you:**

All Applicants, Other Persons and Responsible Authorities involved will be informed in writing of the date and time that their application will be considered by the Licensing Sub-Committee. Please contact the Licensing Service on 020 8356 4970 or email [licensing@hackney.gov.uk](mailto:licensing@hackney.gov.uk) to confirm whether you wish to attend and/or register to speak at the Sub-Committee hearing or if you wish for someone else to speak on your behalf. If you are unable to attend, the application may be heard in your absence.

All parties should arrive promptly at the outset of the scheduled meeting regardless of when the item is listed to be heard on the agenda.

Please contact the Licensing Service for advice within 4 working days from the date on the notice letter if any of the following apply;

- you have special requirements to help make your representation, because of a disability or you need a translator for example
- you wish to supply additional [documentary] information such as photographs and videos/DVDs

Please note that if you wish to provide additional relevant information, this should be given at least **5 working days** before the hearing. Any additional information provided once the hearing has started will only be accepted if all parties agree. Please note that the use of videos/DVDs is at the Sub-Committee's discretion – requests to show these should be made in advance to the Committee Officer.

## **Timings**

In most cases the application will last no longer than 1 hour, and the times to be allocated to each section are shown on the relevant hearing procedure. If you think that your evidence is likely to exceed this time period, please let the Licensing Service know **within 4 working days of the date on the notice letter** and the Sub-Committee will be advised. If your request is agreed, all parties will also be granted the same extension of time.

## **Rights of Press and Public to Report on Meetings**

Where a meeting of the Council and its committees are open to the public, the press and public are welcome to report on meetings of the Council and its committees, through any audio, visual or written methods and may use digital and social media providing they do not disturb the conduct of the meeting and providing that the person reporting or providing the commentary is present at the meeting.

Those wishing to film, photograph or audio record a meeting are asked to notify the Council's Monitoring Officer by noon on the day of the meeting, if possible, or any time prior to the start of the meeting or notify the Chair at the start of the meeting.

The Monitoring Officer, or the Chair of the meeting, may designate a set area from which all recording must take place at a meeting.

The Council will endeavour to provide reasonable space and seating to view, hear and record the meeting. If those intending to record a meeting require any other reasonable facilities, notice should be given to the Monitoring Officer in advance of the meeting and will only be provided if practicable to do so.

The Chair shall have discretion to regulate the behaviour of all those present recording a meeting in the interests of the efficient conduct of the meeting. Anyone acting in a disruptive manner may be required by the Chair to cease recording or may be excluded from the meeting. Disruptive behaviour may include: moving from any designated recording area; causing excessive noise; intrusive lighting; interrupting the meeting; or filming members of the public who have asked not to be filmed.

All those visually recording a meeting are requested to only focus on recording councillors, officers and the public who are directly involved in the conduct of the meeting. The Chair of the meeting will ask any members of the public present if they have objections to being visually recorded. Those visually recording a meeting are asked to respect the wishes of those who do not wish to be filmed or photographed. Failure by someone recording a meeting to respect the wishes of those who do not wish to be filmed and photographed may result in the Chair instructing them to cease recording or in their exclusion from the meeting.

If a meeting passes a motion to exclude the press and public then in order to consider confidential or exempt information, all recording must cease and all recording equipment must be removed from the meeting room. The press and public are not permitted to use any means which might enable them to see or hear the proceedings whilst they are excluded from a meeting and confidential or exempt information is under consideration.

Providing oral commentary during a meeting is not permitted.

## **Lobbying of Councillors**

If a person or an organisation wants to make a representation to the Licensing Sub-Committee, they must **NOT** contact Sub-Committee Members directly. Licensing Sub-Committee Members have to retain an open mind on any application and determine it on its merits. Members cannot be in anyway biased towards a party. Therefore, if a Member of the Sub-Committee has had any prior involvement they must ensure that they come to the hearing with an open mind.

Local ward councillors may be able to speak on behalf of objectors if requested to do so, provided that if they have a disclosable pecuniary interest (further information provided below) they leave the meeting room when the application is being considered unless they have been granted dispensation.

## **Reports**

Agendas and Reports for Licensing Sub-Committees are published on the Council's website ([www.hackney.gov.uk](http://www.hackney.gov.uk)) 5 working days before the hearing takes place. Copies are also available by contacting Governance Services on 0208 356 3578 or email [governance@hackney.gov.uk](mailto:governance@hackney.gov.uk). Copies of applications together with the detail of any objections will be included in the report.

## **Appeals**

Applicants or any party to the hearing can appeal against the decision made by the Sub-Committee. The appeal to the Thames Magistrates Court must be made within 21 days of the decision being sent formally in writing. However, TEN's have the added restriction that no appeals can be made later than 5 working days before the event is scheduled to take place.

## **Withdrawal of an Item or Cancellation of a Hearing**

An item may be withdrawn from the agenda of a Licensing Sub-Committee meeting at short notice due to the withdrawal or resolution of the representations or objections to an application or notice. A hearing by the Licensing Sub-Committee may therefore be cancelled at short notice if there are no substantive items remaining on the agenda.

As much advance notice as is practicable of the withdrawal of an item on the agenda or cancellation of a meeting of the Licensing Sub-Committee will be provided on the Council's website but please note that this might be as little as a few hours before the hearing if the applicant chooses to leave it that late to satisfactorily address any representation or objection giving rise to the need for a hearing.

## **Contacts**



If you have a query about Licensing Sub-Committee procedures and protocols then please contact Governance Services: [governance@hackney.gov.uk](mailto:governance@hackney.gov.uk)

.If your query relates general licensing matters or to specific applications then you are advised to speak to the Licensing Service. They can be contacted at:

Telephone: 020 8356 4970

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

## Advice to Members on Declaring Interests

If you require advice on declarations of interests, this can be obtained from:

- The Monitoring Officer;
- The Deputy Monitoring Officer; or
- The legal adviser to the meeting.

It is recommended that any advice be sought in advance of, rather than at, the meeting.

## Disclosable Pecuniary Interests (DPIs)

You will have a Disclosable Pecuniary Interest (\*DPI) if it:

- Relates to your employment, sponsorship, contracts as well as wider financial interests and assets including land, property, licenses and corporate tenancies.
- Relates to an interest which you have registered in that part of the Register of Interests form relating to DPIs as being an interest of you, your spouse or civil partner, or anyone living with you as if they were your spouse or civil partner.
- Relates to an interest which should be registered in that part of the Register of Interests form relating to DPIs, but you have not yet done so.

If you are present at any meeting of the Council and you have a DPI relating to any business that will be considered at the meeting, you **must**:

- Not seek to improperly influence decision-making on that matter;
- Make a verbal declaration of the existence and nature of the DPI at or before the consideration of the item of business or as soon as the interest becomes apparent; and
- Leave the room whilst the matter is under consideration

You **must not**:

- Participate in any discussion of the business at the meeting, or if you become aware of your Disclosable Pecuniary Interest during the meeting, participate further in any discussion of the business; or
- Participate in any vote or further vote taken on the matter at the meeting.

If you have obtained a dispensation from the Monitoring Officer or Standards Committee prior to the matter being considered, then you should make a verbal declaration of the existence and nature of the DPI and that you have obtained a dispensation. The dispensation granted will explain the extent to which you are able to participate.

### Other Registrable Interests

You will have an 'Other Registrable Interest' (ORI) in a matter if it

- Relates to appointments made by the authority to any outside bodies, membership of: charities, trade unions,, lobbying or campaign groups, voluntary organisations in the borough or governorships at any educational institution within the borough.
- Relates to an interest which you have registered in that part of the Register of Interests form relating to ORIs as being an interest of you, your spouse or civil partner, or anyone living with you as if they were your spouse or civil partner; or
- Relates to an interest which should be registered in that part of the Register of Interests form relating to ORIs, but you have not yet done so.

Where a matter arises at any meeting of the Council which affects a body or organisation you have named in that part of the Register of Interests Form relating to ORIs, **you must** make a verbal declaration of the existence and nature of the DPI at or before the consideration of the item of business or as soon as the interest becomes apparent. **You may** speak on the matter only if members of the public are also allowed to speak at the meeting but otherwise must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation.

### Disclosure of Other Interests

Where a matter arises at any meeting of the Council which **directly relates** to your financial interest or well-being or a financial interest or well-being of a relative or close associate, you **must** disclose the interest. **You may** speak on the matter only if members of the public are also allowed to speak at the meeting. Otherwise you must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation.

Where a matter arises at any meeting of the Council which **affects** your financial interest or well-being, or a financial interest or well-being of a relative or close associate to a greater extent than it affects the financial interest or wellbeing of the majority of inhabitants of the ward affected by the decision and a reasonable member of the public knowing all the facts would believe that it would affect your view of the wider public interest, you **must** declare the interest. You **may** only speak on the matter if members of the public are able to speak. Otherwise you must not take part in any discussion or voting on the matter and must not remain in the room unless you have been granted a dispensation.

In all cases, where the Monitoring Officer has agreed that the interest in question is a **sensitive interest**, you do not have to disclose the nature of the interest itself.



Licensing (Shared Mailbox) &lt;licensing@hackney.gov.uk&gt;

---

**Premises Licence Application: Arch 322 Andrews Road London E8 4RP One Vyrer Street Ltd**

1 message

**Amanda.griggs@met.police.uk** <Amanda.griggs@met.police.uk>

8 February 2023 at 14:08

To: licensing@hackney.gov.uk, sanaria.hussain@hackney.gov.uk, subangini.sriramana@hackney.gov.uk

Cc: s.gibson@sglicensing.co.uk

Good Afternoon

Following discussions over the application police have agreed conditions and hours as detailed in the below emails in addition to that contained in the operating schedule.

As such police would like to withdraw their representations.

Kind regards

Amanda



PC Amanda Griggs 3288CE

Licensing Officer

Central East BCU (*Hackney & Tower Hamlets*)a: Stoke Newington Police Station, **33 Stoke Newington High Street, Hackney, N16 8DS**w: [www.met.police.uk](http://www.met.police.uk)

t: 07884 561085

e: [amanda.griggs@met.police.uk](mailto:amanda.griggs@met.police.uk)

---

**From:** Stewart Gibson <[s.gibson@sglicensing.co.uk](mailto:s.gibson@sglicensing.co.uk)>**Sent:** 08 February 2023 13:28**To:** Griggs Amanda - CE-CU <[Amanda.griggs@met.police.uk](mailto:Amanda.griggs@met.police.uk)>

Page 11

**Subject:** Re: Premises Licence Application: Arch [322 Andrews Road London E8 4RP](#) One Vyner Street Ltd

Hi Amanda.

Yes, this is agreed.

Kind regards

Stewart

---

**From:** "Amanda.griggs@met.police.uk" <Amanda.griggs@met.police.uk>  
**Date:** Wednesday, 8 February 2023 at 13:14  
**To:** Stewart Gibson <s.gibson@sglicensing.co.uk>  
**Subject:** RE: Premises Licence Application: Arch [322 Andrews Road London E8 4RP](#) One Vyner Street Ltd

Good afternoon Stewart

The only thing I would ask is that the following condition around training is included :

On a yearly basis all staff shall be given refresher training on the legislation relating to sales of alcohol to underage persons, drunken persons and how to deal with people incapacitated by drink or drugs. Such training shall include first aid and any welfare training such as WAVE (or as amended). Records of the training to be kept at the venue and made available to police or authorised officer immediately upon request. Any new staff will be trained on appointment.

If that is agreeable then I will happily withdraw police representations

Kind regards

Amanda



PC Amanda Griggs 3288CE  
Licensing Officer  
Central East BCU (*Hackney & Tower Hamlets*)

a: Stoke Newington Police Station, [33 Stoke Newington High Street, Hackney, N16 8DS](#)

w: [www.met.police.uk](http://www.met.police.uk)

t: 07884 561085

e: [amanda.griggs@met.police.uk](mailto:amanda.griggs@met.police.uk)

---

**From:** Stewart Gibson <[s.gibson@sglicensing.co.uk](mailto:s.gibson@sglicensing.co.uk)>  
**Sent:** 08 February 2023 12:52  
**To:** Griggs Amanda - CE-CU <[Amanda.griggs@met.police.uk](mailto:Amanda.griggs@met.police.uk)>  
**Subject:** Re: Premises Licence Application: Arch [322 Andrews Road London E8 4RP](#) One Vyner Street Ltd

Good afternoon Amanda.

I am just finalising my written submissions for the hearing next week.

Can you confirm you have withdrawn your rep as of yet?

Kind regards

Stewart

---

**From:** "[Amanda.griggs@met.police.uk](mailto:Amanda.griggs@met.police.uk)" <[Amanda.griggs@met.police.uk](mailto:Amanda.griggs@met.police.uk)>  
**Date:** Wednesday, 1 February 2023 at 13:47  
**To:** Stewart Gibson <[s.gibson@sglicensing.co.uk](mailto:s.gibson@sglicensing.co.uk)>  
**Subject:** RE: Premises Licence Application: Arch [322 Andrews Road London E8 4RP](#) One Vyner Street Ltd

Good Afternoon Stewart

Apologies I am only just replying to you!

Thank you for summarising our meeting so succinctly – I am just going to have a look through all the conditions to double check everything and then I will be in a position to look at withdrawing the Police

representations.

Kind regards

Amanda



PC Amanda Griggs 3288CE

Licensing Officer

Central East BCU (*Hackney & Tower Hamlets*)

a: Stoke Newington Police Station, [33 Stoke Newington High Street, Hackney, N16 8DS](#)

w: [www.met.police.uk](http://www.met.police.uk)

t: 07884 561085

e: [amanda.griggs@met.police.uk](mailto:amanda.griggs@met.police.uk)

---

**From:** Stewart Gibson <[s.gibson@sglicensing.co.uk](mailto:s.gibson@sglicensing.co.uk)>

**Sent:** 26 January 2023 15:57

**To:** Griggs Amanda - CE-CU <[Amanda.griggs@met.police.uk](mailto:Amanda.griggs@met.police.uk)>

**Cc:** David Tuitt <[david.tuitt@hackney.gov.uk](mailto:david.tuitt@hackney.gov.uk)>; Steve Sinclair <[steve@fourthspace.co.uk](mailto:steve@fourthspace.co.uk)>; [paolo@fourthspace.co.uk](mailto:paolo@fourthspace.co.uk)

**Subject:** Premises Licence Application: Arch [322 Andrews Road London E8 4RP One Vyner Street Ltd](#)

Dear all.

Thank you very much for coming to the premises yesterday to discuss the above application. I for one felt it was a very productive meeting.

I wanted to take this opportunity to clarify the points we agreed upon, which may mean you are able to withdraw your representation.

Hours of operation:

We have agreed the hours from Monday to Thursday to be:

08:00 to 23:00, with the premises to close at 23:30

Friday and Saturday to be:

08:00 to 01:00, with the premises to close at 01:30

And Sunday:

10:00 to 00:00 with the premises to close at 00:30.

As far as the two outside areas are concerned, we agreed the following hours:

The side area to be:

08:00 to 22:00 Monday to Saturday and

10:00 to 22:00 on Sundays.

The area immediately outside the front entrance to be:

Monday to Thursday: 08:00 22:00

Friday and Saturday 08:00 to 23:00

Sunday 10:00 to 22:00

Due to the hours above I have included a dispersal policy for the business. (see attached).

We also agreed the following:

1. No more than 5 customers at any one time to use the designated smoking area outside the premises once the outside areas are closed to the public.
2. All alcohol to be served to customers sat at tables.
3. All alcohol to be via water/ waitress service.
4. Environmental Health officers proposed conditions to be agreed.

5. Events will be of cultural nature, such as educational talks, presentations etc.
  
6. The premises cannot operate as a bar.
  
7. The premises cannot operate as a club.
  
8. Signage to be displayed outside reminding customers to have respect for neighbouring properties when using the outside areas.
  
9. The business is to be food led.

Please advise if I have omitted to include anything.

Kind regards

Stewart Gibson  
SG Licensing Ltd  
07976844694

NOTICE - This email and any attachments are solely for the intended recipient and may be confidential. If you have received this email in error, please notify the sender and delete it from your system. Do not use, copy or disclose the information contained in this email or in any attachment without the permission of the sender. Metropolitan Police Service (MPS) communication systems are monitored to the extent permitted by law and any email and/or attachments may be read by monitoring staff. Only specified personnel are authorised to conclude binding agreements on behalf of the MPS by email and no responsibility is accepted for unauthorised agreements reached with other personnel. While reasonable precautions have been taken to ensure no viruses are present in this email, its security and that of any attachments cannot be guaranteed.

NOTICE - This email and any attachments are solely for the intended recipient and may be confidential. If you have received this email in error, please notify the sender and delete it from your system. Do not use, copy or disclose the information contained in this email or in any attachment without the permission



of the sender. Metropolitan Police Service (MPS) communication systems are monitored to the extent permitted by law and any email and/or attachments may be read by monitoring staff. Only specified personnel are authorised to conclude binding agreements on behalf of the MPS by email and no responsibility is accepted for unauthorised agreements reached with other personnel. While reasonable precautions have been taken to ensure no viruses are present in this email, its security and that of any attachments cannot be guaranteed.

NOTICE - This email and any attachments are solely for the intended recipient and may be confidential. If you have received this email in error, please notify the sender and delete it from your system. Do not use, copy or disclose the information contained in this email or in any attachment without the permission of the sender. Metropolitan Police Service (MPS) communication systems are monitored to the extent permitted by law and any email and/or attachments may be read by monitoring staff. Only specified personnel are authorised to conclude binding agreements on behalf of the MPS by email and no responsibility is accepted for unauthorised agreements reached with other personnel. While reasonable precautions have been taken to ensure no viruses are present in this email, its security and that of any attachments cannot be guaranteed.

This page is intentionally left blank

## **DISPERSAL POLICY**

### **1. Purpose of the policy**

1.1 The management of One Vyner Street Limited recognises the need for a comprehensive and considered dispersal policy in order to avoid potential disorder and disturbance at the end of the evening. The following policy outlines the steps that the management of One Vyner Street Limited put together to minimise the potential risk and ensure a safe, orderly and quiet egress by the customers.

1.2 The management of One Vyner Street Limited recognises the importance of clearing the immediate vicinity of the licensed premises at the end of an event making sure that all our customers leave without causing disturbance or any other disorder.

### **2. Responsibilities**

2.1 The Duty Manager will ensure that this policy is adhered inside the premises and in the vicinity of the premises.

2.2 The Duty Manager will be on duty to supervise the dispersal at the end of the night along with key staff.

2.3 The management will constantly monitor the implementation of this dispersal policy, a log will be kept to identify any weaknesses and recommendations in regards to future training or implementation requirements.

2.4 Any person identified as not conforming to the dispersal policy's or not following instructions will not be allowed entry to the venue in future and this will be entered in the incident log.

### 3. Policy

- 3.1 Customers are forbidden from taking alcohol or glassware off the premises. This will be indicated by both clear signage near relevant exits and staff announcements.  
  
Customers will be asked to leave the venue in a quiet and responsible fashion. This will be indicated by both clear signage near relevant exits.
- 3.2 Customers will be encouraged to wait inside for a taxi (if required), and offered water while waiting.
- 3.3 Customers will be encouraged to leave gradually over the course of the permitted drinking up period and not herded out when licensable activity ceases. Any customers found loitering outside the premises will be asked politely to leave quietly.
- 3.4 During the whole time of dispersal of customers from the vicinity key staff in will patrol the immediate areas of the premises. This will be done to ensure that a swift and efficient dispersal of the area to ensure that local residents are not disturbed
- 3.5 Signs will be displayed at the exit to remind patrons to use the bathroom facilities before they leave the venue.
- 3.6 Details of public transport and taxi services will be available to customers, either with signage or by the availability of leaflets, business cards, maps etc.
- 3.7 Notices will be displayed within the immediate area asking customers to respect the neighbours and to disperse from the area.
- 3.8 Local residents are aware of the Duty Manager contact number and email address to contact with any issues this will be displayed at the front of the premises.
- 3.9 If staff are required to contact the authorities, all incidents will be logged in accordance with the venue's policies and the terms of its licence.
- 3.10 Any customer not adhering to the instructions of the key staff member will be refused entry to the venue in future.

3.11 All Staff will receive training with regards to this policy which will be fully documented.

**The Management of One Vyner Street Limited**

**Signed**

**DESIGNATED PREMISES SUPERVISOR .....**

**Print name.....**

**PREMISES LICENCE HOLDER**

**Print name .....**

**Dated**  
.....

This page is intentionally left blank

**BEFORE A LICENSING SUB-COMMITTEE OF**

**LONDON BOROUGH OF HACKNEY**

**The Premises at**

Railway Arch 322, Andrews Road, London, E8 4RP

**SUMMARY OF PREMISES LICENCE APPLICANT'S SUBMISSIONS**

---

*v.03.02.2023*

1. This is an application for a new premises licence, to enable the sale of alcohol to take

place in a premises trading as a Delicatessan shop, and café /bar, therefore allowing

the sale of alcohol for both on and off the premises.

2. The application also seeks the provison of Regulated Entertainment to be granted

along with Late Night Refreshment for the hours the premises is to remain open

beyond 23:00. This permission was originally sought for every day of the week, but as

you will see from these submissions, that a reduction in the trading hours have been

agreed and so these permissions are only to apply on Friday Saturday and Sunday.

Full detail of the changes and new hours are set out in detail within these submissions.

3. The premises is mainly food led for both on and off sales, with alcohol sales ancillary

to the main food.

4. One Vyner Street Ltd, is to be the premises licence holder. The companies registered

address is listed as 1 Vyner Street, London, England, E2 9DG, and the business has

been operational since 2011. There are three listed directors of the company, namely

Ibrahim Mitshel Matahat, Paolo Mozzato, and Stephen Sinclair.

5. The DPS of the premises is to be Stephen Sinclair, one of the Directors of 1 Vyner

Street Ltd

6. The premises is to trade as a mixed use delicatessen, café/ bar, allowing customers to

purchase goods to consume both on and off the premises. They are also seeking to

make use of two small outside areas for the use of their customers during certain

times.

7. In addition the applicant has also requested permission to hold events at the premises on an ad hoc infrequent basis. These events are culturally based,



and would comprise of educational talks on various subjects, book signings etc. The premises will not and cannot operate as a club, (see proposed conditions). It is for the purpose of the events that the premises is seeking to utilise the later hours applied for.

8. The application initially received three objections from the responsible authorities, namely the Licensing Authority, the Police and the Environmental Health Authority.

9. The application also received a number of objections from interested parties, who are mainly residents from the accommodation near to the premises.

10. It would be helpful at this stage to list the conditions that were offered in the original application to ensure the Licensing Objectives are fully promoted. These conditions are as follows:

11. Conditions offered in the operating schedule of the application:

a) The premises will operate to a high standard, and will do so should this licence be granted in terms of the sale of alcohol. All staff will be fully trained on induction in their responsibilities with regard to the sale of alcohol, and will be retrained every six months, with recorded training records kept for inspection.

b) Training to Include:

preventing underage sales of alcohol

preventing proxy sales of alcohol to underage persons

preventing sales of alcohol to a person who is drunk

- c) The premises will close 30 minutes after the licensing activities have ceased, to

allow customers to finish their drinks and food and leave in a quiet and orderly

manner

- d) The premises shall install and maintain a comprehensive CCTV system.

every All entry and exit points will be covered enabling frontal identification of

person entering in any light condition.

- e) The CCTV system shall continually record whilst the premises is open for

licensable activities and during all times when customers remain on the premises

and will include the external area immediately outside the premises entrance.

- f) All recordings shall be stored for a minimum period of 31 days with date and time

stamping.

- g) Viewing of recordings shall be made available immediately upon the request of

Police or authorised officer throughout the entire 31-day period.

- h) A staff member from the premises who is conversant with the operation of the

CCTV system shall be on the premises at all times when the premises is open.

This staff member must be able to provide a Police or authorised council officer

copies of recent CCTV images or data with the absolute minimum of delay when

requested.

- i) An incident log shall be kept at the premises, and made available on request to an

authorised officer of the Council or the Police. It must be completed within 24

hours of the incident and will record the following:

- (a) all crimes reported to the venue
- (b) all ejections of patrons
- (c) any complaints received concerning crime and disorder
- (d) any incidents of disorder
- (e) all seizures of drugs or offensive weapons
- (f) any faults in the CCTV system, searching equipment or scanning equipment
- (g) any refusal of the sale of alcohol
- (h) any visit by a relevant authority or emergency service.

- j) The approved arrangements at the premises, including means of escape

provisions, emergency warning equipment, the electrical installation and

mechanical equipment, shall at all material times be maintained in good condition

and full working order.

- k) The means of escape provided for the premises shall be maintained unobstructed,  
  
free of trip hazards, be immediately available and clearly identified in accordance  
  
with the plans provided
- l) All emergency exit doors shall be available at all material times without the use of  
  
a key, code, card or similar means.
- m) All emergency doors shall be maintained effectively self closing and not held open other than by an approved device.
- n) No noise generated on the premises, or by its associated plant or equipment, shall  
  
emanate from the premises nor vibration be transmitted through the structure of  
  
the premises which gives rise to a nuisance.
- o) Notices shall be prominently displayed at all exits requesting patrons to respect  
  
the needs of local residents and businesses and leave the area quietly
- p) Notices shall be prominently displayed at any area used for smoking requesting  
  
patrons to respect the needs of local residents and use the area quietly.
- q) All waste shall be properly presented and placed out for collection no earlier than

30 inutes before the scheduled collection times

r) No waste or recyclable materials, including bottles, shall be moved, removed from or placed in outside areas between (23.00) hours and (08.00) hours on the following day

s) 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 a driving licence, passport or proof of age card, or Military ID with

the PASS Hologram.

t) A record shall be kept detailing all refused sales of alcohol. The record should

include the date and time of the refused sale and the name of the member of staff

who refused the sale. The record shall be available for inspection at the premises

by the police or an authorised officer of the Council at all times whilst the premises is open.

12.As you can see from the above, we have a number of robust, responsible conditions which will ensure that the licensing objectives are not undermined in any way by the grant of this application.

13. None of these conditions have been added since the application was submitted, and have been available to view on the council website since the 10<sup>th</sup> December 2022.

14. However, as mentioned we still received three responsible authority objections, namely from the Licensing Authority, the Police, and the Environmental Health Officer. As a result a site visit took place on the 25<sup>th</sup> January with the Police and Licensing Authority, where a number of additional conditions were agreed.

15. The additional conditions agreed are as follows:

a). Hours of operation:

The applicant has agreed the hours from Monday to Thursday to be:

08:00 to 23:00, with the premises to close at 23:30.

Friday and Saturday to be:

08:00 to 01:00, with the premises to close at 01:30

And Sunday:

10:00 to 00:00 with the premises to close at 00:30.

b). As far as the two outside areas are concerned, we agreed the following hours:

The side area to be:

08:00 to 22:00 Monday to Saturday and

10:00 to 22:00 on Sundays.

The area immediately outside the front entrance to be:

Monday to Thursday:	08:00 22:00
Friday and Saturday	08:00 to 23:00
Sunday	10:00 to 22:00

c). Due to the hours above I have included a dispersal policy for the business. (see attached).

d). No more than 5 customers at any one time to use the designated smoking area outside the

premises once the outside areas are closed to the public.

e). All alcohol to be served to customers sat at tables.

f). All alcohol to be via water/ waitress service.

g). Events will be of cultural nature, such as educational talks, presentations etc.

h). The premises cannot operate as a bar.

i). The premises cannot operate as a club.

j). Signage to be displayed outside reminding customers to have respect for neighbouring

properties when using the outside areas.

k). The business is to be food led.

l). On a yearly basis all staff shall be given refresher training on the legislation relating to

sales of alcohol to underage persons, drunken persons and how to deal with people

incapacitated by drink or drugs. Such training shall include first aid and any welfare

training such as WAVE (or as amended). Records of the training to be kept at the

venue and made available to police or authorised officer immediately upon request.

Any new staff will be trained on appointment.

16. The applicant also agreed a number of additional conditions with the Environmental

Health Officer.

These are:

a). The Licensee shall ensure that all relevant staff are fully trained and made aware of

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

b). The Licensee shall ensure that any contract for general and recyclable waste disposal shall be appropriate in size to the amount of waste produced by the business.

c). The Licensee shall maintain an adequate supply of waste receptacles provided by his



registered waste carrier (refuse sacks or commercial waste bins) in order to ensure all

refuse emanating from the business is always presented for collection by his waste

carrier and shall not use any plain black or unidentifiable refuse sacks or any other

unidentifiable or unmarked waste receptacles.

d). In order to minimise the amount of time any waste remains on the public highway in

readiness for collection, the Licensee will ensure the timeframe within which it may expect its waste carrier to collect is adhered to.

e). The Licensee shall instruct members of staff to make regular checks of the area

immediately outside the premises and remove any litter, bottles and glasses

emanating from the premises. A final check should be made at close of business.

f). The Licensee shall provide a safe receptacle for cigarette ends to be placed outside for

the use of customers, such receptacles being carefully placed so as not to cause an

obstruction or trip.

g) The current trade waste agreement/duty of care waste transfer document shall be

conspicuously displayed and maintained in the window of the premises where

it can be conveniently seen and read by persons standing in Railway Arch

322.

This should remain unobstructed at all times and should clearly identify:-

the name of the registered waste carrier  
the date of commencement of trade waste contract  
the date of expiry of trade waste contract  
the days and times of collection  
the type of waste including the European Waste Code.

17. As a result the Environmental Health Officer has now withdrawn their representation.

18. The Police have also agreed to withdraw their representation.

19. The Licensing Authority have maintained their representation due to the requested

hours falling outside the Licensing Policy Framework Hours.

20. We are therefore left with the representations from the interested parties, who are

largely local residents residing near to the proposed premises.

21. The representations focus on the following concerns:

- 1. The requested hours of operation are a problem. Too late in the evening, leading to public nuisance issues.**
- 2. A concern over off sales being available until 01:30 am.**
- 3. Objections to the use of the outside space, due to the potential for public nuisance by way of noise.**

4. **The grant of Regulated Entertainment by way of live and recorded music is a problem due to the potential of public nuisance by way of noise.**
5. **The provision of live and recorded music to be available in the outside space.**
6. **The use of the premises for many large events, whether in house or via third parties.**
7. **Concerns over the dispersal of customers at the end of the evening.**
8. **There are already three other licensed venues in the near vicinity.**
9. **There is a fire risk.**

22. In response to the above the applicant would say this:

**a). The requested hours of operation are a problem. Too late in the evening, leading to public nuisance issues:**

After extensive consultation with the Licensing Authority and the Police, the applicant has taken note of the concerns that have been raised in relation to the proposed hours of trade, and have agreed to significantly modify the hours requested for licensable activity. As per 14 a) and b) above, the modified hours are now as follows:

*a). Hours of operation:*

*The hours from Monday to Thursday to be:*

*08:00 to 23:00, with the premises to close at 23:30.*

*Friday and Saturday to be:*

*08:00 to 01:00, with the premises to close at 01:30*

*And Sunday:*

*10:00 to 00:00 with the premises to close at 00:30.*

*b). As far as the two outside areas are concerned, we agreed the following hours:*

*The side area to be:*

*08:00 to 22:00 Monday to Saturday and*

*10:00 to 22:00 on Sundays.*

*The area immediately outside the front entrance to be:*

*Monday to Thursday: 08:00 22:00*

*Friday and Saturday 08:00 to 23:00*

*Sunday 10:00 to 22:00*

This is a significant reduction in the original hours proposed in the application, and are

now acceptable to the Police, and for a request for an exception to be made to the council

policy framework hours. The use of the outside areas will cease at 22:00 hours for most

days of the week, with only the area directly outside the front entrance to be permitted to

remain trading until 23:00 hours on Friday and Saturday nights. Both outside areas are

limited in space so therefore have limited capacities whilst open.

**b). A concern over off sales being available until 01:30 am:**

The premises will not trade as a typical off sales premises, such as a Convenience Store or Supermarket. The retail side of the business is a delicatessen and bakery. The premises also sells “natural wines”, and want the opportunity to offer, where demand dictates this range, along with a small selection of bottles beers, for customers to purchase and take home with them. This would also be applicable to customers who dine at the premises and consume a bottle of wine with their meal, who may also want to take another bottle home with them. For this to happen, off sales are required on the licence.

**c). Objections to the use of the outside space, due to the potential for public nuisance by way of noise:**

You will note from point a) above that the hours requested for the use of the outside space has now been dramatically reduced, with the majority of permitted hours to cease at 22:00. Given the location of the premises, (near to the railway line), the potential of public nuisance to be a factor over and above the normal background noise in the area at these times will be negligible. Space in both outside areas is limited, reducing the number of customers who may make use of this space. The only area to be utilised beyond 22:00 hours on Friday and Saturday, is the space outside the front of the premises, which is in full view of the staff within the premises, and also far enough away from nearby residential properties not to cause a noise nuisance. All patrons using any of the outside areas at any time of the day/evening will be monitored by staff. Any customer who does cause a nuisance in either of

these areas, by way of noise etc will be asked to leave the premises immediately. Further there are to be no speakers used for the outside areas, so no music, either live or recorded, (see point d) below) will be played in either of the outside areas.

**d). The grant of Regulated Entertainment by way of live and recorded music is**

**a**

**problem due to the potential of public nuisance by way of noise:**

Given the way Regulated Entertainment is dealt with by the Licensing Act 2003, this issue only arises for the following times on the revised application:

Friday and Saturday        23:00 to 01:00 and

Sunday                        23:00 to 00:00

Therefore Regulated Entertainment is required for 5 hours per week, given a licence for the sale of alcohol is granted. Any music, either recorded or live will only be used as to enhance the event that is taking place, such as the educational talks, book signings that have been mentioned earlier in these submissions. There are offered conditions that ensure these premises cannot be run as a bar, nor as a night club. The applicant has no intention of doing so, but possibly more importantly the residents have protection should the current applicants decide to sell the premises in the future. No prospective buyer would be able to run these premises as a bar or a club, as the licence currently stands. If this was their intention, then they would have to make an application to the council to have these conditions removed from the current licence, thus ensuring the future control of this licence remains with the council.

The conditions that ensure this is the case are shown above as:

14 h) and i)

*h). The premises cannot operate as a bar.*

*i). The premises cannot operate as a club.*

**e). The provision of live and recorded music to be available in the outside space:**

I refer to earlier answers given. There is to be no live or recorded music played outside.

**f). The use of the premises for many large events, whether in house or via third parties:**

The events that can be held at the premises are educational talks, book signings etc, and not music led events as highlighted by the objections. Indeed similar events that have been held at the applicants second venue have included the Mayor of Hackney as one of the guests. The applicant has been very clear on this point with the conditions they have agreed with the responsible authorities. These conditions specifically state the premises cannot operate as a bar, nor can it operate as a night club. The conditions go further to state the premises are food led. Alcohol, is ancillary to the main purpose of the premises which is food sales, both for the on and off sales element. The agreed conditions go further in confirming that all alcohol served on the premises will be by waiter or waitress service, and all alcohol is to be served to customers who are sat at tables. Any music at the premises, either live or

recorded, will be purely as ancillary to the event being held, as a way of enhancing the presentation that is taking place on a particular evening.

The relevant agreed conditions are as follows:

*h). The premises cannot operate as a bar.*

*i). The premises cannot operate as a club.*

*e). All alcohol to be served to customers sat at tables.*

*f). All alcohol to be via water/ waitress service.*

*g). Events will be of cultural nature, such as educational talks, presentations etc.*

*k). The business is to be food led.*

**g). Concerns over the dispersal of customers at the end of the evening:**

The applicant has provided a dispersal policy (attached), to show a clear policy on how they will deal with the quick and efficient dispersal of their customers at the end of the evening. The premises are not large, and therefore will have a limited capacity, due to the size of the venue. The maximum capacity based on the demand for a popular event would be set at 90, but this would only be during a well supported event, (example, architectural talk). Outside of events the attending numbers will be lower, (around 50 to 60). The dispersal policy will ensure these numbers of customers leave the premises quickly in an orderly manner. It is also not envisaged that all customers will leave the premises at the same time with a staggered dispersal taking place each night.

**h). There are already three other licensed venues in the near vicinity.**



The conditions offered in the original application, and the subsequent agreed conditions with the responsible authorities show that these premises will not add to the existing impact of anti social behaviour, and public nuisance which as been highlighted by the representations. The profile of the typical customer who is likely to attend the premises for the events described will not be your typical customer who is on a night out around various pubs. Outside of these events the premises will operate predominantly as a restaurant, with the conditions that have been offered. These premises will not add to the problems highlighted by the representations, should this licence be granted.

Further, need is not a consideration in determining a premises licence application.

**i). There is a fire risk:**

As the committee are well aware, one of the responsible authorities who receive a copy of the application are the fire authority. They, having considered the application have raised no concern re any fire risk to these premises should this licence be granted.

23. In addition to the above, should the business be sold in the future, any purchaser would have to operate under the same conditions on the licence as specified here, should this application be granted. So for example, should someone purchase these premises in the future with the intention of operating a bar, they would have to apply to the London Borough of Hackney to vary the licence, to have these conditions removed. At this point the authorities,

and potentially the Sub Committee would have the discretion on whether to grant or refuse the variation.

Therefore there is long term protection for the council with this application.

#### 24. Summary:

The applicant has submitted a comprehensive operating schedule with a number of offered

robust conditions to ensure that none of the four Licensing Objectives are compromised in

any way.

As a result, the Police who are the main custodians of the Prevention of Crime and Disorder

objective support the application.

The Environmental Health Team, the main custodians of the Prevention of Public Nuisance

objective, also support the application.

We are left with an objection from the Licensing Authority, due to the fact that the amended

hours still fall outside of the framework hours for the council. The applicant believes that

this particular application shows an exception to the policy can be applied to this application

for the following reasons:

The application is food led.

The premises has a limited capacity

Events will be of a cultural/ educational nature.

Reduced trading hours agreed from the original application.

Clear dispersal policy in place.

All service by waiters or waitresses.

All customers to be seated in order to be served alcohol.

The late hour only to be used for organised events as described above.

It is clear that the country faces challenging times ahead. Many established businesses are

closing down, many jobs have been, and many more will be lost in the coming months to the

detriment of local communities and major cities alike. Here we have a business that, despite

the economic uncertainty, is willing to invest in the local area, and not only provide a service

for the local community, but also to provide local jobs for local people. No one can predict

with any certainty how long the country will suffer the current economic situation.

Businesses that are still willing to invest in the area in these difficult times are in need of

support and encouragement.

The propriety of taking into account the wider economic impact of licensing decisions was explicitly recognised by the Court of Appeal in the leading case of *Hope and Glory* [2011] EWCA Civ 31, when Toulson LJ observed [at 42]:

***“Licensing decisions often involve weighing a variety of competing considerations: benefit to the proprietor and to the locality by drawing in visitors and stimulating the demand, the effect on law and order, the impact on the***

***lives of those who live and work in the vicinity, and so on.”***

For these reasons, the sub-committee is invited to grant this licence, with the additional conditions in these submissions to those originally offered in the operating schedule.

**STEWART GIBSON**

SG Licensing Ltd

www.sglicensing.co.uk

[s.gibson@sglicensing.co.uk](mailto:s.gibson@sglicensing.co.uk)

09 February 2023



Sanaria Hussain &lt;sanaria.hussain@hackney.gov.uk&gt;

## Supplementary Information - RE: Licensing Sub-Committee hearing 16/02/2023, Arch 322, Andrews Road

12 February 2023 at 19:38

To: Sanaria Hussain &lt;sanaria.hussain@hackney.gov.uk&gt;

Cc: [REDACTED]

Dear Sanaria,

Please find below a response to both the dispersal policy document and their response to the submission. I have attached these as a document as well.

Regards

### Dispersal Policy

A dispersal policy is to be welcomed but this proposal is largely a rehashing of what any licensed premises would be expected to do as terms of a licence. It also includes elements that are unlikely to happen, or could be problematic legally and is unlikely to reduce ASB.

The dispersal cannot be carried out realistically; either because of limited staffing but also challenging people, once on a public highway, having left the immediate area of a venue, would not be legal. Indeed a challenge may lead to conflict. So the dispersal is not a wider area but simply moving people from the venue entrance (Andrews Road) to a different area (likely Mare Street in front of residential buildings). This will be particularly noticed when groups of people are awaiting transport.

Offering taxi numbers, asking people to wait inside the venue, suggesting they use the bathroom, respect neighbours are wallpapering over reality. People will use Uber and other apps, and gather noisily on Mare Street whilst waiting. A late licence would extend, aggravate and exacerbate an existing problem.

The venue can not 'flypost' notices in the area to remind people to be respectful - a policy that would, in any case, have zero impact on behaviour.

The banning of customers is of little comfort if residents have been subjected to adverse impacts arising from the granting of the licence.

The numbers (between average 50-60 /90 for events) will clearly see a negative impact on residents when customers leave, in addition to the negative impact of having them use the space so close to where residents live.

Going by what already happens in the area, where a night time economy has crept up upon locals, without any major consultation by Hackney Council, Andrews Road by the railway arch, the foundry, the cul-de-sac and doorways will inevitably be used by those leaving the premises as a toilet. This will be in addition to pre-existing ASB - which has not been seen as a priority for the police residents rarely call them to deal with ongoing issues of public urination, drunken shouting, altercations and other behaviour. The police are wrong to accept this dispersal policy as negating impact. The Hackney Noise Service is so understaffed and over used, that it is pointless even contacting them for such matters.

On paper the dispersal policy appears to offer a workable policy but is largely superficial, unworkable and unenforceable with many of the proposals likely to have no impact on the key element of noise / public nuisance and related issues arising from any venue operating evening hours in this space.

### Response to applicants Hearing Submission

It is perhaps worth noting that there was no problem with this space when originally conceived as a deli/bakery. The objection is against a) the use of this as an evening restaurant which is not just within the arch but relies on a tiny outside space that will be far too close to the nearby buildings to not cause a persistent noise issue. This is further compounded by the applicant pushing for late licence without being able to mitigate the noise issue that is inherent in a proposed evening venture. The response by the applicant persists in ignoring the fact that *any* use of that outside space will cause an ongoing, consistent noise issue for residents.

The area is and has been residential for some 25 years when there were no licensed bars (the pub has been closed for nearly 26 years) or restaurants and further residential buildings subsequently added and whilst, acknowledging this is a busy street within a city, does not mean that they should find themselves subservient to the desires of a business whose original conceit was different to that which they now wish to pursue.

Much of what is included in the response is either irrelevant, platitudinous or obfuscatory. Even with the minor changes to proposed hours, the applicant fails to address key concerns about impact to residents (notably that any use, particularly in the proposed numbers and hours of the space to the rear of 5-11 Mare Street) will have a **continuous, pernicious, negative impact on their lives through noise (public nuisance)**.

This document repeatedly uses the terms "education" or "cultural" (e.g. points 7, 22, 24) - which are impossible to define and can be seen as designed to mislead or misdirect. Neither education or culture (or variations of such words) are in the application, press or funding proposal. They are inserted repeatedly to create a sense of quality or benign, good intention. Is a wine tasting followed by a long drinking party an education? A menu addition, followed by a party a cultural event? A tour of the railway arch for donors followed by a drinks party an architectural talk? These are irrelevant, impossible to define and designed to mislead and to allow circumvention and should be disregarded.

The document now states events will be "ad hoc" and "infrequent" (point 7). This is contrary to promotional material and press where they applicant outlines the: "hiring out space for a myriad of evening events" and "large private dinners", hosting "special events" and "collaborations". The insertion of "ad hoc" & "infrequent" appears to be disingenuous against what has previously been promoted.

The applicant or their agents emphasise their largesse in **reducing the trading hours** (although these amount to a minor reduction without addressing the overall key concern about proximity to flats and residents and key issues of noise).

The applicant in point 3 states “the premises is mainly food led” **alcohol sales are “ancillary”**. If alcohol is “ancillary” there is clearly room to recognise the negative impact on residents and reduce that harm by accepting significant restrictions and not pushing for extended hours.

The document, more than once, **misrepresents objections** overstating accepted positions such as “will not and cannot operate as a club” - an assertion nobody has made.

There is in both the dispersal document and the response document **unnecessary outline of events** (notably here in Point 11 and a reiteration in 12) a list of things that would be expected of any licensee. They appear to be included to obfuscate the issue of public nuisance.

More than once **hyperbole about the largesse of the applicant in respect of hours** - “agreed to *significantly* modify the hours” later “*dramatically* reduced” - without acknowledging a key concern about the proximity to buildings (notably 5-11, 13-15 Mare Street) even with the newly proposed hours. The proposed use of and hours of use of the external space are key to noise concerns (although not exclusively). The document ignores the issue, deflecting to the entrance exterior space since they are aware that the proposed use and hours will cause persistent, problematic noise to those flats just a few meters away, seven days a week, detrimentally impacting on family life in that building. A space previously empty, bordered by brick walls and design will massively amplify any and all noise in this tiny space. A tiny space into which the applicant proposes some 20 tables presumably occupied by at least two or more customers.

In point 22 g) the applicant states that the numbers will be between 50-60 and 90. Those numbers are presented by the applicant as not causing a problem. This is simply not true. From noise on entry, to noise on departure to the front of Mare Street, to the use of external space, to the proposed persistent or infrequent cultural/educational or third party events there will be a noise impact.

The issue of **additional noise from music is not properly addressed** instead we are asked to believe it will be used simply as “*ancillary to the event being held, as a way of enhancing the presentation that is taking place (sic) on a particular evening*”. The objection related to noise from recorded music or live performances through open doorways (in the summer highly likely, or a persistent open and closing at all times) to the external spaces and further negative impact to residents.

It is also worth noting at this point that **the applicant’s other venue** across the road (just inside Tower Hamlets and subject to their licensing terms) has in the past organised DJ’s and live groups performing amplified sets outside their venue till late. Perhaps this is an accepted part of their licence? Or maybe it was billed as an “educational/cultural” event? There was also menu changes, and to celebrate people were invited via Instagram and other social media platforms to come and celebrate at a party. Events audible and impacting on 5-11 and 13-15 and 17-19 and other buildings in Mare Street. These are enough to raise concern that these issues require considerably more than platitudes or ill-defined words for the new business. If a licence is granted and the owner pursues a similar policy or loose interpretation of licensing terms, then it will be harder and more difficult to remedy than imposing restrictions at an earlier stage to avoid potential issues in the future.

The suggestion that the dispersal document shows there is no concern about **ASB** is frankly insulting when residents live with such matters daily.

There are attempts to suggest that the offering is somehow different. That the alcohol served is different to other venues, (again that assertion: “alcohol is ancillary”), whilst continuing to promote events where alcohol will be a key component and not forgetting the profit margin inherent in alcohol sales. People get drunk at events, drink to excess when eating whether it is a natural, organic, expensive wine or mass produced and cheap.

The document has numerous misdirections and **invalid points** notably Point 22 f) - a reference to the Mayor of Hackney attending an event.

The inclusion of a selected part of the judgement from the **Court of Appeal Hope & Glory (2011)** case is curious. The case was more complicated and nuanced than can be summarised in a selective aspect of the judgment and has no relevance in this specific matter not least that it dealt with changes to an existing licence not a new application but also that it’s primary dealing was with a matter of judgement and process.

Meanwhile if the applicant wishes to cite difficult trading then perhaps this quote from their venue’s own pre-publicity may be more relevant:

*Ibrahim has been candid about how the pandemic was “the best thing that ever happened to Ombra” — in terms of revenue, awareness, and customer growth. (Eater magazine July 31, 2021)*

Contrary to Point 24 - summary - **the four licensing objectives have not been met**. The matter of public nuisance and noise, primarily (but not exclusively) through the proposed use of an outside space; the pursuit of late hours of operating; inadequate or vague answers, statements of intent or attempts to present this venue as neither a restaurant, bakery or deli but as some landmark community centre engaged in cultural and educational talks and presentations, show that the criteria have not been met robustly or otherwise.

As noted in the opening remarks, the push for late hours, refusal to acknowledge any negative impact arising from their proposal, and change from deli /bakery to restaurant and event space compound concerns about impact on residents. Residents were here before this proposed business yet are being asked to accept ongoing, negative impact for what would be minor economic gains for the area. Benefits that would be eroded if problems arise through the need for enforcement from council services or from other authorities.

A deli/bakery, as originally conceived would have allowed growth to the existing business (Ombra), additional benefit through regeneration of the arch without any negative impact associated with serving alcohol.

On that basis and taking the applicants own words of being “food led” and alcohol sales as “ancillary” then they should be willing to accept a severely restricted licence. Off-sales, would support the deli. Serving of wine only with food during daytime hours only without evening meals, would meet a food led business without negative impacts to local residents.

If, a full licence were to be granted it must be highly restricted. The outside space (rear of 5-11 Mare Street) should not be used. Or that it can only be used by a very small number of people and not used beyond 18:00 hrs. Nor should the applicant be allowed to add any structure such as roof covering (these would create further amplification of sound in an already acoustically problematic space) or heaters. The front outdoor space should not be used beyond 21:00 hrs. Closing time should be within the designated framework hours.

**The argument for an exception has not been met** - and given that again, within the fundraising and publicity the applicant stated many times that evenings were not a priority. “*Initially opening as an all day - but not nighttime - operation*” (Evening Standard, 14th November 2022); “*the new site will not serve pasta in the evenings...it will have a terrace at the front and, in time out the back*” (Eater Jul13 2021). If, in due course the applicant wished to seek an amendment to restricted hours of operation then this would be up to them.

It is frustrating to repeatedly see in press and fundraising material, from 2021 to 2022, alcohol being promoted and promised as a core part of a business. Yet an application was not made until December 2022. Applications for alcohol, whether ‘food led’ or ‘bar led’ should not be seen as a “right” or as automatically given nor should residents be taken for granted, nor their concerns avoided, dismissed or invalidated particularly so given that the residential aspect precedes a business proposal.

The council should look carefully, not just at the individual application, but also the area's suitability and **cumulative impacts of other venues and applications**. This will be the fourth licensed venue within a small and dense residential area. Nearby another bar is pushing for a late licence of 02:00hrs (Bleat in Sheep Lane). It is imperative that the bigger picture be considered and that late licences resisted and that residents take precedence when other venues, more suited to certain trading positions, in established clustered areas more suited for the nighttime economy already exist. Pushing to transform a residential area into should be resisted.

[Quoted text hidden]

[Quoted text hidden]

[Quoted text hidden]

---

 **rebuttal of dispersal and resonse.pages**  
293K

This page is intentionally left blank