



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

Thursday, 8th September, 2016

at 7.00 pm

Room 102, Hackney Town Hall, Mare Street,  
London E8 1EA

**Councillors sitting:**

**Cllr Sharon Patrick, Cllr James Peters and  
Cllr Caroline Selman**

**TIM SHIELDS**  
**Chief Executive**

Contact:  
Natalie Williams, Governance Services Officer  
020 8356 8407  
[governance@hackney.gov.uk](mailto:governance@hackney.gov.uk)

The press and public are welcome to attend this meeting

# AGENDA

## Thursday, 8th September, 2016

### ORDER OF BUSINESS

| Title  | Ward                     | Page No        |
|--|--------------------------|----------------|
| 1 Election of Chair  |                          |                |
| 2 Apologies for Absence  |                          |                |
| 3 Declarations of Interest - Members to declare as appropriate                         |                          |                |
| 4 Licensing Sub-Committee Hearing Procedure  |                          | (Pages 1 - 2)  |
| 5 Premises Licence - 124 Basement And Ground Floor, 124 Shoreditch High Street, E1 6JE | Hoxton East & Shoreditch | (Pages 3 - 62) |
| 6 Temporary Event Notices - Standing Item  |                          |                |

## 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.

### **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 can not 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 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.

## **Facilities**

There are public toilets available, with wheelchair access, on the ground floor of the Town Hall. Induction loop facilities are available in the Assembly Halls, rooms 101, 102 & 103 and the Council Chamber. Access for people with mobility difficulties can be obtained through the ramp on the side to the main Town Hall entrance.

## **Contacts**

If you have a query about Licensing Sub-Committee procedures and protocols then please contact Governance Services –

Governance Services  
2<sup>nd</sup> Floor Maurice Bishop House  
17 Reading Lane  
London, E8 1HH

Telephone: 020 8356 3578  
E-mail: [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:

Licensing Service  
Hackney Service Centre  
1 Hillman Street  
London E8 1DY

Telephone: 020 8356 4970  
Fax: 020 8356 4974  
E-mail: [licensing@hackney.gov.uk](mailto:licensing@hackney.gov.uk)

# ADVICE TO MEMBERS ON DECLARING INTERESTS

Hackney Council's Code of Conduct applies to **all** Members of the Council, the Mayor and co-opted Members.

This note is intended to provide general guidance for Members on declaring interests. However, you may need to obtain specific advice on whether you have an interest in a particular matter. If you need advice, you can contact:

- The Corporate Director of Legal, HR and Regulatory Services;
- The Legal Adviser to the committee; or
- Governance Services.

If at all possible, you should try to identify any potential interest you may have before the meeting so that you and the person you ask for advice can fully consider all the circumstances before reaching a conclusion on what action you should take.

## 1. Do you have a disclosable pecuniary interest in any matter on the agenda or which is being considered at the meeting?

You will have a disclosable pecuniary interest in a matter if it:

- relates to an interest that you have already registered in Parts A and C of the Register of Pecuniary Interests of you or your spouse/civil partner, or anyone living with you as if they were your spouse/civil partner;
- relates to an interest that should be registered in Parts A and C of the Register of Pecuniary Interests of your spouse/civil partner, or anyone living with you as if they were your spouse/civil partner, but you have not yet done so; or
- affects your well-being or financial position or that of your spouse/civil partner, or anyone living with you as if they were your spouse/civil partner.

## 2. If you have a disclosable pecuniary interest in an item on the agenda you must:

- Declare the existence and nature of the interest (in relation to the relevant agenda item) as soon as it becomes apparent to you (subject to the rules regarding sensitive interests).
- You must leave the room when the item in which you have an interest is being discussed. You cannot stay in the meeting room or public gallery whilst discussion of the item takes place and you cannot vote on the matter. In addition, you must not seek to improperly influence the decision.
- If you have, however, obtained dispensation from the Monitoring Officer or Standards Committee you may remain in the room and participate in the meeting. If dispensation has been granted it will stipulate the extent of your involvement, such as whether you can only be present to make representations, provide evidence or whether you are able to fully participate and vote on the matter in which you have a pecuniary interest.



### 3. Do you have any other non-pecuniary interest on any matter on the agenda which is being considered at the meeting?

You will have 'other non-pecuniary interest' in a matter if:

- i. It relates to an external body that you have been appointed to as a Member or in another capacity; or
- ii. It relates to an organisation or individual which you have actively engaged in supporting.

### 4. If you have other non-pecuniary interest in an item on the agenda you must:

- i. Declare the existence and nature of the interest (in relation to the relevant agenda item) as soon as it becomes apparent to you.
- ii. You may remain in the room, participate in any discussion or vote provided that contractual, financial, consent, permission or licence matters are not under consideration relating to the item in which you have an interest.
- iii. If you have an interest in a contractual, financial, consent, permission or licence matter under consideration, you must leave the room unless you have obtained a dispensation from the Monitoring Officer or Standards Committee. You cannot stay in the room or public gallery whilst discussion of the item takes place and you cannot vote on the matter. In addition, you must not seek to improperly influence the decision. Where members of the public are allowed to make representations, or to give evidence or answer questions about the matter you may, with the permission of the meeting, speak on a matter then leave the room. Once you have finished making your representation, you must leave the room whilst the matter is being discussed.
- iv. If you have been granted dispensation, in accordance with the Council's dispensation procedure you may remain in the room. If dispensation has been granted it will stipulate the extent of your involvement, such as whether you can only be present to make representations, provide evidence or whether you are able to fully participate and vote on the matter in which you have a non pecuniary interest.

### Further Information

Advice can be obtained from Yinka Owa, Director of Legal, on 020 8356 6234 or email [Yinka.Owa@hackney.gov.uk](mailto:Yinka.Owa@hackney.gov.uk)



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# Relevant Extracts from Hackney's Statement of Licensing Policy

Please find below relevant extracts from the Statement of Licensing Policy 2011.

## **LP1 Planning**

Licence applications should normally be from premises where:

- (a) The activity to be authorised by the licence is a lawful planning use or is a deemed permitted development pursuant to the General Permitted Development Order (1995)
- (b) The hours sought do not exceed those authorised by any planning permission.

Note- Where the appropriate planning consent has not been obtained in advance and relevant representations are made, applicants will need to demonstrate that the operation of the premises would not be detrimental to the promotion of the licensing objectives.

## **LP2 Provisional Statements**

The principles to be applied for provisional statements are similar to those applied for premises licences.

The application form for provisional statements is to include:

- Clear plans of the proposed structure
- An operating schedule including details of:
  - The activities to take place there
  - The time at which such activities will take place
  - The proposed hours of opening
  - Where the applicant wishes the licence to have effect for a limited period, that period
  - The steps to be taken to promote the licensing objectives, and
  - Where the sale of alcohol is involved, whether supplies are proposed to be for consumption on or off the premises (or both) and the name of the designated premises supervisor the applicant wishes to specify.

## **LP3 The Application Form and Operating Schedule (minimum requirements)**

The application form is to outline the operations of the entire licensed business or event and must include:

- (a) Prescribed plans
- (b) A general description of the style and character of the business or event to be conducted at the premises or venue, e.g. supermarket, restaurant, cinema, nightclub, or street party

- (c) An indication of the type of entertainment available
- (d) The relevant licensable activities to be undertaken at the premises or event, preferably with a risk assessment in respect of these activities
- (e) The times during which each of the proposed licensable activities are to take place
- (f) Any other times during which it is proposed that the premises or event be open to the public
- (g) Where the applicant wishes the licence to have effect for a limited period, that period to be specified
- (h) Whether alcohol is to be supplied for consumption on or off the premises or both
- (i) Where alcohol is to be supplied, details of the designated premises supervisor (not necessary for premises holding club premises certificates unless alcohol is to be sold rather than supplied to members)
- (j) Whether they propose to have sexual entertainment involving nudity or striptease or any other activity involving full or partial nudity, e.g. topless waitresses etc, or sex related entertainment such as the showing of films or other recordings with an 18 restricted category. This will need to be licensed as a sex establishment under the Local Government (Miscellaneous Provisions) Act 1982, as amended. The applicant must demonstrate that they hold the relevant licence
- (k) The steps which are proposed to promote the licensing objectives. In doing this, applicants are strongly encouraged to address the LPs as applicable.

Note:

- The conditions that are necessary for the promotion of the licensing objectives should normally emerge initially from a prospective licence or certificate holder's application.
- If the application has been granted the details of the application will be incorporated into the licence as conditions. Breach of these conditions could result in prosecution or a review and ultimately revocation.
- Where representations are made and the matter progresses to a Licensing Sub Committee, if the Sub Committee have:
  - i) Doubts about the applicant's ability to promote the licensing objectives and comply with the terms of a licence (for example, proposed conditions, and how licensable activities will be conducted during the operation of the licence)

- ii) Doubts around the track record of the management and suitability of the DPS,
  - iii) Been notified of any actions taken by responsible authorities or the licensing authority in relation to the premises
  - iv) Been notified of recent or historical complaints
- the Council may not grant the permission as sought.

#### **LP4 Crime and Disorder**

Applicants are expected to demonstrate within their application measures to prevent crime and disorder, such as:

- (a) Details of registered door supervisors and other staff to be provided including their relevant qualifications or registrations, the number of such staff, their location whilst working at the premises and the times they will be on duty. All door supervisors are to be licensed by the Security Industry Authority ([www.the-sia.org.uk](http://www.the-sia.org.uk))
- (b) Locations of any physical security features to protect the premises, customers and staff, such as CCTV equipment, alarms systems, secure window locks to be used inside/outside the premises. When referring to CCTV, identify its coverage of the interior and exterior of the premises, that it is to be recordable, kept for a minimum of 31 days and made available to the Police and Licensing Authority on request. When details of security measures are provided, they will be kept out of the public domain
- (c) Provision of adequate search facilities where appropriate to the use of the premises. This may include use of technology such as club scan, weapon arches and search wands
- (d) Measures proposed to prevent possession, supply or consumption of illegal drugs and possession of weapons. For example, designing out areas or surfaces where there is a risk of crime, drug detection and confiscation policies, internal patrols
- (e) Measures to be implemented to promote sensible drinking and prevent binge drinking. For instance, by the display of safe drinking material or legal warnings
- (f) Arrangements for any promotional events such as “happy hours” or special offers should be avoided having regard to the mandatory conditions. If any such event is undertaken, careful consideration should be given to their duration, times, location within premises and any additional measures (such as increased security), to minimise crime and disorder
- (g) Location of lighting inside/outside the premises
- (h) Other measures aimed at preventing crime and discouraging anti-social behaviour. Careful regard should be given to the Council applying its borough wide DPPO (“Controlled Drinking Area”). Depending on the

circumstances, this may for example include the restricted sale of low cost, high strength alcohol (which may be indicated by wording such as “super” on the drinks packaging) and the display of signage highlighting that the premises is located in a Controlled Drinking Area

- (i) Whether or not the premises will be serving alcohol in glass or plastic containers; if serving alcohol in glass containers, identify what measures will be implemented to ensure patrons cannot take glass outside the premises
- (j) Whether the premises belongs to a local Pub Watch scheme or has complied with a Police Club Industry Minimum Operating Standards (CIMOS) report
- (k) The availability of drinking water
- (l) The location of any toughened glass to be installed at the premises
- (m) The details of any proof of age scheme to be implemented
- (n) The maximum capacity figure for the premises and a statement demonstrating the premises’ ability to accommodate the predicted number of patrons safely and how this is managed, for example by way of door supervision or counting mechanisms such as clickers
- (o) Whether the premises has undertaken a Police Drug Ion Itemiser Tracker assessment or cooperated with any other Police investigation in order to detect crime and disorder. Where premises have taken part in such activity, an explanation of the outcomes, including any actions taken in addressing the issues raised is encouraged
- (p) Whether queue management arrangements are in place. This may include door supervision and/or the use of barriers where these do not obstruct the public highway
- (q) Whether staff training on the licensing objectives is provided and recorded
- (r) Whether other socially responsible practices are employed, such as anti spiking measures, use of hand bag clips, notices and designated driver schemes
- (s) Whether other management practices are employed, such as maintenance of incident and accident logs, refusal of sales logs, refusal of entry logs, server training, provision of emergency contact numbers to regulatory agencies should contact with management be required as a matter of importance
- (t) Whether appropriate safeguards are in place to address the potential risks and impacts of gang related activity, particularly where the area and/or the premises are renowned for being a source of or associated with gang related activity.

## LP5 Public Nuisance

Applicants are expected to demonstrate within their application that problems such as noise, light, smoke, odour, litter, anti-social behaviour, human waste, fly posting and highways/footpath obstructions can be minimised through steps they propose.

For example, the application should where necessary:

- (a) Demonstrate that, between 11.00 pm and 7.00 am:
  - No noise is audible a metre from the façade of the nearest noise sensitive premises, or
  - No noise is audible within the nearest noise sensitive premises.
  - There is no discharge of glass recycling bins and no waste/recycling collectionsDepending on the individual circumstances, the Council may request the provision of an acoustic report
- (b) Provide details of the location and types of noise attenuation measures used to minimise noise and vibration escaping the premises and car parking areas. Such measures may include sound-proofing, acoustic lobbies and sound limitation devices
- (c) Demonstrate measures to avoid vehicular queuing on the carriageway and disturbances from patrons queuing on the footpath
- (d) Illustrate the location of any taxi ranks, bus stops, train or tube stations in relation to the premises
- (e) Provide details of the location of gardens, open-air areas and the number of tables and chairs (where relevant) within the property boundary for use by patrons drinking, eating, smoking, queuing or congregating outside, and the hours of use of such areas

Provide details of how outside areas will be managed, in particular:

- The hours of use of any outside area where for example smoking, eating and drinking will be permitted. These may explain that use of the area is prohibited after a certain time to avoid disturbance late at night where residents are located nearby
- Measures to prevent drinks being spiked where people leave these unattended
- Where there is payment for admission, how re-entry can be managed – for example by the use of wrist bands
- Measures to ensure that patrons outside do not create nuisance from noise, smoke, obstruction or litter to neighbours or members of the general public
- Use of any physical security features and CCTV
- Use of door supervisors to monitor the area and people's behaviour
- Clear delineation of outside areas in consultation with Environmental Enforcement Services and Public Realm to

avoid the obstruction of any public highway

- Provision of regular glass collection and cleaning patrols
- Any offer of a waited table service

Demonstrate that there are effective dispersal policies in place, such as:

- Door supervision
- Notices and posters asking patrons to enter and exit the premises quietly
- “Winding down” periods

NOTE:

For good practice guidance on managing the end of a night, applicants may wish to refer to the NOCTIS Dispersal Policy available at: [www.noctisuk.org](http://www.noctisuk.org)

- (f) Provide details of permissions where relevant (for example, planning permission or a street trading licence) for any gardens, open-air areas or tables and chairs to be used by patrons
- (g) Provide details of the refuse and waste management arrangements and collection times in place at the premises, including where on the premises refuse and recycling will be stored before collection. Give details of trade waste agreements that exist for the premises
- (h) Identify whether the activity will generate additional litter (including flyposters and/or illegal placards) in the vicinity of the premises, and the measures to deal with any such litter

#### **LP6 The Protection of Children from Harm**

- (a) Applicants are expected to demonstrate within their application that those factors that have the potential to harm children have been addressed. These include the potential for children to:
  - (i) Purchase, acquire or consume alcohol. (details of any proof of age schemes should be provided)
  - (ii) Be exposed to drugs, drug taking or drug dealing
  - (iii) Be exposed to gambling
  - (iv) Be exposed to activities of an adult or sexual nature including the exhibition of film, or transmission of programmes or videos that include strong language and/or sexual content
  - (v) Be exposed to incidents of violence or disorder
  - (vi) Be exposed to environmental pollution such as excessive noise
  - (vii) Be exposed to hazards

- (viii) Purchase cigarettes from vending machines. The Council expects these machines to be in sight and under the supervision of bar staff

Note – This is not intended to be an exhaustive list.

- (b) Alcohol is not to be served to under 18s, except in the limited circumstances allowed for by the Licensing Act 2003. For example children aged between 16 and 18 are only permitted to consume beer, wine or cider on licensed premises if accompanied by an individual aged 18 or over and if eating a table meal (this excludes bar snacks). (This excludes venues holding a club premises certificate where over 18s only are allowed alcohol.)

- (c) Where relevant representations have been made, the Council will not normally permit children to be admitted where:

- (i) Entertainment of an adult or sexual nature is commonly provided
- (ii) There have been convictions for serving alcohol to under 18s
- (iii) Certain gambling activities take place (see Council guidance note)
- (iv) There have been convictions of harbouring drug dealings or the premises has a known association with drug dealers

Note - The Act details a number of measures designed to protect children in licensed premises. The Council will work closely with the Police and its partners to ensure appropriate enforcement of the law, in line with the Council's Enforcement Policy

- (d) Where limiting access to children is considered necessary, the Council will consider the following options:

- (i) A limit on the hours when children may be present
- (ii) An age limitation (for under 18s)
- (iii) A limitation or exclusion when certain activities are taking place
- (iv) A requirement for children to be accompanied by an adult
- (v) Access may be limited to certain parts of the premises

- (e) No conditions will be imposed requiring that children be admitted to any premises and, where no limitation is imposed, this will be left to the discretion of the individual licensee

- (f) Events provided primarily for children will not be permitted to sell alcohol on or from the premises

- (g) Where internet access is provided measures may be put in place to ensure children are suitably supervised in those areas.



**LP7 Access to Cinemas, Theatres, Auditoriums and similar premises**

- (a) Licensees are required to restrict children from viewing age-restricted films according to the recommendations of the British Board of Film Classification or, where relevant, any age restriction agreed by the Council. The licensee should state in the operating schedule what measures are to be put in place to control such access
  - (b) For regulated entertainment especially presented for children, the Council will, where relevant representations have been made, require the following arrangements in order to control entry to and exit from the premises to ensure their safety:
    - (i) An adult member of staff to be stationed in the vicinity of every exit, subject to there being a minimum of one member of staff per 50 children or part thereof
    - (ii) No child, unless accompanied by an adult, to be permitted in the front two rows of any balcony
    - (iii) No standing to be permitted in any part of the auditorium during the performance
- Note The Council will expect these issues to be satisfactorily addressed in operating schedules. The Council will consider attaching conditions to licences and permissions to prevent harm to children.

**LP8 Public Safety**

Applicants are expected to demonstrate within their application measures to protect public safety, including:

- (a) A current fire risk assessment as required by the Regulatory Reform (Fire Safety) Order 2005. If this has not been undertaken, the Fire Authority are likely to make a relevant representation on public safety grounds
- (b) Safe use of special effects/equipments (lasers, smoke machines, strobe lights etc) which may affect public safety (particularly in music and dance venues and similar premises)
- (c) The availability of up-to-date public transport and car parking information at the premises
- (d) A detailed plan that identifies all existing and proposed fire safety features, including smoke detectors, emergency lighting, sprinkler systems and other safety features. All fire safety measures to be compliant with relevant standards
- (e) All exits to be kept unobstructed, easy to open and clearly signed
- (f) Adequate measures to be in place for disabled people to allow their safe evacuation in the event of an emergency

- (g) The availability of first aid equipment and arrangements for training staff in its use
- (h) Any equipment or fixtures of a particular standard used on the premises to be maintained and inspected with details of checks recorded in a log book.

**LP9 Premises Safety**

- (a) Applicants are expected to demonstrate the safety of their premises by ensuring records are kept detailing maintenance checks thereafter in respect of:
  - (i) Periodic electrical inspection
  - (ii) Annual inspection of fire alarm
  - (iii) Annual inspection of hand fire appliances
  - (iv) Emergency lighting inspection and test
- (b) Premises wishing to provide regulated entertainment, or who do not currently adequately ensure safety under current legislation, may also need to comply with prescribed standards. These may include (but are not limited to) additional certificates such as battery discharge, gas safety, passenger lifts, stage equipment, ceilings, and generators.

**LP10 Personal Licences**

- (a) When determining a contested application the Council will consider whether the grant of the licence promotes the crime and disorder objective. It will consider the:
  - (i) Seriousness and relevance of any conviction(s)
  - (ii) The period that has elapsed since committing the offence(s)
  - (iii) Any mitigating circumstances.

**LP11 Temporary Event Notices**

- (a) The Police have indicated that they will normally object to TENs where:
  - The TEN does not provide sufficient information to alleviate Police concerns
  - The TEN has not been completed fully
  - Insufficient notice has been given for the Police to satisfy themselves that the event would not undermine the crime and disorder objective
  - The premises has a history of complaints or incidents linked to the crime and disorder objective. Alternatively, the premises has had a one off serious incident affecting the crime and disorder objective
  - Previous TENs by the premises user have caused issues of Police concern
  - The premises user has failed to comply with previous advice and recommendations given by the Police with regard to the management of the premises/ event
  - Crime and disorder issues have arisen as a result of previous

temporary events linked to the organiser and/or the premises

- The venue does not already possess a premises licence, or if the event involves a departure from the terms of the premises licence, applicants have not sufficiently demonstrated that the management of the event will meet the requirements set out in the LPs as applicable and proportionate to the nature of the event
- A risk assessment of the event in consultation with and to the satisfaction of the Police has not been provided to the Police 14 days in advance of the event. The Police recommend completion of a Form 696 to help satisfy this.

The Licensing Authority treats the Police as its main source of advice on crime and disorder and so is likely to treat the advice of the Police in matters concerning TENs as worthy of significant weight.

Therefore, applicants are strongly encouraged to have regard to the factors above and provide the following data when notifying the Police and Council of a TEN:

- Accurate premises user contact details as well as alternative contact details to ensure that contact can be made
- Full details of all acts/performers
- Confirmation that the owner of the land/building has consented, preferably in writing, to the TEN
- Confirmation that the building/land are deemed suitable for the proposed TEN both in terms of patron safety and neighbouring premises and occupants safety.

- (b) The premises user is reminded that a fire risk assessment is to be completed or should be in place. Failure to do so may lead to the Fire Authority prohibiting use of the premises under their separate powers
- (c) The freeholder or leaseholder of the premises (where relevant) should have given their permission for the use of the premises for the temporary event
- (d) When the Police have made an objection based on crime and disorder and a Licensing Sub Committee uphold the objection at a hearing, a counter notice will be issued.

## **LP12 Licensing Hours**

Where relevant representations have been made, the Council adopts the following principles.

- (a) The Council supports the principle of flexibility in its approach to licensing hours and will consider the merits of each individual application. The licensing hours fixed will always reflect the individual merits of the application, the relevant representations received and the requirement to promote the licensing objectives.
- (b) Earlier hours may be set if the individual circumstances require it. Later hours will be set where it can be demonstrated by the applicant that there would be no breach of the licensing objectives. In residential areas the Council will not normally grant licences beyond 12 midnight, unless the applicant can demonstrate that operating hours beyond this will not cause

undue disturbance to local residents.

- (c) The Council would expect premises wishing to trade for longer hours to site themselves in places where they will not create disturbances to residential accommodation, and will take a stricter approach to licensing hours in residential areas.
- (d) The Council may impose conditions limiting the hours of usage of an outside area or preventing drinks being taken to the outside area beyond the stated terminal hour.

#### **LP13 Special Policy Area – Shoreditch**

It is the Council's policy that where a relevant representation is made to any application within the area of the Shoreditch SPA, the application will be refused unless there are exceptional circumstances. This policy is to be strictly applied.

The Council expects that any exceptional circumstances offered by the applicant should be genuinely exceptional and so would not include reference to:

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

#### **LP14 Special Policy Area – Dalston**

All **new or variation** applications within the Dalston SPA will have to show:

- High standards of management
- The quality and track record of the management
- The good character of the applicant

Notwithstanding the above, where a relevant representation is made the policy will be to refuse any new or variation application which seeks to:

- Increase the capacity of an existing premises,
- Extend the hours of operation of an existing premises, or
- Permit any activity/use not identified or allowed for in the table below or,
- Permit any activity/use where there is a genuine concern that the proposal will have a negative impact in the area. For example this may include premises that have a large capacity or are mainly outdoors.

The policy is directed at the concentration of persons in the area and particularly those who have been drinking late at night. Therefore any application will need to demonstrate that it does not add to the issues of cumulative impact in the Dalston area.

[✓ = yes \* = no]

|                                    | Sun-Thurs<br>Up to 23.00 | Sun-Thurs<br>Up to<br>midnight | Fri& Sat<br>Up to 23.00 | Fri& Sat<br>Up to<br>midnight | Mon – Sun<br>Post<br>midnight |
|------------------------------------|--------------------------|--------------------------------|-------------------------|-------------------------------|-------------------------------|
| Restaurant<br>(with<br>alcohol)    | ✓                        | *                              | ✓                       | ✓                             | *                             |
| Restaurant<br>(without<br>alcohol) | n/a                      | *                              | ✓                       | ✓                             | *                             |
| Takeaways                          | n/a                      | *                              | n/a                     | *                             | *                             |
| Pubs and<br>Bars                   | ✓                        | *                              | ✓                       | ✓                             | *                             |
| Nightclubs                         | *                        | *                              | *                       | *                             | *                             |
| Off Licences                       | ✓                        | *                              | ✓                       | *                             | *                             |
| Theatres                           | ✓                        | ✓                              | ✓                       | ✓                             | *                             |
| Cinemas                            | ✓                        | ✓                              | ✓                       | ✓                             | *                             |
| Combined<br>Uses                   | ✓                        | ✓                              | ✓                       | ✓                             | *                             |
| Qualifying<br>Clubs                | ✓                        | ✓                              | ✓                       | ✓                             | *                             |

#### **LP15 Cumulative Impact – General**

The Council will give due regard to any relevant representations received where concerns are raised and supported around the negative cumulative impact the proposed application has on one or more of the licensing objectives.

#### **LP16 The Olympic and Paralympic Games 2012**

(a) Where, as a result of representation(s) made, it is identified that a licence, certificate or proposed event presents a risk that the licensing objectives will be undermined, it is likely that such applications will not be granted.

(b) Careful consideration will be given to representations from responsible authorities in relation to licence applications for activities before, during and after the Games which refer to the safety and security of the public.

(c) Particular regard will be given to representations received which highlight that the resources of the Police and other emergency/ regulatory services are insufficient to deal with the risks presented.

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# Agenda Item 4

Licensing Sub-Committee hearings, under the Licensing Act 2003 & Local Government (Miscellaneous Provisions) Act 1982 – Type A [Re; Premises Licence, Club Premises Certificate, Provisional Statement & Sex Establishment Licence]

|   |  |                       |
|---|--|-----------------------|
| <p><b>Step 1</b><br/><b>Appointment of Chair and introduction</b></p> | <p>The Sub-Committee will appointment a Chair.</p> <p>The Chair will introduce the Sub-Committee, announce the item, and establish the identity of those taking part.</p> <p>The Sub-Committee will consider any requests to depart from normal procedure, such as holding a private session if it is considered to be in the public interest to do so or if a deferral/adjournment is requested for the item.</p> <p>The Chair (or Legal Adviser if asked by the Chair) will briefly outline how the hearing will proceed. However, Members may seek clarification on any issue raised during the hearing if required and if requested.</p> | <p>5 minutes</p>      |
| <p><b>Step 2</b><br/><b>Licensing Officer</b></p>                     | <p>The Licensing Officer will outline the report.</p>  | <p>5 minutes</p>      |
| <p><b>Step 3</b><br/><b>Applicant's Case</b></p>                      | <p>The Applicant will present their case in support of their application.</p>  | <p>5 minutes</p>      |
| <p><b>Step 4</b><br/><b>Responsible Authorities' Case</b></p>         | <p>The Chair will invite the relevant Responsible Authorities in attendance to highlight their reasons for objecting to the application as contained within the report.</p>  | <p>5 minutes each</p> |
| <p><b>Step 5</b><br/><b>Other Persons' Case</b></p>                   | <p>The Chair will invite the Other Persons in attendance to present their case, highlighting their reasons for objecting or supporting the application as contained in their written submissions.</p>  | <p>5 minutes each</p> |
| <p><b>Step 6</b><br/><b>Discussion</b></p>                            | <p>The Chair will structure and lead a discussion on the information presented enabling Sub-Committee Members to clarify any points raised and ask questions if necessary.</p>   | <p>15 minutes</p>     |
| <p><b>Step 7</b><br/><b>Closing remarks</b></p>                       | <p>The Chair will ask Responsible Authorities, Other Persons, Applicants and the Licensing Officer if they have any final comments to make. These comments can <u>only</u> be in relation to issues raised during the discussion. These remarks should be brief.</p>   | <p>10 minutes</p>     |
| <p><b>Step 8 - Final clarification</b></p>                            | <p>Licensing Sub-Committee Members will have a final opportunity to seek clarification on any points raised, following which the Chair will conclude the discussion.</p>   | <p>5 minutes</p>      |
| <p><b>Step 9</b><br/><b>Consideration</b></p>                         | <p>The Sub-Committee will normally withdraw to consider the evidence that has been presented to them with the Committee Officer and Legal Adviser in order that the Sub-Committee can reach a decision and obtain legal advice if required.</p> <p>The Legal Adviser will repeat any legal advice given to Members upon returning to the public hearing.</p> <p>In simple cases the Sub-Committee may not consider it necessary to retire.</p>   | <p>10 minutes</p>     |
| <p><b>Step 10</b><br/><b>Chair announces the decision</b></p>         | <p>The Sub-Committee will return and the Chair will announce the decision. Reasons for their decision will be given, if appropriate.</p> <p>The Licensing Officer will draw attention to any restrictions which will affect the running of the premises and provide a written record of the decision, which will be sent to the applicant.</p>   | <p>5 minutes</p>      |

The Council's procedure rules are also incorporated into these hearing procedures in so far as it does not conflict the procedures as set out above. The Licensing Hearing Regulations can also be viewed by following the link below – <http://www.legislation.gov.uk/ukxi/2005/44/contents/made>

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|  |   |                  |
|--|---|------------------|
| <b>REPORT OF GROUP DIRECTOR, NEIGHBOURHOODS AND HOUSING</b>  |   |                  |
| <b>LICENSING SUB-COMMITTEE:</b><br>08/09/2016  | <b>Classification</b><br>DECISION                       | <b>Enclosure</b> |
| <b>Application for a Premises Licence</b><br>124<br>Basement And Ground Floor<br>124 Shoreditch High Street E1 6JE | <b>Ward(s) affected</b><br><br>Hoxton East & Shoreditch |                  |

## 1. SUMMARY

|  |   |
|--|---|
| <b>Applicant(s)</b> 124 Shoreditch Limited                                 | <b>In SPA</b> Shoreditch Area   |
| <b>Date of Application</b><br>22/07/2016                                   | <b>Period of Application</b><br>Permanent   |
| <b>Proposed licensable activity</b><br><br>Supply of Alcohol (On Premises) |   |
| <b>Proposed hours of licensable activities</b>                             |   |
| <b>Supply of Alcohol</b>   | <b>Standard Hours:</b><br>Mon 10:00-23:00<br>Tue 10:00-23:00<br>Wed 10:00-23:00<br>Thu 10:00-23:00<br>Fri 10:00-23:00<br>Sat 10:00-23:00<br>Sun 10:00-23:00 |
| <b>Premises:</b>   |   |
| <b>The opening hours of the premises</b>                                   |   |
| <b>Premises</b>  | <b>Standard Hours:</b><br>Mon 10:00-23:00<br>Tue 10:00-23:00<br>Wed 10:00-23:00<br>Thu 10:00-23:00<br>Fri 10:00-23:00<br>Sat 10:00-23:00<br>Sun 10:00-23:00 |
| <b>Capacity:</b> Not known   |   |

|                                 |  |
|---------------------------------|--|
| <b>Policies Applicable</b>      | LP3 (Operating Schedule), LP4 (Crime and Disorder), LP5 (Public Nuisance), LP6 (Protection of Children from Harm), LP8 (Public Safety), LP13 (Special Policy Area - Shoreditch)          |
| <b>List of Appendices</b>       | A – Application for a premises licence and supporting documents<br>B – Representations from responsible authorities<br>C – Representations from other persons<br>D – Location map        |
| <b>Relevant Representations</b> | <ul style="list-style-type: none"> <li>• Environmental Health Authority (Environmental Enforcement)</li> <li>• Police</li> <li>• Licensing Authority</li> <li>• Other Persons</li> </ul> |

## 2. APPLICATION

- 2.1 **124 Shoreditch Limited** has made an application for a premises licence under the Licensing Act 2003:
- To provide supply alcohol from 10:00 to 23:00 Monday to Sunday
- 2.2 The application is attached as Appendix A. The applicant has proposed measures that could be converted to conditions (see paragraph 8.1 below).

## 3. CURRENT STATUS / HISTORY

- 3.1 The premises are not currently licensed for any activity.
- 3.2 No TENs have been submitted in respect of the premises in this calendar year.

## 4. REPRESENTATIONS: RESPONSIBLE AUTHORITIES

| <b>From</b>  | <b>Details</b>   |
|--|--|
| Environmental Health Authority (Pollution)                               | Have confirmed no representation on this application   |
| Environmental Health Authority (Environmental Enforcement) (Appendix B1) | Representation received on the grounds of the prevention of public nuisance                      |
| Environmental Health Authority (Health & Safety)                         | Have confirmed no representation on this application   |
| Weights and Measures (Trading Standards)                                 | Have confirmed no representation on this application   |
| Planning Authority   | No representation received   |
| Area Child Protection Officer  | Have confirmed no representation on this application   |
| Fire Authority   | No representation received   |
| Police (Appendix B2)   | Representation received on the grounds of The Prevention of Crime and Disorder and Prevention of |

|                                      |  |
|--------------------------------------|--|
|                                      | Public Nuisance  |
| Licensing Authority<br>(Appendix B3) | Representation received on the grounds of The Prevention of Public Nuisance and Special Policy Area. |
| Health Authority                     | Have confirmed no representation on this application   |

## 5. REPRESENTATIONS: OTHER PERSONS

| From   | Details  |
|--|--|
| Representation received from and on behalf of local residents.<br>(Appendices C1 – C8) | Representation received on the grounds of The Prevention of Crime and Disorder, Public Safety, Prevention of Public Nuisance and The Protection of Children from Harm. |

## 6. GUIDANCE CONSIDERATIONS

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

## 7. POLICY CONSIDERATIONS

- 7.1 Licensing Sub-Committee is required to have regard to the London Borough of Hackney's Statement of Licensing Policy ("the Policy") adopted by the Licensing Authority.
- 7.2 The Policy applies to applications where relevant representations have been made. With regard to this application, policies, LP3 (Operating Schedule), LP4 (Crime and Disorder), LP5 (Public Nuisance), LP6 (Protection of Children from Harm), LP8 (Public Safety) and LP13 (Special Policy Area - Shoreditch) are relevant.

## 8. OFFICER OBSERVATIONS

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

### Supply Of Alcohol (On/Both)

1. No supply of alcohol may be made under the premises licence:
  - (a) At a time when there is no designated premises supervisor in respect of the premises licence.
  - (b) At a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.
2. Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.
3. (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.

(2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises -

(a) games or other activities which require or encourage, or are designed to require or encourage, individuals to;

(i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or

(ii) drink as much alcohol as possible (whether within a time limit or otherwise);

(b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;

(c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;

(d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner.

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

4. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
5. 5.1. The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sales or supply of alcohol.  
5.2 The designated premises supervisor in relation to the premises licences must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.  
5.3. The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either:-
  - (a) a holographic mark or
  - (b) an ultraviolet feature
6. The responsible person must ensure that:
  - a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures:
    - beer or cider: 1/2 pint;
    - gin, rum, vodka or whisky: 25ml or 35ml; and

- still wine in a glass: 125ml; and
- b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
- c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

### **Minimum Drinks Pricing**

7. 7.1 A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.
- 7.2 For the purposes of the condition set out in paragraph 7.1 above -
- (a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;
  - (b) "permitted price" is the price found by applying the formula -  

$$P = D + (D \times V)$$
 Where -
    - (i) P is the permitted price,
    - (ii) D is the rate of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
    - (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
  - (c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence -
    - (i) the holder of the premises licence,
    - (ii) the designated premises supervisor (if any) in respect of such a licence, or
    - (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;
  - (d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
  - (e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.
- 7.3 Where the permitted price given by Paragraph 7.2(b) above would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.
- 7.4 (1) Sub-paragraph 7.4(2) below applies where the permitted price given by Paragraph 7.2(b) above on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.
- (2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

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

8. The premises to operate as a restaurant.

9. CCTV cameras to be installed and maintained in operation on the premises to the satisfaction of the Police.
10. CCTV recorded footage is to be retained at the premises for no less than 31 days from the day it was recorded and is to be made available to the Police or local authority upon request.
11. The premises to operate a Challenge 25 age verification policy.
12. Appropriate signage to be prominently displayed and maintained to the satisfaction of the Police warning and advising customers of the prevalence of crime that may target them and the contact details of the Designated Premises Supervisor if customers wish to report any incidents.
13. A notice to be prominently displayed at the exit reminding patrons to depart in an orderly manner and without causing any nuisance to local residents.

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

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

18. All instances of crime or disorder to be reported by the designated premises supervisor or responsible member of staff to an agreed police contact point, as agreed with the Police.
19. Where the sale or supply of alcohol is taking place employees of the premises must request sight of evidence of the age of any person appearing to be under 25 years of age (Challenge 25). Such evidence may include a driving licence or passport.
20. There shall be no glass, drinks or open containers taken outside of the premises at any time.
21. After 2100hrs there shall be a maximum of \*\* tbc \*\* smokers outside the venue at any one time. This shall be managed and monitored by staff.
22. The premises will display and maintain appropriate signage advising customers of the contact details of the Designated Premises Supervisor.
23. There shall be prominent signage requesting customers to leave the premises quietly and respect local residents.
24. All staff will be given refresher training every twelve months on the legislation relating to the sales of alcohol to underage persons and drunken persons. Written records of this training shall be kept on the premises and produced to police or other authorised officer upon request.
25. Intoxicating liquor shall not be sold, supplied or consumed otherwise than to persons who are taking a substantial meal from the menu and that the consumption of alcohol by such persons is ancillary to taking such meals. The supply of alcohol shall be by waiter/waitress service only.
26. The premises shall adhere to Hackney Police Theft, Weapons and Drugs Policies and any updates thereof.

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

- 9.1 Conditions 8 to 13 above are derived from the applicant's operating schedule. Conditions 14 to 26 have been proposed by the Police.

## **10. LEGAL COMMENTS**

- 10.1 The Council has a duty as a Licensing Authority under the Licensing Act 2003 to carry out its functions with a view to promoting the following 4 licensing objectives;
  - The Prevention of Crime and Disorder
  - Public Safety
  - Prevention of Public Nuisance
  - The Protection of Children from Harm

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

## 11. HUMAN RIGHTS ACT 1998 IMPLICATIONS

11.1 There are implications to;

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

## 12. MEMBERS DECISION MAKING

### A. Option 1

**That the application be refused**

### B. Option 2

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

## 13. CONCLUSION

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

|   |   |
|---|---|
| <b>Group Director, Neighbourhoods and Housing</b> | Kim Wright  |
| <b>Lead Officer (holder of original copy):</b>    | Suba Sriramana<br>Licensing Officer<br>Licensing Service<br>2 Hillman Street E8 1FB<br>Telephone: 020 8356 4915 |

## LIST OF BACKGROUND PAPERS RELATING TO THIS REPORT

The following document(s) has been relied upon in the preparation of the report.

| Description of document  | Location   |
|--|--|
| <b>Office File:</b><br>124<br>Basement And Ground Floor<br>124 Shoreditch High Street E1 6JE | Licensing Service<br>2 Hillman Street<br>London E8 1FB |

### Printed matter

Licensing Act 2003  
LBH Statement of Licensing Policy



|           |   |
|-----------|---|
| ↔ Hackney | Application for a premises licence to be granted under the Licensing Act 2003 |
| LA01      |   |

**PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST**

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

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

I/We 124 SHOREDITCH LIMITED  
*(Insert name(s) of applicant)*

**apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in Part 1 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**

**Part 1 – Premises Details**

|   |               |                  |        |
|---|---------------|------------------|--------|
| <b>Postal address of premises or, if none, ordnance survey map reference or description</b> |               |                  |        |
| 124<br>SHOREDITCH HIGH STREET<br>HACKNEY<br>LONDON  |               |                  |        |
| <b>Post town</b>  | <b>LONDON</b> | <b>Post code</b> | E1 6JE |

|   |        |
|---|--------|
| Telephone number at premises (if any)   |        |
| Non-domestic rateable value of premises | £23000 |

**Part 2 - Applicant Details**

Please state whether you are applying for a premises licence as  
Please tick yes

|    |                                     |    |                             |
|----|-------------------------------------|----|-----------------------------|
| a) | an individual or individuals *      | .. | please complete section (A) |
| b) | a person other than an individual * |    |                             |

|    |     |   |                                     |                             |
|----|-----|---|-------------------------------------|-----------------------------|
|    | i.  | as a limited company  | <input checked="" type="checkbox"/> | please complete section (B) |
|    | ii. | as a partnership  | ..                                  | please complete section (B) |
|    | iii | as an unincorporated association or   | ..                                  | please complete section (B) |
|    | iv  | other (for example a statutory corporation)   | ..                                  | please complete section (B) |
| c) |     | a recognised club   | ..                                  | please complete section (B) |
| d) |     | a charity   | ..                                  | please complete section (B) |
| e) |     | the proprietor of an educational establishment  | ..                                  | please complete section (B) |
| f) |     | a health service body   | ..                                  | please complete section (B) |
| g) |     | a person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales   | ..                                  | please complete section (B) |
| ga |     | a person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 (within the meaning of that Part) in an independent hospital in England | ..                                  | please complete section (B) |
| h) |     | the chief officer of police of a police force in England and Wales  | ..                                  | please complete section (B) |

\* If you are applying as a person described in (a) or (b) please confirm:

Please tick yes

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

**(A) INDIVIDUAL APPLICANTS (fill in as applicable)**

|  |  |                    |  |
|--|--|--------------------|--|
| <b>Title</b> Mr  |  |                    |  |
| <b>Surname</b>   |  | <b>First names</b> |  |
| <b>I am 18 years old or over</b> .. Please tick yes              |  |                    |  |
| <b>Current postal address if different from premises address</b> |  | UK-England         |  |
| <b>Post Town</b>   |  | <b>Postcode</b>    |  |
| <b>Daytime contact telephone number</b>                          |  |                    |  |
| <b>E-mail address (optional)</b>                                 |  |                    |  |

**SECOND INDIVIDUAL APPLICANT (if applicable)**

|  |  |                    |  |
|--|--|--------------------|--|
| <b>Title</b> Mr  |  |                    |  |
| <b>Surname</b>   |  | <b>First names</b> |  |
| <b>I am 18 years old or over</b> .. Please tick yes              |  |                    |  |
| <b>Current postal address if different from premises address</b> |  | UK-England         |  |
| <b>Post Town</b>   |  | <b>Postcode</b>    |  |
| <b>Daytime contact telephone number</b>                          |  |                    |  |

|                                     |  |
|-------------------------------------|--|
| <b>E-mail address</b><br>(optional) |  |
|-------------------------------------|--|

**(B) OTHER APPLICANTS**

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

|                                |
|--------------------------------|
| Name<br>124 SHOREDITCH LIMITED |
|--------------------------------|

|   |
|---|
| Address<br>[REDACTED]<br>[REDACTED]<br><br>[REDACTED] |
|---|

|  |
|--|
| Registered number (where applicable)<br>10221462 |
|--|

|   |
|---|
| Description of applicant (for example, partnership, company, unincorporated association)<br>Limited Company |
|---|

|   |
|---|
| Telephone number (if any)<br>[REDACTED] |
|---|

|   |
|---|
| E-mail address (optional)<br>[REDACTED] |
|---|

### Part 3 Operating Schedule

|   |            |
|---|------------|
| When do you want the premises licence to start? | 20-08-2016 |
|---|------------|

If you wish the licence to be valid only for a limited period, when do you want it to end?

|  |
|--|
| <p>Please give a general description of the premises (please read guidance note 1)</p> <p>Restaurant</p> |
|--|

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

What licensable activities do you intend to carry on from the premises?

(Please see sections 1 and 14 of the Licensing Act 2003 and Schedules 1 and 2 to the Licensing Act 2003)

|    | Provision of regulated entertainment   | Please tick any that apply |
|----|--|----------------------------|
| a) | plays (if ticking yes, fill in box A)  | <input type="checkbox"/>   |
| b) | films (if ticking yes, fill in box B) <input type="checkbox"/> <input type="checkbox"/>                  | ..                         |
| c) | indoor sporting events (optional, fill in box C)   | ..                         |
| d) | boxing or wrestling entertainment (if ticking yes, fill in box D)  | ..                         |
| e) | live music (optional, fill in box E) <input type="checkbox"/>  | ..                         |
| f) | recorded music (if ticking yes, fill in box F)   | ..                         |
| g) | performances of dance (optional, fill in box G)  | ..                         |
| h) | anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H) | ..                         |

**Provision of late night refreshment** (if ticking yes, fill in box L)

..

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



**Complete boxes K, L and M (optional)**

**A**

| <b>Plays</b><br>Standard days and timings (please read guidance note 6) |       |        | <b>Will the performance of a play take place indoors or outdoors or both – please tick</b><br>(please read guidance note 2)   | Indoors  |  |
|---|-------|--------|---|----------|--|
| Day   | Start | Finish |   | Outdoors |  |
|   |       |        |   | Both     |  |
| Mon   |       |        | <b><u>Please give further details here</u></b> (please read guidance note 3)  |          |  |
|   |       |        |   |          |  |
| Tue   |       |        | <b><u>State any seasonal variations for performing plays</u></b> (please read guidance note 4)  |          |  |
|   |       |        |   |          |  |
| Wed   |       |        | <b><u>Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list</u></b> (please read guidance note 5) |          |  |
|   |       |        |   |          |  |
| Thur  |       |        |   |          |  |
|   |       |        |   |          |  |
| Fri   |       |        |   |          |  |
|   |       |        |   |          |  |
| Sat   |       |        |   |          |  |
|   |       |        |   |          |  |
| Sun   |       |        |   |          |  |
|   |       |        |   |          |  |

**J**

|   |       |        |  |                  |                                     |   |  |  |
|---|-------|--------|--|------------------|-------------------------------------|---|--|--|
| <b>Supply of alcohol</b><br>Standard days and timings (please read guidance note 6) |       |        | <b>Will the supply of alcohol be for consumption (Please tick box)</b> (please read guidance note 7) | On the premises  | <input checked="" type="checkbox"/> |   |  |  |
|   |       |        |  | Off the premises | <input type="checkbox"/>            |   |  |  |
|   |       |        |  | Both             | <input type="checkbox"/>            |   |  |  |
| Day   | Start | Finish | <b>State any seasonal variations for the supply of alcohol</b> (please read guidance note 4)         |                  |                                     |   |  |  |
| Mon   | 10:00 | 23:00  |  |                  |                                     |   |  |  |
|   |       |        |  |                  |                                     |   |  |  |
| Tue   | 10:00 | 23:00  |  |                  |                                     |   |  |  |
|   |       |        |  |                  |                                     |   |  |  |
| Wed   | 10:00 | 23:00  |  |                  |                                     |   |  |  |
|   |       |        |  |                  |                                     |   |  |  |
| Thur  | 10:00 | 23:00  |  |                  |                                     | <b>Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list</b> (please read guidance note 5) |  |  |
|   |       |        |  |                  |                                     |   |  |  |
| Fri   | 10:00 | 23:00  |  |                  |                                     |   |  |  |
|   |       |        |  |                  |                                     |   |  |  |
| Sat   | 10:00 | 23:00  |  |                  |                                     |   |  |  |
|   |       |        |  |                  |                                     |   |  |  |
| Sun   | 10:00 | 23:00  |  |                  |                                     |   |  |  |
|   |       |        |  |                  |                                     |   |  |  |

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

|  |            |
|--|------------|
| Name :                                 |            |
| Ms HUSSAINGiovanna                     |            |
| Address                                |            |
| [REDACTED]                             |            |
| [REDACTED]                             |            |
| [REDACTED]                             |            |
| Postcode                               | [REDACTED] |
| Personal licence number (if known)     |            |
| [REDACTED]                             |            |
| Issuing licensing authority (if known) |            |
| [REDACTED]                             |            |

**K**

**Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children** (please read guidance note 8).

NONE

**L**

|   |       |        |  |
|---|-------|--------|--|
| <b>Hours premises are open to the public</b><br>Standard timings<br>(please read guidance note 6) |       |        | <b><u>State any seasonal variations</u></b> (please read guidance note 4)  |
| Day   | Start | Finish |  |
| Mon   | 10:00 | 23:00  |  |
|   |       |        |  |
| Tue   | 10:00 | 23:00  |  |
|   |       |        |  |
| Wed   | 10:00 | 23:00  | <b><u>Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list</u></b> (please read guidance note 5) |
|   |       |        |  |
| Thur  | 10:00 | 23:00  |  |
|   |       |        |  |



|     |       |       |  |
|-----|-------|-------|--|
| Fri | 10:00 | 23:00 |  |
|     |       |       |  |
| Sat | 10:00 | 23:00 |  |
|     |       |       |  |
| Sun | 10:00 | 23:00 |  |
|     |       |       |  |

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

**a) General – all four licensing objectives (b,c,d,e)** (please read guidance note 9)

See proposed conditions for discussion

**b) The prevention of crime and disorder**

See proposed conditions for discussion

**c) Public safety**

See proposed conditions for discussion

**d) The prevention of public nuisance**

See proposed conditions for discussion

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

See proposed conditions for discussion

**Checklist:**

**Please tick to indicate agreement**

- I have enclosed the plan of the premises.
- I have sent copies of this application and the plan to responsible authorities and others where applicable.
- I have enclosed the consent form completed by the individual I wish to be designated premises supervisor, if applicable.
- I understand that I must now advertise my application.
- I understand that if I do not comply with the above requirements my application will be rejected.

**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.**

**Part 4 – Signatures** (please read guidance note 10)

**Signature of applicant or applicant's solicitor or other duly authorised agent** (see guidance note 11). **If signing on behalf of the applicant, please state in what capacity.**

|                  |  |
|------------------|--|
| <b>Signature</b> | Angela Message   |
| <b>Date</b>      | 22/7/2016  |
| <b>Capacity</b>  | Licensing Consultant and authorised agent for and on behalf of the applicant |

**For joint applications, signature of 2<sup>nd</sup> applicant or 2<sup>nd</sup> applicant's solicitor or other authorised agent** (please read guidance note 12). **If signing on behalf of the applicant, please state in what capacity.**

|                  |  |
|------------------|--|
| <b>Signature</b> |  |
|------------------|--|

|                 |           |
|-----------------|-----------|
| <b>Date</b>     | 22/7/2016 |
| <b>Capacity</b> |           |

|   |            |          |            |
|---|------------|----------|------------|
| Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 13) |            |          |            |
| Angela Massage<br>[REDACTED]  |            |          |            |
| [REDACTED]  |            |          |            |
| Post town   | [REDACTED] | Postcode | [REDACTED] |
| Telephone number (if any)   | [REDACTED] |          |            |
| If you would prefer us to correspond with you by e-mail, your e-mail address (optional)   |            |          |            |
| [REDACTED]  |            |          |            |

### Notes for Guidance

1. Describe the premises, for example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies, you must include a description of where the place will be and its proximity to the premises.
2. Where taking place in a building or other structure please tick as appropriate (indoors may include a tent).
3. For example the 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.
4. For example (but not exclusively), where the activity will occur on additional days during the summer months.
5. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
6. Please 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.
7. If you wish people to be able to consume alcohol on the premises, please tick 'on the premises'. If you wish people to be able to purchase alcohol to consume away from the

## **Proposed conditions for 124 shoreditch High Street**

### **Prevention of Crime and Disorder**

1. The premises will operate as a restaurant.
2. CCTV cameras are to be installed and maintained in operation on the premises to the satisfaction of the Police.
3. CCTV recorded footage is to be retained at the premises for no less than 31 days from the day it was recorded and is to be made available to the Police or local authority upon request.
4. The premises will operate a challenge 25 age verification policy.
5. Appropriate signage must be prominently displayed and maintained to the satisfaction of the police warning and advising customers of the prevalence of crime that may target them and the contact details of the Designated Premises Supervisors if customers wish to report any incidents.

### **Public Safety**

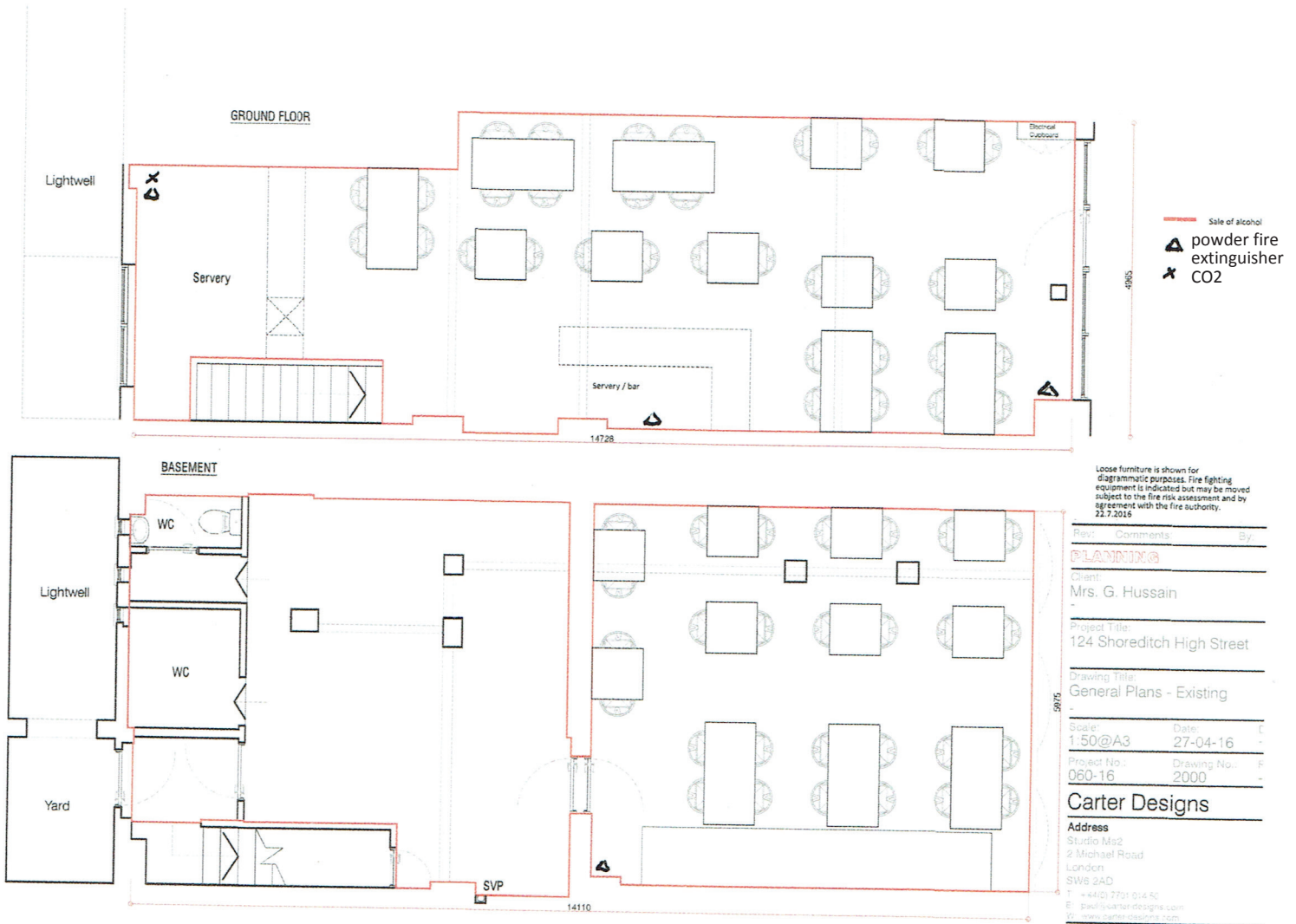
6. Appropriate risk assessments will be carried out and implemented prior to opening.
7. Safety checks are to be carried out before the admission of the public.

### **Public Nuisance**

8. A Notice must be prominently displayed at the exit reminding patrons to depart in an orderly manner and without causing any nuisance to local residents.

### **Protection of Children from Harm**

A challenge 25 age verification policy to be adopted see above.- condition 4



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

**RESPONSIBLE AUTHORITY DETAILS**

|                      |  |
|----------------------|--|
| NAME OF AUTHORITY    | Environmental Health (Environmental Enforcement)                               |
| ADDRESS OF AUTHORITY | Keltan House, 89-115 Mare Street, London E8 4RU                                |
| CONTACT NAME         | WENDY CARRIER  |
| TELEPHONE NUMBER     | 0208 356 4599  |
| E-MAIL ADDRESS       | <a href="mailto:wendy.carrier@hackney.gov.uk">wendy.carrier@hackney.gov.uk</a> |

**APPLICATION PREMISES**

|                            |   |
|----------------------------|---|
| NAME & ADDRESS OF PREMISES | <b>124<br/>124 Shoreditch High Street<br/>London<br/>E1 6JE</b> |
| NAME OF PREMISES USER      | <b>124 Shoreditch Limited</b>                                   |

**COMMENTS**

I make the following relevant representations in relation to the above application for an alcohol and late night refreshment licence at the above address.

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

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

|   |
|---|
| <p><b>124 SHOREDITCH LIMITED<br/>124 SHOREDITCH HIGH STREET, LONDON E1 6JE</b></p> <p>The grounds upon which I am objecting to this licence application are that the director of the applicant company has associations with other businesses in the London Borough of Hackney against which enforcement action has been taken in the past and also more recently for fly tipping offences committed within the past few months. Please see the following information and evidence and accompanying attachments in support which explain my concerns.</p> |
|---|

Despite enforcement action having been taken against other businesses with which Mr Taiyab Hussain and the proposed designated supervisor Giovanna Hussain are associated, fly tipping and duty of care offences continue to be committed. In particular the licensed premises at 574-576 Kingsland Road continues to be a nuisance with staff illegally depositing waste on the public highway which is in unidentifiable receptacles and for which no waste transfer documentation can be provided.

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

A search against 124 Shoreditch Limited reveals that the director is Mr Taiyab Hussain. Please see attached company search.

Two clubs, Lift 574 and Ophelia, operate from premises at 574-576 Kingsland Road under the premises licence held by The Little Dalston Production Limited. The director of that company is also Mr Taiyab Hussain and he is also the designated premises supervisor at those premises. Please see attached company search.

Over the last few months the owner of the businesses Lift 574 and Ophelia have been responsible for multiple fly tipping offences. Despite several attempts by myself and one of my colleagues to engage with the two businesses, all correspondence, including letters that were hand delivered, and invitations to attend interviews under caution have been completely ignored.

Even after letters threatening prosecution proceedings were sent, still neither the applicant nor anyone else on behalf of either of the businesses made any contact with myself or my colleague.

Prosecution proceedings were prepared. Please see attached my statement in support and the summons setting out the various offences. The case went before the Magistrates on the first occasion on 8 July 2016. There was no attendance by the defendant.

A letter informing the defendant that the case would be before the Magistrates again on 22 July 2016 was hand delivered by me on 8 July 2016. The letter also informed the defendant that if it failed to attend the hearing the Court may proceed in its absence.

The defendant did fail to attend on 22 July 2016 and was found guilty in absence. The sentence was as follows.

**“Fines: £2000 on each s34 offence (x4) and £1000 on Section 110 offence –  
Total of £9,000  
Costs: £870**

**The total is to be paid in 28 days.”**

I understand that on receipt of notification of the outcome of the Court case someone from the company (Giovanna Hussain) contacted the Council's lawyer.

Since then the Council's Evening Environmental Manager has informed me that waste from the Lift Bar continues to be fly tipped outside 574-576 Kingsland Road in unidentifiable refuse sacks and the business completely ignores the time bands for Kingsland Road.

Mr Taiyab Hussain also had connections with 123 Shoreditch High Street t/a The Corner Shop when he was the director/secretary of 123 Shoreditch Limited (see company search attached - now dissolved), a company to which I issued a fixed penalty notice in relation to the illegal deposit of commercial waste which was found outside 574-576 Kingsland Road in October 2013. Two further offences for which photographic and physical evidence was secured occurred on 21 April 2014 and 27 April 2014. On that occasion I wrote inviting an authorised representative of 123 Shoreditch Limited to attend an interview under caution. However, I subsequently spoke to Giovanna Hussain who upgraded the waste contract with Hackney Commercial Waste Services and on that basis and in good faith I withdrew the threat of prosecution and issued a Notice under Section 47 of the Environmental Protection Act 1990. Please see copy letters and Section 47 Notice relating to these past incidents attached.

It is for the above reasons that I have concerns as to the desirability of agreeing to this licence application.

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

Please see the above request for conditions.

Signed Wendy Carrier (By E-mail)

Name Wendy Carrier (Printed)



## **STATEMENT OF WITNESS**

**(C.J. Act 1967 S.9, M.C. Act 1980 ss.5A(3)(a) & 5B; M.C. Rules 1981 R.70)**

|                              |  |
|------------------------------|--|
| <b>STATEMENT OF</b>          | <b>WENDY CARRIER</b>                                   |
| <b>AGE OF WITNESS</b>        | <b>Over 18</b>   |
| <b>OCCUPATION OF WITNESS</b> | <b>Environmental Enforcement Officer</b>               |
| <b>ADDRESS</b>               | <b>Keltan House, 89-115 Mare Street, London E8 4RU</b> |

This statement (consisting of 3 pages signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false or do not believe it to be true

I am employed by the London Borough of Hackney as an Environmental Enforcement Officer. My duties include investigating fly tipping of waste and other related offences under the Environmental Protection Act 1990 (EPA). In particular I am responsible for investigating offences for the failure of business owners to comply with their of care in relation to waste and failing to provide adequate information relating to the transfer of controlled waste under section 34 of the EPA.

1. I am currently engaged in a project to reduce the amount of illegally deposited waste being fly tipped by businesses across the borough. This involves monitoring hot spots and carrying out surveys to identify businesses where the owners have not made proper arrangements for the preparation and disposal of their business waste or have inadequate arrangements. I also act upon information and evidence provided by Hackney Council's Environmental Managers and their assistants.
2. On 14 April 2016 I received an e-mail with some photographs attached from Evening Area Environmental Manager Joe Gomez in which he provided information in relation to an incident of fly tipping of commercial waste from which he was able to gather physical and photographic evidence and which gave him reasonable grounds to believe the waste had come from a club called Ophelia of 574 Kingsland Road London E8 4AH. A copy of the e-mail is exhibited hereto marked "WC1".

**SIGNED**

**WITNESSED BY**

**DATED**

3. On inspection of the photographs and the evidence bags, the waste did indeed appear to emanate from the club known as Ophelia.
4. There appeared to be two different entities operating at 574-576 Kingsland Road – Lift 574 and Ophelia. A copy of an e-mail from the Council’s business rates department confirming the name of the business rate payer for the property as Lift 574 Limited is exhibited hereto marked “WC2”.
5. A Companies House check against the name of Lift 574 Limited and a copy of the director’s register is exhibited hereto marked “WC3”.
6. A part of my investigation, I checked the Council’s licensing register. There was no entry under the name Ophelia however I was informed by a Licensing Officer that the premises operated under temporary events notices under the name Lift 574.
7. I telephoned the premises and spoke to a gentleman who said that he was one of the duty managers. He told me that Lift 574 and Ophelia were both owned by the same entity and were next door to one another. He said that the person I should speak to was a woman called Giovanna Hussain and he said he would pass on a message for her to call me the following day. I gave him my telephone number.
8. I wrote to the Company Secretary of Lift 574 Limited on 16 April 2016, enclosing a Notice pursuant to Section 108 of the Environment Act 1995, asking the Company to confirm the name of the owner of the business (Ophelia). In the final sentence of my letter I drew attention to the potential penalties as set out on page 2 of the Notice for non-compliance with the request for information. Copies of my letter and the Notice are exhibited hereto marked “WC4” and “WC5” respectively.
9. I received no communication whatsoever from Lift 574 Limited. A copy of the relevant section of the premises licence is exhibited hereto marked “WC6”.

**SIGNED**

**WITNESSED BY**

**DATED**

10. On 16 May 2016 I wrote to Lift 574 Limited saying that as it had not responded to my letter of 16 April 2016 or complied with the Notice under Section 108 of the Environment Act 1995 enclosed with it, I would now pass the file to the Council's legal department with instructions to commence prosecution proceedings. A copy of that letter is exhibited hereto marked "WC7".

**SIGNED**

**WITNESSED BY**

**DATED**

## COMPANY APPOINTMENTS



---

**Registered No.:** 10221462  
**Name:** 124 SHOREDITCH LIMITED

**Address:** 124 SHOREDITCH HIGH STREET  
LONDON  
UNITED KINGDOM  
E1 6JE

---

Company Appointments: 1 / Resignations: 0

**Exclude**

Resignations

To view details of other appointments held, click on the appropriate underlined name.

(Charge : £1.00 per officer selection)

**HUSSAIN, TAIYAB MR**

124 SHOREDITCH HIGH STREET  
LONDON  
UNITED KINGDOM  
E1 6JE

**DIRECTOR**

**Appointed:** 08/06/2016  
**Nationality:** BRITISH  
**Occupation:** BUSINESSMAN

**Country/State of Residence:** ENGLAND

**Date of Birth:** \*\*/03/1971

**Appointments:** 19

Companies House check 05.08.16

## COMPANY APPOINTMENTS



---

**Registered No.:** 08589340  
**Name:** THE LITTLE DALSTON PRODUCTION LIMITED  
**Address:** 574-576 KINGSLAND ROAD  
DALSTON  
LONDON  
E8 4AH

---

**Company Appointments: 1 / Resignations: 0**

**Exclude**

**Resignations**

To view details of other appointments held, click on the appropriate underlined name.

(Charge : £1.00 per officer selection)

**HUSSAIN, TAIYAB MR**  
574-576 KINGSLAND ROAD  
DALSTON  
LONDON  
UNITED KINGDOM  
E8 4AH

**DIRECTOR**  
**Appointed:** 28/06/2013  
**Nationality:** BRITISH  
**Occupation:** CO DIRECTOR

**Country/State of Residence:** ENGLAND

**Date of Birth:** \*\*/03/1971

**Appointments:** 17

---

Company Search 9 May 2016



**SUMMONS/INFORMATION**

Date: 17<sup>th</sup> May 2016

Ref:

To: Lift 574 Limited (**Company Number: 08398134**)

Of: 574-576 Kingsland Road, London, E8 4AH

**INFORMATION** has this day been laid before the undersigned for and on behalf of Director of Legal, for the London Borough of Hackney, Town Hall, Mare Street, London, E8 1EA:

- (1) That you on 13<sup>th</sup> November 2015, as a producer of waste, trading at a premises known as Lift 574 at 574-576 Kingsland Road, London, E8 4AH, failed to comply with your duty of care to take all such measures to prevent any contravention by any other person under section 33 of the Environmental Protection Act 1990 namely the deposit of black refuse bags on the public highway outside 574-576 Kingsland Road, London, E8 4AH.

**CONTRARY to Section 34(1)(a) and 34(6) of the Environmental Protection Act 1990.**

- (2) That you on 4<sup>th</sup> May 2016, as a producer of waste, trading at a premises known as Lift 574 at 574-576 Kingsland Road, London, E8 4AH, failed to comply with your duty of care to take all such measures to prevent any contravention by any other person under section 33 of the Environmental Protection Act 1990 namely the deposit of black refuse bags on the public highway outside 574-576 Kingsland Road, London, E8 4AH.

**CONTRARY to Section 34(1)(a) and 34(6) of the Environmental Protection Act 1990.**

- (3) That you on 13<sup>th</sup> April 2016, as a producer of waste, trading at a premises known as Lift 574 at 574-576 Kingsland Road, London, E8 4AH, failed to comply with your duty of care to take all such measures to prevent any contravention by any other person under section 33 of the Environmental Protection Act 1990 namely the deposit of a black refuse bag on the public highway outside 574-576 Kingsland Road, London, E8 4AH.

**CONTRARY to Section 34(1)(a) and 34(6) of the Environmental Protection Act 1990.**

- (4) That you on 6<sup>th</sup> May 2016, as a producer of waste, trading at a premises known as Lift 574 at 574-576 Kingsland Road, London, E8 4AH, failed to comply with your duty of care to take all such measures to prevent any contravention by any other person under section 33 of the Environmental Protection Act 1990 namely the deposit of black refuse bags on the public highway outside 574-576 Kingsland Road, London, E8 4AH.

**CONTRARY to Section 34(1)(a) and 34(6) of the Environmental Protection Act 1990.**

- (5) On or about **27<sup>th</sup> April 2016**, as the owner and business rate payer of a premises known as Ophelia located at Lift 574 at 574-576 Kingsland Road, London, E8 4AH, you failed to comply with a Notice served by the London Borough of Hackney pursuant to Section 108 of the Environment Act 1995 requiring that within 10 days, namely by 26<sup>th</sup> April 2016 you furnish the London Borough of Hackney with information as set out in the Notice

**CONTRARY to Section 110(2) of the Environment Act 1995**

YOU ARE THEREFORE SUMMONED to appear before Thames Magistrates' Court sitting at 58 Bow Road, London, E3 on **8<sup>th</sup> July 2016 at 9.30 am** to answer the said Information

**Information Laid by:** For and on Behalf of the Director of Legal  
**Date Information Laid by:** 17<sup>th</sup> May 2016  
**Address of prosecution:** Legal Services, Level 1, The Annex, 2 Hillman Street  
Hackney E8 1FB  
**Telephone Number of prosecutions:** 0208 356 6245

-----  
This slip should be detached AT ONCE from the body of the summons and returned duly completed and signed to:-

THE CLERK TO THAMES MAGISTRATES' COURT, NEWHAM, HACKNEY, TOWER HAMLETS AND  
WALTHAM FOREST  
58 BOW ROAD  
LONDON E3 4DJ

London Borough of Hackney v. **LIFT 574 LIMITED**

I acknowledge receipt of the summons in the above matter due for hearing at Thames Magistrates' Court, Newham, Hackney, Tower Hamlets and Waltham Forest, 58 Bow Road, London E3 4DJ at 9.30 am on **8<sup>th</sup> July 2016 at 9.30 AM**

Signed

Dated

If you do not respond to this Summons, the case may be dealt with in your absence. Please note that upon conviction the prosecution will be seeking costs against you.



Environmental Enforcement Team  
Environment and Waste Strategy Service  
London Borough of Hackney  
PO Box 60476, London E8 9EJ  
Tel: 020 8356 4599  
Fax: 020 8356 4980  
[wendy.carrier@hackney.gov.uk](mailto:wendy.carrier@hackney.gov.uk)

The Company Secretary  
123 Shoreditch Limited t/a The Corner Shop  
123 Shoreditch High Street  
London E1 6JE

11 November 2013

Dear Sir,

**Illegal deposit of commercial waste  
123 Shoreditch Limited, 123 Shoreditch High Street, London E1 6JE  
Location of Offence - outside 576 Kingsland Road  
Offences under Sections 33 and 34 Environmental Protection Act 1990**

I write with regard to the illegal deposit of waste on the public highway discovered on Friday 25 October 2013 when I found unidentifiable black refuse sacks outside 576 Kingsland Road. Amongst the refuse inside the sacks I found evidence indicating that the refuse emanated from your premises. This amounts to fly tipping under Section 33 of the Environmental Protection Act 1990 and is also a breach of duty of care under Section 34 of the Environmental Protection Act 1990.

I am given to understand that you have a commercial waste contract with Hackney Commercial Waste Services (HCWS). Your contract with HCWS is for 8 red refuse sacks per week for your general waste, 2 mixed recycling sacks and a glass recycling bin. On the face of it, it would appear that you 8 red sacks for your general waste is inadequate and I shall be reporting this to the commercial waste officer for the area.

Fly tipping is a serious offence. However, on this occasion, and in order to avoid the necessity of having the matter decided in the Magistrates' Court, I am content to offer you the opportunity to dispose of this matter by payment of a fixed penalty for the lesser offence of littering. This allows you to discharge your liability to prosecution of the criminal offences mentioned above. However, I must inform you that that course of action will not be available to you in the event of further offences.

**Please note that this offence is a failure on your part to comply with your duty of care as regards the safe storage and presentation of your waste. I must advise you that the Council has yet to decide on the most appropriate course of action should the matter need to go to Court. It could variously be treated as littering, fly tipping or duty of care for failing to maintain proper control.**

I look forward to an explanation from you as to why your waste was not contained within your waste carrier's sacks and how it came to be outside 576 Kingsland Road, which is a clear indication that the waste had "escaped your control".

Yours faithfully,

**WENDY CARRIER**  
**Environmental Enforcement Officer**  
**Environment and Waste Strategy Service**  
**London Borough of Hackney**

Environmental Enforcement Team  
Environment and Waste Strategy Service  
London Borough of Hackney  
PO Box 60476, London E8 9EJ  
Tel: 020 8356 4599  
Fax: 020 8356 4980  
[wendy.carrier@hackney.gov.uk](mailto:wendy.carrier@hackney.gov.uk)

The Company Secretary  
123 Shoreditch Limited t/a The Corner Shop  
123 Shoreditch High Street  
London E1 6JE

1 May 2014

Dear Sir,

**Illegal deposit of commercial waste**  
**123 Shoreditch Limited, 123 Shoreditch High Street, London E1 6JE**  
**Location of Offence - outside 123 Shoreditch High Street**  
**Offences under Sections 33 and 34 Environmental Protection Act 1990**

I write with regard to two offences involving the illegal deposit of waste on the public highway discovered on Monday 21 April 2014 and Sunday 27 April 2014.

I note you were sent a fixed penalty for littering in November last year when waste from The Corner Shop was found outside 576 Kingsland Road. It would appear that you have not taken any steps to ensure that your staff comply with your duty of care responsibilities.

I also note that you have a contract with Hackney Commercial Waste Services. On the face of it, your contract is inadequate and I shall be reporting this to the commercial waste officer for the area.

Fly tipping is a serious offence and will not be tolerated. My letter to you of 11 November stated ***"Please note that this offence is a failure on your part to comply with your duty of care as regards the safe storage and presentation of your waste."*** It would appear that you have not taken any steps to ensure that your staff comply with your duty of care responsibilities.

Therefore I am obliged to invoke Hackney Council's formal procedures. I should be grateful if you would contact me with a view to arranging a mutually convenient appointment for an authorised representative from the company, 123 Shoreditch Limited, to attend these offices for a tape recorded interview under Police and Criminal Evidence Act rules. When attending your representative should bring with him/her proof of identity in the form of a passport or photo driving licence and written authority to speak on behalf of the company. At the interview he/she will be cautioned as follows.

***You do not have to say anything but it may harm your defence if you do not mention when questioned something you later rely on in Court. Anything you do say may be used in evidence.***

Your representative may attend the interview with a solicitor or legal representative. However he/she may only advise and may not speak on your behalf.

I enclose photographs of the offences and a copy of the evidence extracted from the bags.

Yours faithfully,

**WENDY CARRIER**  
**Environmental Enforcement Officer**  
**Environment and Waste Strategy Service**  
**London Borough of Hackney**

Environmental Enforcement Team  
Environment and Waste Strategy Service  
London Borough of Hackney  
PO Box 60476, London E8 9EJ  
Tel: 020 8356 4599  
Fax:020 8356 4980  
[wendy.carrier@hackney.gov.uk](mailto:wendy.carrier@hackney.gov.uk)

The Company Secretary  
123 Shoreditch Limited t/a The Corner Shop  
123 Shoreditch High Street  
London E1 6JE

23 June 2014

Dear Sir,

**Illegal deposit of commercial waste**  
**123 Shoreditch Limited, 123 Shoreditch High Street, London E1 6JE**  
**Location of Offence - outside 123 Shoreditch High Street**  
**Offences under Sections 33 and 34 Environmental Protection Act 1990**

Further to my enquiries regarding the illegal deposit of waste from The Corner Shop, I have now spoken with Giovanna and she agreed to speak to your waste carrier about reviewing the contract you have with Hackney Commercial Waste Services. I understand this has now been done and I enclose a Notice under Section 47 of the Environmental Protection Act 1990.

It is important that your staff are trained in the proper arrangements for waste disposal. If waste is discovered on the public highway outside of the time bands and/or in the wrong receptacles you will be fined for breach of the S47 Notice. However, you have already been fined in the past and there is a limit to how many fines can be issued before matters proceed to prosecution.

If you have any concerns or queries regarding this letter, please do not hesitate to contact me.

Yours faithfully,

**WENDY CARRIER**  
**Environmental Enforcement Officer**  
**Environment and Waste Strategy Service**  
**London Borough of Hackney**

Environmental Enforcement Team  
London Borough of Hackney  
PO Box 60476, London E8 9EJ  
Tel: 020 8356 4504  
Fax: 020 8356 4980  
enforcementsupport@hackney.gov.uk

The Company Secretary  
123 Shoreditch Limited  
The Corner Shop  
123 Shoreditch High Street  
London E1 6JE

Reference: s47Notice/061425/v1

**IMPORTANT - THIS LETTER CONCERNS YOU.**

23 June 2014

Dear Sir,

**RE: ENVIRONMENTAL PROTECTION ACT (EPA) 1990 – DUTY OF CARE  
NOTICE UNDER SECTION 47 REGARDING COMMERCIAL WASTE FOR COLLECTION**

The London Borough of Hackney provides your business with Waste Transfer Notes (WTN) as part of your waste disposal agreement. As you will know, these WTN contain the specific details of your waste disposal contract such as collections days, description of waste, volume of waste collected and the disposal method, such as sacks or a paladin bin.

As part of your Duty of Care responsibilities, your business must dispose of your waste in line with your waste contract and local waste disposal restrictions set by the Council. This ensures that waste is not left on the public highway for long periods of time and that adequate waste receptacles are used to avoid waste escaping. It also allows the Council to monitor commercial waste production and identify those businesses illegally dumping waste or not taking due care with the storage of their waste.

Enclosed is a notice under Section 47 of the Environmental Protection Act 1990, which is to notify you that it appears to the London Borough of Hackney that commercial waste is likely to be situated at your business premises which, if not stored in receptacles of the kind specified in your Waste Transfer Note, is likely to be detrimental to the amenities of the locality.

The Council therefore requires you to place your commercial waste in refuse sacks or a refuse bin supplied by your waste carrier and clearly marked with their name or logo. We also require you to only place your waste out during the times and days stipulated in the attached notice. If your waste is not collected by your waste carrier during your collection period then it is your responsibility to ensure that the waste does not remain on the public highway.

Please ensure employees and contractors working at your premises know how to correctly handle and dispose of your waste because as the business owner you remain liable for your employees.

If you would like to read further details regarding the law and regulations surrounding your 'duty of care' please visit the official website of the Department for Environment, Food and Rural Affairs [www.defra.gov.uk](http://www.defra.gov.uk).

Please read the enclosed notice carefully.

Yours faithfully,  
**Environmental Enforcement Team,  
London Borough of Hackney**

Hackney Council, Hackney Town Hall, Mare Street, London E8 1EA  
Main switchboard: 020 8356 3000. Website: [www.hackney.gov.uk](http://www.hackney.gov.uk)



**LONDON BOROUGH OF HACKNEY  
NOTICE**

**Environmental Protection Act 1990 Section 47  
Commercial Waste for Collection**

**Notice No:** s47Notice/061425/v1  
**Date of Service of Notice:** 23/06/2014

To: The Company Secretary  
 Of: 123 Shoreditch Limited  
 The Corner Shop  
 123 Shoreditch High Street  
 London E1 6JE

This is to notify you that it appears to the London Borough of Hackney (“the Council”) (which is the waste collection authority) that there is likely to be situated at 123 Shoreditch High Street, E1 6JE (“the premises”) commercial waste, namely waste generated by the business known as The Corner Shop which, if not stored in receptacles of the kind specified below, is likely to be detrimental to the amenities of the locality.

The Council therefore **REQUIRES YOU**, in accordance with Section 47(2) of the Environmental Protection Act 1990, to **securely** place your commercial waste in the refuse sacks, refuse bin or cardboard tape (as appropriate) as supplied by your waste carrier, London Borough of Hackney, which is clearly marked with their name/logo to assist identification.

In addition, the Council permits your waste to be placed on the public highway for collection in line with the following restrictions:

|   |   |               |
|---|---|---------------|
| Waste type:   | General Waste   |               |
| Waste composition   | As described in waste transfer note <b>only</b><br><br><b>Please Note:</b> London Borough of Hackney will not collect contaminated waste or special intractable wastes, cooking oils, animal by-products, asbestos, end of life vehicle waste types, waste electronics and electronic equipment, chemicals, building wastes or any similar materials. |               |
| Waste receptacle (as provided by your waste carrier only) | Bag   |               |
| <b>Weekly collection arrangements</b>                     | Collections of red general waste bags daily – total not to exceed 70 bags per week<br><br>2 x 240 litre glass bins to be emptied on Monday, Thursday, Saturday and Sunday   |               |
| Disposal time(s)  | 07:15 - 08:15   | 18:00 - 19:00 |
| Additional collection                                     | Additional special collections of red general waste bags scheduled between 12.00 midnight and 12.30 am  |               |

|                     |   |
|---------------------|---|
| Point of collection | outside 123 Shoreditch High Street  |
| Recycling bins      | 2 x 240 litre glass bins to be emptied on Monday, Thursday, Saturday and Sunday |

**Important:** Your recycling waste should be presented for collection in line with your waste transfer notes and within the restrictions prescribed by the Council for your street. If placed directly on the highway, **cardboard must be broken down and presented neatly and securely for collection. It must also be clearly labelled with the name of your waste carrier using either a sack or tape. Glass recycling must be securely presented in sacks provided by LBH.**

**Important:** If your waste is not collected by your waste carrier during your collection period then it is your responsibility to ensure that the waste does not remain on the public highway.

Failure, without reasonable excuse, to comply with any of the requirements of this notice is an offence punishable on conviction by a fine not exceeding £1,000.

Date:

Signed:

Wendy Carrier  
Authorised Officer of the Council  
Environmental Enforcement Team  
London Borough of Hackney  
PO Box 60476, London E8 9EJ  
**Tel: 020 8356 4504**  
**Email: [enforcementsupport@hackney.gov.uk](mailto:enforcementsupport@hackney.gov.uk)**

**PLEASE DO NOT IGNORE THIS NOTICE**



## COMPANY APPOINTMENTS



---

**Registered No.:** 07266299  
**Name:** 123 SHOREDITCH LTD

**Address:** 123 SHOREDITCH HIGH STREET  
LONDON  
UNITED KINGDOM  
E1 6JE

---

**Company Appointments: 2 / Resignations: 1**

**Exclude**

**Resignations**

To view details of other appointments held, click on the appropriate underlined name.

**(Charge : £1.00 per officer selection)**

**HUSSAIN, TAIYAB**

23 BARTLETT CLOSE  
LONDON  
ENGLAND  
E14 6LH

**SECRETARY**

**Appointed:** 26/05/2010

**Appointments: 1**

**HUSSAIN, TAIYAB MR**

23 BARTLETT CLOSE  
LONDON  
ENGLAND  
E14 6LH

**DIRECTOR**

**Appointed:** 26/05/2010

**Nationality:** BRITISH

**Occupation:** RESTAURATEUR

**Country/State of Residence:** ENGLAND

**Date of Birth:** \*\*/03/1971

**Appointments:** 19

**DAVE, CHETAN**

14 BABBACOMBE GARDENS  
ILFORD  
ESSEX  
ENGLAND  
IG4 5LY

**DIRECTOR**

**Appointed:** 26/05/2010

**Resigned:** 01/11/2010

**Nationality:** BRITISH

**Occupation:** BAR OWNER

**Country/State of Residence:** ENGLAND

**Date of Birth:** \*\*/11/1965

**Appointments:** 4

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

**RESPONSIBLE AUTHORITY DETAILS**

|                      |  |
|----------------------|--|
| NAME OF AUTHORITY    | Metropolitan Police service  |
| ADDRESS OF AUTHORITY | Licensing Unit,<br>Stoke Newington Police Station<br>33 Stoke Newington High Street<br>London<br>N16 8DS |
| CONTACT NAME         | PC 691GD Kerrie RYAN   |
| TELEPHONE NUMBER     | 020 7275 3022  |
| E-MAIL ADDRESS       | hackneylicensing@met.police.uk   |

**APPLICATION PREMISES**

|                            |   |
|----------------------------|---|
| NAME & ADDRESS OF PREMISES | <b>124<br/>124 Shoreditch High Street<br/>London<br/>E1 6JE</b> |
| NAME OF PREMISES USER      | <b>124 Shoreditch Limited</b>                                   |

**COMMENTS**

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

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

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

Police make the following representations in relation to the application to for a new Premises Licence at 124, 124 SHOREDITCH HIGH STREET, LONDON, E1 6JE for the following reason(s):

124 Shoreditch High Street is located within the Shoreditch Special Policy Area. This area is already saturated with licensed premises. LBH's Statement of licensing policy states that 'where a relevant representation is made to any application within the area of Shoreditch SPA, the application will be refused unless there are exceptional circumstances. This policy is to be strictly applied. Police would like to ask the applicant what the 'exceptional circumstances' are in this case?

Shoreditch has an extremely high footfall, especially at weekend, where tens of thousands of people come to eat and drink. Police deal with countless incidents of drunkenness, ASB (urination, vomiting, fighting), crime and disorder every night and another venue on this incredibly busy street will undoubtedly add to this.

Police are familiar with this particular operator as they have a couple of existing licensed venues on Hackney Borough, this current project is located next door to one of them.

Police have put together a set of conditions which can be discussed with the applicant at a site meeting.

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

Application submitted

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

Signed PC 691GD RYAN (By E-mail)

Name (printed)

**Conditions for**  
**124 Shoreditch High Street,**  
**London, E1 6JE**

1. The premises shall maintain a comprehensive CCTV system as per the minimum requirements of a Metropolitan Police Crime Prevention Officer. All public areas, entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Recordings shall be made available immediately upon the request of Police or authorised officer.
2. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises are open to the public. This staff member shall be able to show Police or an authorised officer of Hackney Borough Council recent data or footage with the absolute minimum of delay when requested.
3. An incident log shall be kept at the premises, and made available immediately to an authorised officer of the Hackney Borough Council or the Police, which will record the following:
  - a. all crimes reported to the venue
  - b. any complaints received
  - c. any incidents of disorder
  - d. any faults in the CCTV system
  - e. any refusal of the sale of alcohol
  - f. any visit by a relevant authority or emergency service.
4. There shall be "CCTV in Operation" signs prominently displayed.
5. All instances of crime or disorder to be reported by the designated premises supervisor or responsible member of staff to an agreed police contact point, as agreed with the Police.
6. Where the sale or supply of alcohol is taking place employees of the premises must request sight of evidence of the age of any person appearing to be under 25 years of age (Challenge 25). Such evidence may include a driving licence or passport.
7. There shall be no glass, drinks or open containers taken outside of the premises at any time.
8. After 2100hrs there shall be a maximum of \*\* tbc \*\* smokers outside the venue at any one time. This shall be managed and monitored by staff.
9. The premises will display and maintain appropriate signage advising customers of the contact details of the Designated Premises Supervisor.
10. There shall be prominent signage requesting customers to leave the premises quietly and respect local residents.

11. All staff will be given refresher training every twelve months on the legislation relating to the sales of alcohol to underage persons and drunken persons. Written records of this training shall be kept on the premises and produced to police or other authorised officer upon request.
12. Intoxicating liquor shall not be sold, supplied or consumed otherwise than to persons who are taking a substantial meal from the menu and that the consumption of alcohol by such persons is ancillary to taking such meals. The supply of alcohol shall be by waiter/waitress service only.
13. The premises shall adhere to Hackney Police Theft, Weapons and Drugs Policies and any updates thereof.

**ADDITIONAL CONDITIONS MAY BE ADDED AFTER DISCUSSIONS WITH THE APPLICANT.**

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

**RESPONSIBLE AUTHORITY DETAILS**

|                      |  |
|----------------------|--|
| NAME OF AUTHORITY    | Licensing  |
| ADDRESS OF AUTHORITY | Licensing Service<br>Legal, HR and Regulatory Services<br>Directorate<br>2 Hillman St<br>London E8 1FB |
| CONTACT NAME         | Derek Fergus   |
| TELEPHONE NUMBER     | 0208 356 3496  |
| E-MAIL ADDRESS       | derek.fergus@hackney.gov.uk  |

**APPLICATION PREMISES**

|                                 |                                      |
|---------------------------------|--------------------------------------|
| NAME & ADDRESS OF PREMISES      | 124 Shoreditch High Street<br>E1 6JE |
| NAME OF APPLICANT/PREMISES USER | Angela Message                       |

**COMMENTS**

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

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

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

The premises is located in the Shoreditch Special Policy Area (SPA) therefore LP13 of Hackney's Licensing policy applies. This area has been identified as suffering from negative cumulative impact as a result of the high concentration of licensed premises in the area.

**LP13** states the following:

**It is the Council's policy that where a relevant representation is made to any application within the area of the Shoreditch SPA, the application will be refused unless there are exceptional circumstances. This policy is to be strictly applied. The Council expects that any exceptional circumstances offered by the applicant should be genuinely exceptional and so would not include reference to:**

- **The quality and track record of the management**
- **The good character of the applicant**
- **The extent of any variation sought.**

Licensing do not believe any exceptional circumstances have been demonstrated in this application.

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

The Licensing Policy and Licensing Objectives

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

The applicant should contact Licensing to discuss.

Name: Derek Fergus - Principal Licensing Enforcement Officer

Date: 08/08/16

## Shoreditch Community Association



BY E-MAIL (licencing@Hackney.gov.uk)

27 July 2016

The Licensing Service  
2 Hillman Street  
London  
E8 1FB

Ladies and Gentlemen,

**Re: Ground Floor and Basement, 124 Shoreditch High Street, London E1 6JE**

We write on behalf of the Licencing Committee of the Shoreditch Community Association (the “SCA”) regarding the above referenced premises licence application to allow supply of alcohol for on sales from 10:00 to 23:00 Mon to Sun (the “Application”). In summary, the SCA *objects* in the strongest possible terms to the Application.

### **Background**

The SCA is a community organization promoting the long term growth of Shoreditch in a responsible and sustainable manner, working to maintain Shoreditch’s unique culture. Our members are local individuals, families and businesses. The SCA has significantly grown in recent years, commensurate with residential growth in the neighbourhood. The SCA membership strongly believes responsible growth balances day and night activities, and the current tilt towards the night-time economy negatively impacts residents’ quality of life, and is detrimental to long-term growth.

### **Objections**

We object for the following reasons:

1. This premises is inside the Shoreditch Special Policy Area. As a results this application should be rejected out-of-hand absent exceptional circumstances. There are no such circumstances.
2. This address is located in the heart of the SPA, next to some of London’s busiest bars. It is common knowledge that the neighbourhood is often an open air club, with violence, vomiting, urination, defecation, drug use and unsociable conduct late into the night, presenting real safety and security issues. Enabling an open-air drinking site immediately adjacent to an off-licence will inevitably contribute to the cumulative impact.



3. The switch of another retail store venue to a drinking establishment (regardless of hours) is detrimental to the neighbourhood. The current tilt towards growth of the night-time economy is having a negative impact on residents' and daytime businesses' quality of life and working environment. This tilt hampers efforts to attract responsible businesses and has a negative impact on the residents' and daytime businesses quality of life, as a result of increased noise, environmental filth, and anti-social behaviour.
4. The protection of children from harm is vital. Shoreditch is overwhelmed with inebriated and unsociable people due to the concentration of drinking establishments. Evenings attract violence, illicit acts and vile behaviour, and residents have their doors smashed, front doors urinated and defecated on, etc. Residents fear for the safety of their children – of which there are a significant number - who have to walk through this already overwhelmed gauntlet of revelry.

### **Conclusion**

For each one of the reasons set forth above we believe that the Application should be rejected in its entirety by the Council.

If this application will be going to the Planning Sub-Committee a representative of the SCA would like to be advised of the date.

Sincerely

**The Shoreditch Community Association**

**From:** [REDACTED]  
**Sent:** 17 August 2016 01:33  
**To:** Licensing  
**Subject:** Ground Floor and Basement 124 Shoreditch High Street, London E1 6JE

Dear Hackney Licensing,

I write to oppose the application at Ground Floor and Basement [124 Shoreditch High Street London E1 6JE](#) to allow supply of alcohol for on sales from 10:00 to 23:00 Mon to Sun.

I oppose the application on the following grounds:

- This premises is inside the Shoreditch Special Policy Area; therefore this application should be rejected out-of-hand absent exceptional circumstances. There are no such circumstances.
- This address is located in the heart of the SPA, next to some of London's busiest bars. The neighbourhood is often an open air club, with violence, vomiting, urination, defecation, drug use and unsociable conduct late into the night, presenting real safety and security issues. Enabling an open-air drinking site immediately adjacent to an off-licence will inevitably contribute to the cumulative impact.
- The switch of another venue to a drinking establishment (regardless of hours) is detrimental to the neighbourhood. The current tilt towards growth of the night-time economy is having a negative impact on residents' and daytime businesses' quality of life and working environment. This tilt hampers efforts to attract responsible businesses and has a negative impact on the residents' and daytime businesses quality of life, as a result of increased noise, environmental filth, and anti-social behaviour.
- The protection of children from harm is vital. Shoreditch is overwhelmed with inebriated and unsociable people due to the concentration of drinking establishments. Evenings attract violence, illicit acts and vile behaviour, and residents have their doors smashed, front doors urinated and defecated on, etc. Residents fear for the safety of their children – of which there are a significant number - who have to walk through this already overwhelmed gauntlet of revelry.

I can be contacted at the address below.

If this application will be going to the Planning Sub-Committee I would like to be advised of the date.

Yours sincerely,

[REDACTED]  
[REDACTED] Bateman's Row  
London EC2A [REDACTED]

**From:** [REDACTED]  
**Sent:** 06 August 2016 18:07  
**To:** Licensing  
**Subject:** application for licensing at basement and ground floor of 124 Shoreditch High St

Dear Hackney Licensing,

I write to oppose the application at Ground Floor and Basement 124 Shoreditch High Street London E1 6JE to allow supply of alcohol for on sales from 10:00 to 23:00 Mon to Sun.

I oppose the application on the following grounds:

- This premises is inside the Shoreditch Special Policy Area. As a result this application should be rejected out-of-hand absent exceptional circumstances. There are no such circumstances.
  
- This address is located in the heart of the SPA, next to some of London's busiest bars. It is common knowledge that the neighbourhood is often an open air club, with violence, vomiting, urination, defecation, drug use and unsociable conduct late into the night, presenting real safety and security issues. Enabling an open-air drinking site immediately adjacent to an off-licence will inevitably contribute to the cumulative impact.
  
- The switch of another venue to a drinking establishment (regardless of hours) is detrimental to the neighbourhood. The current tilt towards growth of the night-time economy is having a negative impact on residents' and daytime businesses' quality of life and working environment. This tilt hampers efforts to attract responsible businesses and has a negative impact on the residents' and daytime businesses quality of life, as a result of increased noise, environmental filth, and anti-social behaviour.
  
- The protection of children from harm is vital. Shoreditch is overwhelmed with inebriated and unsociable people due to the concentration of drinking establishments. Evenings attract violence, illicit acts and vile behaviour, and residents have their doors smashed, front doors urinated and defecated on, etc. Residents fear for the safety of their children – of which there are a significant number - who have to walk through this already overwhelmed gauntlet of revelry.

I can be contacted at the address below.

If this application will be going to the Planning Sub-Committee I would like to be advised of the date.

[REDACTED]  
[REDACTED] Beaconsfield Rd  
London  
N15 [REDACTED]

**From:** [REDACTED]  
**Sent:** 04 August 2016 14:47  
**To:** Licensing  
**Subject:** Fwd: license application 124 Shoreditch High Street London E1 6JE

Sent from Samsung Mobile

----- Original message -----

**From:** [REDACTED]  
**Date:** 04/08/2016 12:26 (GMT+00:00)  
**To:** licensing@hackney.gov.uk  
**Subject:** license application 124 Shoreditch High Street London E1 6JE

Dear Hackney Licensing,

I write to oppose the application at Ground Floor and Basement 124 Shoreditch High Street London E1 6JE to allow supply of alcohol for on sales from 10:00 to 23:00 Mon to Sun.

I oppose the application on the following grounds:

- This premises is inside the Shoreditch Special Policy Area. As a result this application should be rejected out-of-hand absent exceptional circumstances. There are no such circumstances.
- This address is located in the heart of the SPA, next to some of London's busiest bars. It is common knowledge that the neighbourhood is often an open air club, with violence, vomiting, urination, defecation, drug use and unsociable conduct late into the night, presenting real safety and security issues. Enabling an open-air drinking site immediately adjacent to an off-licence will inevitably contribute to the cumulative impact.
- The switch of another venue to a drinking establishment (regardless of hours) is detrimental to the neighbourhood. The current tilt towards growth of the night-time economy is having a negative impact on residents' and daytime businesses' quality of life and working environment. This tilt hampers efforts to attract responsible businesses and has a negative impact on the residents' and daytime businesses quality of life, as a result of increased noise, environmental filth, and anti-social behaviour.
- The protection of children from harm is vital. Shoreditch is overwhelmed with inebriated and unsociable people due to the concentration of drinking establishments. Evenings attract violence, illicit acts and vile behaviour, and residents have their doors smashed, front doors urinated and defecated on, etc. Residents fear for the safety of their children – of which there are a significant number - who have to walk through this already overwhelmed gauntlet of revelry.

I can be contacted at the address below.

If this application will be going to the Planning Sub-Committee I would like to be advised of the date.

[REDACTED]

Director

[REDACTED]

[REDACTED]

[REDACTED] Shoreditch High Street

London E1 [REDACTED]

**From:** [REDACTED]  
**Sent:** 16 August 2016 12:11  
**To:** Licensing  
**Cc:** [REDACTED]  
**Subject:** Ground Floor and Basement 124 Shoreditch High Street London E1 6JE

**Importance:** High

**Follow Up Flag:** Follow up

**Flag Status:** Flagged

## Ground Floor and Basement 124 Shoreditch High Street London E1 6JE

Dear Hackney Licensing,

I write to strongly oppose the application at Ground Floor and Basement 124 Shoreditch High Street London E1 6JE to allow supply of alcohol, on the following grounds:

These premises are *inside* the Shoreditch Special Policy Area. As a result this application should be rejected out-of-hand. This address is located in the heart of the SPA, directly next to lots of busy bars. Since the Licensing Act of 2003 this part of Hackney has become virtually uninhabitable for local residents and families due to the sheer number of booze tourists now aggressively descending upon this area at least three nights per week, 52 weeks per year.

Due to the relaxed policies of Hackney Licensing - as a direct consequence of the Licensing Act of 2003 - the entire neighbourhood of Shoreditch has been turned into one giant open air club, with vomiting, urination, defecation, drug usage, anti-social behaviour - even violence - now presenting real safety and security issues for not only local residents and families but also to the tourists visiting the area, several nights per week.

Hackney Council's bias towards unfettered growth of the night-time economy has had a serious and damaging effect upon both local residents and daytime businesses quality of life and working environment.

Also, the protection of children from harm is not only vital but an essential part of the licensing conditions that - apparently - are supposed to be satisfied in order for these alcohol licenses to be handed out. Yet Shoreditch is now over-saturated and overwhelmed with inebriated and unsociable people due to the incredibly high concentration of drinking venues that now exist cheek by jowl all across the streets of Shoreditch.

Evenings attract violence, illicit acts and shocking behaviour, whilst residents have their doors smashed, front doors urinated and defecated upon, etc. Residents genuinely fear for the safety of their children - of which there are a significant number - who have to walk through this already overwhelmed gauntlet of revelry.

Please reject this application so that a more suitable use may be found for these premises.

Yours sincerely

[REDACTED]  
[REDACTED] Holywell Lane



**From:** [REDACTED]  
**Sent:** 04 August 2016 15:31  
**To:** Licensing  
**Cc:** SCA  
**Subject:** Ground Floor and Basement 124 Shoreditch High Street London E1 6JE

I write to oppose the application at Ground Floor and Basement 124 Shoreditch High Street London E1 6JE to allow supply of alcohol for on sales from 10:00 to 23:00 Mon to Sun.

I oppose the application on the following grounds:

- This premises is inside the Shoreditch Special Policy Area. Given there are no exceptional circumstances, the application should be rejected out-of-hand .
- This address is located in the heart of the SPA, next to some of London's busiest bars. There is absolutely no reason to create an open-air bar next to an off-licence, given that off-licenses tend to be a disproportionate locus for inexpensive heavy drinking. There is no need to contribute to the anti-social behaviour, violence, vomiting, urination, defecation, drug use that are safety and security issues.
- The loss of another high street location from retail to a drinking establishment (regardless of hours) is detrimental to the neighbourhood. The increasing tilt towards the growth of the night-time economy has a negative impact on residents' and daytime businesses' quality of life and working environment. This tilt hampers efforts to attract responsible businesses and has a negative impact on the residents' and daytime businesses quality of life, as a result of increased noise, environmental filth, and anti-social behaviour.
- The protection of children from harm is vital. Shoreditch is overwhelmed with inebriated and unsociable people due to the concentration of drinking establishments. Evenings see violence, illicit acts and vile behaviour, and residents have their doors smashed, front doors urinated and defecated on, etc. Residents fear for the safety of their children – of which there are a significant number - who have to walk through this already overwhelmed gauntlet of revelry.

I can be contacted at the address below.

If this application will be going to the Planning Sub-Committee I would like to be advised of the date.

[REDACTED]  
[REDACTED] New Inn Street, EC2A [REDACTED]

Please do not release any identifying information to the applicant.



**From:** [REDACTED]  
**Sent:** 09 August 2016 22:22  
**To:** Licensing  
**Cc:** [REDACTED]  
**Subject:** Ground Floor and Basement 124 Shoreditch High Street London E1 6JE

Dear Hackney Licensing,

I write to oppose the application at Ground Floor and Basement 124 Shoreditch High Street London E1 6JE to allow supply of alcohol for on sales from 10:00 to 23:00 Mon to Sun.

I oppose the application on the following grounds:

- This premises is inside the Shoreditch Special Policy Area. As a result this application should be rejected out-of-hand absent exceptional circumstances. There are no such circumstances.
- This address is located in the heart of the SPA, next to some of London's busiest bars. It is common knowledge that the neighbourhood is often an open air club, with violence, vomiting, urination, defecation, drug use and unsociable conduct late into the night, presenting real safety and security issues. Enabling an open-air drinking site immediately adjacent to an off-licence will inevitably contribute to the cumulative impact.
- The switch of another venue to a drinking establishment (regardless of hours) is detrimental to the neighbourhood. The current tilt towards growth of the night-time economy is having a negative impact on residents' and daytime businesses' quality of life and working environment. This tilt hampers efforts to attract responsible businesses and has a negative impact on the residents' and daytime businesses quality of life, as a result of increased noise, environmental filth, and anti-social behaviour.
- The protection of children from harm is vital. Shoreditch is overwhelmed with inebriated and unsociable people due to the concentration of drinking establishments. Evenings attract violence, illicit acts and vile behaviour, and residents have their doors smashed, front doors urinated and defecated on, etc. Residents fear for the safety of their children – of which there are a significant number - who have to walk through this already overwhelmed gauntlet of revelry.

I can be contacted at the address below.

If this application will be going to the Planning Sub-Committee I would like to be advised of the date.

[REDACTED]  
[REDACTED]  
[REDACTED] Bateman Row  
London EC2A [REDACTED]

**From:** [REDACTED]  
**Sent:** 03 August 2016 15:22  
**To:** Licensing  
**Subject:** objection of licensing application

Subject: Ground Floor and Basement 124 Shoreditch High Street London E1 6JE

Dear Hackney Licensing,

I write to oppose the application at Ground Floor and Basement 124 Shoreditch High Street London E1 6JE to allow supply of alcohol for on sales from 10:00 to 23:00 Mon to Sun.

As a neighbour I oppose the application on the following grounds:

- This premises is inside the Shoreditch Special Policy Area. As a result this application should be rejected out-of-hand absent exceptional circumstances. There are no such circumstances.
- This address is located in the heart of the SPA, next to some of London's busiest bars. I know this as my business address is located right between them I have had to clean up broken glass, urine and vomit at least once a week outside my premises in the morning prior to opening during my business day. One more license will only add to this and it feels like the daytime economy has been completely overlooked. The impact of having a drunken crowd outside on the street has a major negative impact on my business and to tackle the crowds sometimes involves dealing with threatening and violent behavior. Another license will only increase this.
- The switch of another venue to a drinking establishment (regardless of hours) is detrimental to the neighbourhood. The current tilt towards growth of the night-time economy is having a negative impact on residents' and daytime businesses' quality of life and working environment. This tilt hampers efforts to attract responsible businesses and has a negative impact on the residents' and daytime businesses quality of life, as a result of increased noise, environmental filth, and anti-social behaviour.
- The protection of children from harm is vital. Shoreditch is overwhelmed with inebriated and unsociable people due to the concentration of drinking establishments. Evenings attract violence, illicit acts and vile behaviour, and residents have their doors smashed, front doors urinated and defecated on, etc. Residents fear for the safety of their children – of which there are a significant number - who have to walk through this already overwhelmed gauntlet of revelry.

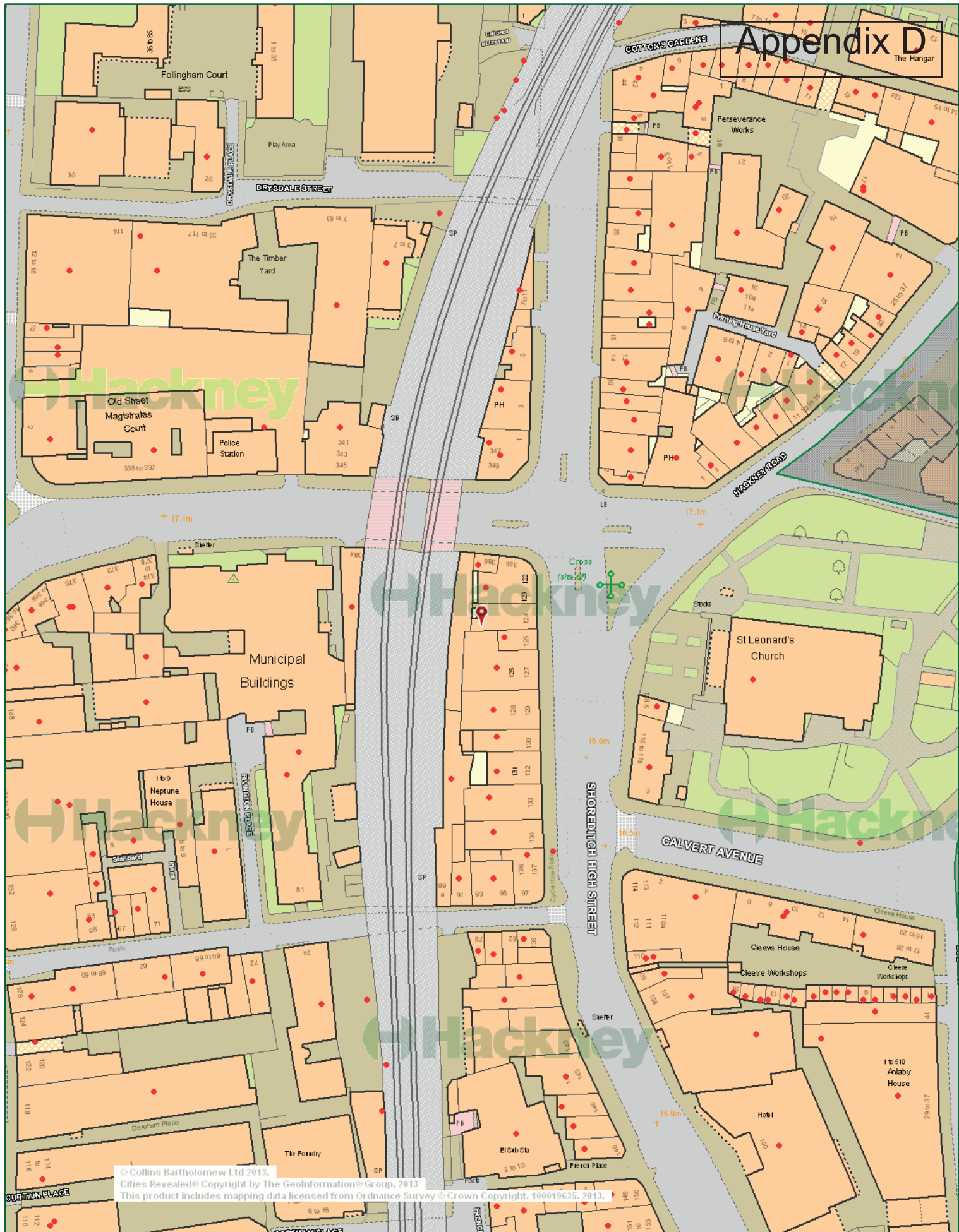
I can be contacted at the address below.

[REDACTED]  
[REDACTED] Shoreditch High Street  
London E1 [REDACTED]

If this application will be going to the Planning Sub-Committee I would like to be advised of the date.

[REDACTED]  
Business address  
[REDACTED] Shoreditch High Street  
London E1 [REDACTED]

Residential address  
[REDACTED] Beaconsfield Road  
London N15 [REDACTED]



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124 Shoreditch

Scale 1/1250

at A4



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