



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

Thursday, 9th July, 2020

at 7.00 pm

Until further notice, all council meetings will be held remotely.

Councillors sitting:

Cllr Sharon Patrick and Cllr Gilbert Smyth

Tim Shields
Chief Executive

Contact: Natalie Williams
Governance Services Officer
Tel: 020 8356 8407
Email: natalie.williams@hackney.gov.uk

This meeting can viewed at:
<https://youtu.be/VLFZBRbu0J4>

AGENDA

Thursday, 9th July, 2020

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 Application to Vary a Premises Licence: SET, 27a Dalston Lane, E8 3DF	Dalston	(Pages 3 - 40)
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 as soon as possible. For further information on the application process, please see the guidance notes at 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 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) 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. 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
2nd Floor Room 118
Hackney Town Hall
Mare Street
E8 1EA

Telephone: 020 8356 1266
E-mail: 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

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 Dawn Carter-McDonald, Interim Director of Legal and Governance, on 020 8356 6234 or email dawn.carter-mcdonald@hackney.gov.uk



FS 566728

Relevant Extracts from Hackney's Statement of Licensing Policy

Please find below relevant extracts from the Statement of Licensing Policy 2018.

LP1 General Principles

The Council expects applicants to demonstrate:

- (a) That they have an understanding of the nature of the locality in which the premises are located and that this has been taken into consideration whilst preparing the operating schedule.
- (b) Where the application is for evening and night-time activity, that the proposal reflects the Council's aspiration to diversify the offer, whilst at the same time promoting the licensing objectives.

LP2 Licensing Objectives

Prevention of Crime and Disorder

Whether the proposal includes satisfactory measures to mitigate any risk of the proposed operation making an unacceptable contribution to levels of crime and disorder in the locality.

Public Safety

Whether the necessary and satisfactory risk assessments have been undertaken, the management procedures put in place and the relevant certification produced to demonstrate that the public will be kept safe both within and in close proximity to the premises.

Prevention of Public Nuisance

Whether the applicant has addressed the potential for nuisance arising from the characteristics and style of the proposed activity and identified the appropriate steps to reduce the risk of public nuisance occurring.

Protection of Children from Harm

Whether the applicant has identified and addressed any risks with the aim of protecting children from harm when on the premises or in close proximity to the premises.

LP3 Core Hours

Hours for licensable activity will generally be authorised, subject to demonstrating LP 1 and LP2, as follows:

- Monday to Thursday 08:00 to 23:00
- Friday and Saturday 08:00 to 00:00
- Sunday 10:00 to 22:30

Hours may be more restrictive dependent on the character of the area and if the individual circumstances require it.

Later hours may be considered where the applicant has identified any risk that may undermine the promotion of the licensing objectives and has put in place robust measures to mitigate those risks.

It should be noted that this policy does not apply to those who are making an application within a special policy area (see section 3) unless they have been able to demonstrate that the proposed activity or operation of the premises will not add to the cumulative impact that is already being experienced.

LP4 Off' Sales of Alcohol

Hours for the supply of alcohol will generally be restricted to between 08:00 and 23:00.

LP5 Planning Status

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) as amended.
- (b) The hours sought do not exceed those authorised by any planning permission.

The Licensing Authority may take into account the lack of planning permission or an established lawful use in deciding whether there is likely to be any harm to the licensing objectives.

LP6 External Areas and Outdoor Events

The Licensing Authority will normally restrict external areas and outdoor activity to between 08:00 and 22:00 unless the applicant can demonstrate that comprehensive control measures have been implemented that ensure the promotion of the licensing objectives, in particular the public nuisance objective. Notwithstanding any proposed control measures, the Licensing Authority may restrict the hours and/or activity even further

LP7 Minor Variations

The Council expects applications to be made in the following circumstances only:

- Small changes in the layout/structure of the premises
- The addition of voluntary/agreed conditions
- Removal of conditions that are dated and have no impact on the operation of the premises
- Reduction of hours for any licensable activity

LP8 Temporary Event Notices

When considering an objection to a TEN the Council will:

- Expect that any existing conditions will be maintained (where relevant) in circumstances where an event is to take place at a premises that has an existing authorisation.
- Assess any history of complaints as a result of licensable activity that may or may not have been authorised by a TEN.
- Consider the track record of the premises user
- Consider any other control measures proposed to mitigate the objection

LP9 Personal Licences

(a) The Council will consider whether a refusal of the licence is appropriate for the promotion of the crime prevention objective and 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 that assist in demonstrating that the crime prevention objective will not be undermined.

LP10 Special Policy Areas – Dalston and Shoreditch

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

It should also be noted that the;

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

May not be in itself sufficient.

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

LP11 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.

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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>Step 1 Appointment of Chair and introduction</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>Step 2 Licensing Officer</p>	<p>The Licensing Officer will outline the report.</p>	<p>5 minutes</p>
<p>Step 3 Applicant's Case</p>	<p>The Applicant will present their case in support of their application.</p>	<p>5 minutes</p>
<p>Step 4 Responsible Authorities' Case</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>Step 5 Other Persons' Case</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>Step 6 Discussion</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>Step 7 Closing remarks</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>Step 8 - Final clarification</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>Step 9 Consideration</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>Step 10 Chair announces the decision</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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REPORT OF THE GROUP DIRECTOR, NEIGHBOURHOODS AND HOUSING		
LICENSING SUB-COMMITTEE: 09/07/2020	Classification DECISION	Enclosure
APPLICATION TO VARY THE PREMISES LICENCE : SET, 27a Dalston Lane, E8 3DF	Ward(s) affected Dalston	

1. SUMMARY

Applicant(s)	In SPA Dalston Area
Date of Application 14 February 2020	Period of Application Time limited 2/12/19 - 4/12/22
Proposed variation: Plays Films Live Music Recorded Music Performance of Dance Late Night Refreshment Supply of Alcohol (on sales)	
Proposed hours for licensable activity	
Plays	Standard Hours: Mon 12:00-00:00 Tue 12:00-00:00 Wed 12:00-00:00 Thu 12:00-00:00 Fri 12:00-02:00 Sat 12:00-02:00 Sun 12:00-00:00
Films	Standard Hours: Mon 12:00-00:00 Tue 12:00-00:00 Wed 12:00-00:00 Thu 12:00-00:00 Fri 12:00-02:00 Sat 12:00-02:00 Sun 12:00-00:00

Live Music	Standard Hours: Mon 12:00-00:00 Tue 12:00-00:00 Wed 12:00-00:00 Thu 12:00-00:00 Fri 12:00-02:00 Sat 12:00-02:00 Sun 12:00-00:00
Recorded Music	Standard Hours: Mon 12:00-00:00 Tue 12:00-00:00 Wed 12:00-00:00 Thu 12:00-00:00 Fri 12:00-02:00 Sat 12:00-02:00 Sun 12:00-00:00
Performance of Dance	Standard Hours: Mon 12:00-00:00 Tue 12:00-00:00 Wed 12:00-00:00 Thu 12:00-00:00 Fri 12:00-02:00 Sat 12:00-02:00 Sun 12:00-00:00
Late Night Refreshment	Standard Hours: Mon 23:00-00:00 Tue 23:00-00:00 Wed 23:00-00:00 Thu 23:00-00:00 Fri 23:00-02:00 Sat 23:00-02:00 Sun 23:00-00:00
Supply of Alcohol	Standard Hours: Mon 17:00-00:00 Tue 17:00-00:00 Wed 17:00-00:00 Thu 17:00-00:00 Fri 17:00-02:00 Sat 14:00-02:00 Sun 14:00-00:00
The opening hours of the premises:	Standard Hours: Mon 12:00-00:30 Tue 12:00-00:30 Wed 12:00-00:30 Thu 12:00-00:30 Fri 12:00-02:30 Sat 12:00-02:30 Sun 12:00-00:30
Current activities/hours: See Appendix D attached	

Capacity: 150	
Policies Applicable	LP1 (General Principles), LP2 (Licensing Objectives), LP3 (Core Hours), LP11 (Cumulative Impact - General)
List of Appendices	A – Application for variation of premises licence and supporting documents B – Representations from responsible authorities C – Representations from 'other persons' D – Current Licence E - Location map
Relevant Representations	<ul style="list-style-type: none"> • Environmental Enforcement • Police • Licensing Authority • Other Persons

2. APPLICATION

- 2.1 SET Centre CIO has made an application vary their premises licence under the Licensing Act 2003:
- To extend hours for supply of alcohol for consumption on the premises
 - To extend hours for provision of regulated entertainment
 - To extend hours for provision of late night refreshment
- 2.2 The application is attached as Appendix A. The applicant has proposed some additional measures to address the licensing objectives. The proposed opening hours and hours for licensable activity Fridays and Saturdays have been reduced to those described in para 1 above, following agreement with police.
- 2.3 Consideration of this application was delayed as the Licensing Service were not satisfied that the application was correctly advertised in accordance with regulations issued under the Licensing Act 2003. The period allowed for making representations was extended as a consequence and the service is now satisfied that regulations have been complied with.

3. CURRENT STATUS / HISTORY

- 3.1 The premises currently have a time limited premises licence granted by Licensing Sub-Committee on 28 November 2019 which is valid until 4 December 2022. The licence is attached as Appendix D. A previous time limited licence was issued in June 2018 and expired in December 2019.
- 3.2. Part of the premises are also covered by a premises licence granted in 2007. This licence was transferred to the current applicant in February 2018 and is currently suspended due to non-payment of annual fee.
- 3.2 Temporary Event Notices have been given since the grant of the current licence as follows:

start date	end date	start time	end time
30/11/2119	01/12/2019	02:00	05:00
14/12/2019	15/12/2019	18:00	06:00
22/12/2019	22/12/2019	00:00	06:00
23/02/2020	23/02/2020	00:30	06:00

4. REPRESENTATIONS: RESPONSIBLE AUTHORITIES

From	Details
Environmental Health Authority (Environmental Protection)	No representation received
Environmental Health Authority (Environmental Enforcement)	Representation withdrawn following acceptance of proposed conditions.
Environmental Health Authority (Health & Safety)	No representation received
Weights and Measures (Trading Standards)	Have confirmed no representation on this application
Planning Authority	No representation received
Area Child Protection Officer	No representation received
Fire Authority	Have confirmed no representation on this application
Police	Representation withdrawn following agreement to reduce hours on Fridays and Saturdays to the same as those on the recently expired time limited premises licence.
Licensing Authority (Appendix B)	Representation received on the grounds of The Prevention of Crime and Disorder, Prevention of Public Nuisance and Licensing Hours
Health Authority	No representation received

5. REPRESENTATIONS: OTHER PERSONS

2 representation received from and on behalf of local residents. (Appendices C1 and C2)	Representation received on the grounds of Prevention of Crime and Disorder, Public Safety, Prevention of Public Nuisance and Licensing Hours
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6. GUIDANCE CONSIDERATIONS

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

7. POLICY CONSIDERATIONS

- 7.1 Licensing Sub-Committee is required to have regard to the London Borough of Hackney's Statement of Licensing Policy ("the Policy") adopted by the Licensing Authority.

- 7.2 The Policy applies to applications where relevant representations have been made. With regard to this application, policies LP1 (General Principles), LP2 (Licensing Objectives), LP3 (Core Hours) and LP11 (Cumulative Impact - General) are relevant.

8. OFFICER OBSERVATIONS

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

Conditions derived from operating schedule

1. No admittance/re-admittance from 23:00 Sunday to Thursday and 02:00 Friday and Saturday.

2. All bags to be searched upon entry.

3. For events attracting 30-100 customers there shall be at least 1 SIA registered security staff on duty

4. All staff and security to be trained in dispersal policy.

5. Rope barrier (if permitted by relevant Council dept.) and security personnel to ensure smoking and queuing customers do not encroach onto the pavement.

6. Outside areas to be swept at conclusion of event.

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

8. The Licensee shall ensure that any contract for general and recyclable waste disposal shall be appropriate in size to the amount of waste produced by the business. The Licensee shall maintain an adequate supply of waste receptacles provided by his registered waste carrier (refuse sacks or commercial waste bins) in order to ensure all refuse emanating from the business is always presented for collection by his waste carrier and shall not use any plain black or unidentifiable refuse sacks or any other unidentifiable or unmarked waste receptacles.

9. The Licensee's premises are situated in an area within which refuse may only be left on the public highway at certain times (time bands). If the Licensee's waste carrier cannot or does not comply by collecting the refuse within an hour after the close of any time band imposed by the waste authority, the Licensee must remove the refuse from the public highway and/or keep it within the premises until such time as his/her waste carrier arrives to collect the refuse.

10 The Licensee shall instruct member of staff to make regular checks of the area immediately outside the premises and remove any litter, bottles and glasses emanating from the premises. A final check should be made at close of business.

11. The Licensee shall provide a safe receptacle for cigarette ends to be placed outside for the use of customers, such receptacle being carefully placed so as not to cause an obstruction or trip.

12. The current trade waste agreement/duty of care waste transfer document shall be conspicuously displayed and maintained in the window of the premises where it can be conveniently seen and read by persons standing in Set. This should remain unobstructed at all times and should clearly identify:-

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

9. REASONS FOR OFFICER OBSERVATIONS

9.1 Additional conditions 1 to 6 derive from the applicant's operating schedule. Conditions 7 to 12 have been proposed by Environmental Enforcement and accepted by the applicant.

10. LEGAL COMMENTS

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

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

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

11. HUMAN RIGHTS ACT 1998 IMPLICATIONS

11.1 There are implications to;

- **Article 6** – Right to a fair hearing
- **Article 14** – Not to discriminate
- Balancing: **Article 1**- Peaceful enjoyment of their possession (i.e. a licence is defined as being a possession) with **Article 8** – Right of Privacy (i.e. respect private & family life) to achieve a proportionate

decision having regard to the protection of an individual's rights against the interests of the community at large.

12. MEMBERS DECISION MAKING

- A. **Option 1**
That the application be refused
- B. **Option 2**
That the application be approved, together with any conditions or restrictions which Members consider necessary for the promotion of the Licensing objectives.

13. CONCLUSION

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

Acting Group Director, Neighbourhoods and Housing	Ajman Ali
Lead Officer (holder of original copy):	Mike Smith Principal Licensing Officer Licensing Service 1 Hillman Street E8 1DY Telephone: 020 8356 4973

LIST OF BACKGROUND PAPERS RELATING TO THIS REPORT

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

Description of document	Location
SET 27a Dalston Lane, E8 3DF	Hackney Service Centre Licensing Service 1 Hillman Street London E8 1DY

Printed matter

Licensing Act 2003

LBH Statement of Licensing Policy

APPENDIX A

Hackney
LA07

Application to vary a premises licence under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

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

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

I/We **SET CENTRE CIO**

(Insert name(s) of applicant)

being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in Part 1 below

Premises licence number 105245

Part 1 – Premises Details

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

27A DALSTON LANE HACKNEY

Post town

LONDON

Postcode

E83DF

Telephone number at premises (if any)

Non-domestic rateable value of premises

£ 20,000

Part 2 – Applicant details

Daytime contact telephone number

E-mail address (optional)

Current postal address if different from premises address

Post town	London	Postcode	
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Part 3 – Variation

Please tick as appropriate
Do you want the proposed variation to have effect as soon as possible? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

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

DD	MM	YYYY
<input type="text"/>	<input type="text"/>	<input type="text"/>

Do you want the proposed variation to have effect in relation to the introduction of the late night levy? (Please see guidance note 1) Yes No

<p>Please describe briefly the nature of the proposed variation (Please see guidance note 2)</p> <p>Amending the Sale of Alcohol and all regulated entertainment to Sunday - Thursday 00:00 and Friday and Saturday 04:00</p> <p>Amending our current closing time to Sunday - Thursday 00:30 and Friday and Saturday 04:30</p>
--

If your proposed variation would mean that 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend:

N/A

Part 4 Operating Schedule

Please complete those parts of the Operating Schedule below which would be subject to change if this application to vary is successful.

- | Provision of regulated entertainment (Please see guidance note 3) | Please tick all that apply |
|---|-------------------------------------|
| a) plays (if ticking yes, fill in box A) | <input checked="" type="checkbox"/> |
| b) films (if ticking yes, fill in box B) | <input checked="" type="checkbox"/> |
| c) indoor sporting events (if ticking yes, fill in box C) | <input type="checkbox"/> |
| d) boxing or wrestling entertainment (if ticking yes, fill in box D) | <input type="checkbox"/> |
| e) live music (if ticking yes, fill in box E) | <input checked="" type="checkbox"/> |
| f) recorded music (if ticking yes, fill in box F) | <input checked="" type="checkbox"/> |
| g) performances of dance (if ticking yes, fill in box G) | <input checked="" type="checkbox"/> |
| h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H) | <input type="checkbox"/> |
| Provision of late night refreshment (if ticking yes, fill in box I) | <input checked="" type="checkbox"/> |
| Supply of alcohol (if ticking yes, fill in box J) | <input checked="" type="checkbox"/> |

In all cases complete boxes K, L and M

A

Plays Standard days and timings (please read guidance note 8)			Will the performance of a play take place indoors or outdoors or both – please tick (please read guidance note 4)	Indoors	<input checked="" type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Mon	12:00	00:00	Please give further details here (please read guidance note 5)		
Tue	12:00	00:00			
Wed	12:00	00:00	State any seasonal variations for performing plays (please read guidance note 6)		
Thur	12:00	00:00			
Fri	12:00	04:00	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 (please read guidance note 7)		
Sat	12:00	04:00			
Sun	12:00	00:00			

B

Films Standard days and timings (please read guidance note 8)			Will the exhibition of films take place indoors or outdoors or both – please tick (please read guidance note 4)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 5)		
Mon	12:00	00:00			
	-----	-----			
Tue	12:00	00:00			
	-----	-----	State any seasonal variations for the exhibition of films (please read guidance note 6)		
Wed	12:00	00:00			
	-----	-----			
Thur	12:00	00:00			
	-----	-----	Non-standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list (please read guidance note 7)		
Fri	12:00	04:00			
	-----	-----			
Sat	12:00	04:00			
	-----	-----			
Sun	12:00	00:00			
	-----	-----			

C

Indoor sporting events Standard days and timings (please read guidance note 8)			Please give further details (please read guidance note 5)
Day	Start	Finish	
Mon			State any seasonal variations for indoor sporting events (please read guidance note 6)
Tue			
Wed			Non-standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list (please read guidance note 7)
Thur			
Fri			
Sat			
Sun			

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 8)			Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick (please read guidance note 4)	Indoors	<input type="checkbox"/>			
				Outdoors	<input type="checkbox"/>			
				Both	<input type="checkbox"/>			
Day	Start	Finish	Please give further details here (please read guidance note 5)					
Mon								
Tue								
Wed						State any seasonal variations for boxing or wrestling entertainment (please read guidance note 6)		
Thur								
Fri						Non-standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list (please read guidance note 7)		
Sat								
Sun								

E

Live music Standard days and timings (please read guidance note 8)			Will the performance of live music take place indoors or outdoors or both – please tick (please read guidance note 4)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 5)		
Mon	12:00	00:00			
	-----	-----			
Tue	12:00	00:00			
	-----	-----	State any seasonal variations for the performance of live music (please read guidance note 6)		
Wed	12:00	00:00			
	-----	-----			
Thur	12:00	00:00			
	-----	-----	Non-standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list (please read guidance note 7)		
Fri	12:00	04:00			
	-----	-----			
Sat	12:00	04:00			
	-----	-----			
Sun	12:00	00:00			
	-----	-----			

F

Recorded music Standard days and timings (please read guidance note 8)			Will the playing of recorded music take place indoors or outdoors or both – please tick (please read guidance note 4)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 5)		
Mon	12:00	00:00			
			State any seasonal variations for the playing of recorded music (please read guidance note 6)		
Tue	12:00	00:00			
			Non-standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list (please read guidance note 7)		
Wed	12:00	00:00			
Thur	12:00	00:00			
Fri	12:00	04:00			
Sat	12:00	04:00			
Sun	12:00	00:00			

G

Performances of dance Standard days and timings (please read guidance note 8)			Will the performance of dance take place indoors or outdoors or both – please tick (please read guidance note 4)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
Day	Start	Finish		Both	<input type="checkbox"/>
Mon	12:00	00:00	Please give further details here (please read guidance note 5)		
Tue	12:00	00:00			
Wed	12:00	00:00	State any seasonal variations for the performance of dance (please read guidance note 6)		
Thur	12:00	00:00			
Fri	12:00	04:00	Non-standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list (please read guidance note 7)		
Sat	12:00	04:00			
Sun	12:00	00:00			

H

<p>Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 8)</p>			<p>Please give a description of the type of entertainment you will be providing</p>		
Day	Start	Finish	<p>Will this entertainment take place indoors or outdoors or both – please tick (please read guidance note 4)</p>	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			<p>Please give further details here (please read guidance note 5)</p>		
Wed					
Thur			<p>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g) (please read guidance note 6)</p>		
Fri					
Sat			<p>Non-standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list (please read guidance note 7)</p>		
Sun					

I

Late night refreshment Standard days and timings (please read guidance note 8)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 4)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
Day	Start	Finish		Both	<input type="checkbox"/>
Mon	12:00	00:00	Please give further details here (please read guidance note 5)		
Tue	12:00	00:00	State any seasonal variations for the provision of late night refreshment (please read guidance note 6)		
Wed	12:00	00:00			
Thur	12:00	00:00			
Fri	12:00	04:00	Non-standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list (please read guidance note 7)		
Sat	12:00	04:00			
Sun	12:00	00:00			

J

Supply of alcohol Standard days and timings (please read guidance note 8)			Will the supply of alcohol be for consumption – please tick (please read guidance note 9)	On the premises	<input checked="" type="checkbox"/>
				Off the premises	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	State any seasonal variations for the supply of alcohol (please read guidance note 6)		
Mon	17:00	00:00			
Tue	17:00	00:00			
Wed	17:00	00:00			
Thur	17:00	00:00			
Fri	17:00	04:00			
Sat	14:00	04:00			
Sun	14:00	00:00			

K

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 10).

L

Hours premises are open to the public Standard days and timings (please read guidance note 8)			State any seasonal variations (please read guidance note 6)
Day	Start	Finish	
Mon	12:00	00:30	Non-standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list (please read guidance note 7)
Tue	12:00	00:30	
Wed	12:00	00:30	
Thur	12:00	00:30	
Fri	12:00	04:30	
Sat	12:00	04:30	
Sun	12:00	00:30	

Please identify those conditions currently imposed on the licence which you believe could be removed as a consequence of the proposed variation you are seeking.

Please tick as appropriate

- I have enclosed the premises licence
- I have enclosed the relevant part of the premises licence

If you have not ticked one of these boxes, please fill in reasons for not including the licence or part of it below

Reasons why I have not enclosed the premises licence or relevant part of premises licence.

We are yet to receive a copy of our license so cannot currently enclose it.

M Describe any additional steps you intend to take to promote the four licensing objectives as a result of the proposed variation:

a) General – all four licensing objectives (b, c, d and e) (please read guidance note 11)

We propose to introduce a no readmittance policy from 11:00 Sunday - Thursday and from 02:00 on Fridays and Saturdays. We suggest that the benefits of this will be two-fold. Firstly, this will ease dispersal at the end events. Secondly, this will help dissuade people coming from the SPA from entering the bar for a last drink. We aim to only attract persons to the premises who have a vested interest in our charitable objectives and the art's programme that we feature. We aim to dissuade late night revellers from our premises and we believe that not admitting people after the aforementioned times will aid this.

We are currently in conversation with Street Scene regarding applying for two rope-barriers outside the premises. This will help ensure that we uphold all licensing objectives as suggested below.

b) The prevention of crime and disorder

Security and staff are trained to dismiss any persons who are intoxicated or under the influence of any illicit substances - this is in conjunction with signage throughout the premises.

All bags are searched upon entry.

Our safe-space policy states that we eject from the premises any persons who are threatening or displaying aggression.

For any event attracting 30-100 persons we will have at least one SIA member of security. For any event attracting 100-150 persons we will have at least two SIA members of security.

All staff and security will be trained in our dispersal policy

c) Public safety

The rope barrier and security personnel will ensure that smoking and queuing customers do not encroach onto the pavement thereby enabling members of the public to pass the premises without stepping into the road and endangering themselves.

Our safe-space policy negates any possibility of drunk/aggressive/unsavoury customers attending our events. We attract custom from persons whose primary interest is in witnessing the event we are hosting and whose consumption of alcohol is parallel to this. We do not attract customers who intend to consume too much alcohol on the premises. We therefore have not and will not have any persons behaving aggressively either inside or outside of the premises.

All staff and security are trained to aid any persons who feel endangered or threatened. Any members of the public who needed to be assisted in how to get home safely will be helped by members of staff.

d) The prevention of public nuisance

The premises is fully soundproofed, ensuring that no noise pollution can carry to any of the nearby residents. The front entrance to the premises is only opened when customers enter or exit the premises ensuring no extraneous noise escapes. The designated member of security/security team will always ensure that customers keep noise to a minimum, in accordance with the signage throughout the premises. Hitherto we have not once received a noise complaint and I am absolutely confident we will uphold this with the amended hours.

The aforementioned rope barrier as well as the designated member security/security team will ensure that smoking and queuing customers do not encroach onto the pavement. This will ensure that no member of the public is disrupted when passing the premises.

Ashtrays will be provided to ensure debris from smokers is limited and bar staff, at the end of the shift, will sweep outside the premises ensuring that there is no residual litter.

e) The protection of children from harm

We operate a strictly 18+ policy as well as a challenge under 25 policy. All security and staff are trained to check IDs. Consequently, no children will be permitted on the premises.

We will ensure that any children passing the premises can do so unimpeded and in a safe manner owing to the rope barriers ensuring no encroachment from our customers onto the pavement. All litter and noise will be kept to a minimum allowing children to not be disrupted or disturbed.

Any child who looks lost or endangered will be aided by a member of bar staff who will immediately contact the relevant emergency services.

Checklist:


Please tick to indicate agreement

- I have made or enclosed payment of the fee; or
- I have not made or enclosed payment of the fee because this application has been made in relation to the introduction of the late night levy.
- I have sent copies of this application and the plan to responsible authorities and others where applicable.
- I understand that I must now advertise my application.
- I have enclosed the premises licence or relevant part of it or explanation.
- I understand that if I do not comply with the above requirements my application will be rejected.

IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.

Part 5 – Signatures (please read guidance note 12)

Signature of applicant (the current premises licence holder) or applicant’s solicitor or other duly authorised agent (please read guidance note 13). **If signing on behalf of the applicant, please state in what capacity.**

Signature	
Date	
Capacity	Director of Tradings

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

Signature	
Date	
Capacity	

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

Ollie Tobin

Post town	London	Post code	
Telephone number (if any)			
If you would prefer us to correspond with you by e-mail, your e-mail address (optional)			

Notes for Guidance

This application cannot be used to vary the licence so as to extend the period for which the licence has effect or to vary substantially the premises to which it relates. If you wish to make that type of change to the premises licence, you should make a new premises licence application under section 17 of the Licensing Act 2003.

1. You do not have to pay a fee if the only purpose of the variation for which you are applying is to avoid becoming liable for the late night levy
2. Describe the premises. For example, the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place of consumption of these off-supplies of alcohol, you must include a description of where the place will be and its proximity to the premises.
3. In terms of specific regulated entertainments please note that:
 - Plays: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500.
 - Films: no licence is required for 'not-for-profit' film exhibition held in community premises between 08.00 and 23.00 on any day provided that the audience does not exceed 500 and the organiser (a) gets consent to the screening from a person who is responsible for the premises; and (b) ensures that each such screening abides by age classification ratings.
 - Indoor sporting events: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000.
 - Boxing or Wrestling Entertainment: no licence is required for a contest, exhibition or display of Greco-Roman wrestling, or freestyle wrestling between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000. Combined fighting sports – defined as a contest, exhibition or display which combines boxing or wrestling with one or more martial arts – are licensable as a boxing or wrestling entertainment rather than an indoor sporting event.
 - Live music: no licence permission is required for:

SET

DISPERSAL POLICY

This Dispersal Policy has been implemented to assist in the promotion of the four licensing objectives, in particular crime and disorder, public nuisance and public safety. This document is a live document where there can be updates reflecting best working practices via discussions with interested parties, professionals and in particular our neighbours.

Management are aware of the potential for neighbourhood noise and disturbance at the time that customers leave at closing time. Management have agreed to implement a written dispersal policy to move customers from the premises and the immediate vicinity in such a way so as to cause minimum disturbance or nuisance to neighbours. Every effort will be made to minimise any potential nuisance and it will be the responsibility of all members of staff to support this policy.

Winding-down Period

1. Management have implemented a “wind-down” procedure to facilitate prompt closure of the premises and orderly dispersal pattern by customers.
2. At closing key members of trained staff monitor the exit. Customers are informed that the premises are about to close and are directed towards the nearest exit.
3. The premises will promote controlled dispersal of customers by directions from staff and notices. We will actively encourage Patrons to avoid the Special Policy Area or advise re transport hubs that cause minimum disruption to the SPA as appropriate.
4. Internal lighting levels will be adjusted during the last 30 minutes of trading.
5. Music will be played at a lower level.
6. The winding own period encourages customers to disperse gradually prior to cessation of trade.
7. We are proud of the area and we will endeavour to keep the area clean and attractive for our patrons and our neighbours. This means dealing with debris outside our frontage that may have nothing to do with us but in the interests of maintaining good standards in the area we will still clear it up.

Door Supervisors to assist with dispersal

8. Door supervisors when deployed shall be strategically positioned to help ensure that procedures for promoting public safety and preventing public nuisance are effective.

Staff will be trained to be aware of

1. where the nearest mode of public transport is.
2. details of taxis and a number is available to customers.
3. general local knowledge so that if customers decide to move on the staff can help them with directions.
4. Where security is deployed, they will help ensure safe dispersal.
5. Staff, Door supervisors will actively supervise Patrons with a view to minimising any obstruction of the pavement.
6. The door supervisors are easily identifiable and before each night there will be a briefing.
7. There is a team meeting to discuss any ways that the premises may improve the dispersal of patrons and any actions points are implemented.

8 Notices shall be displayed at customer exit requesting that patrons respect the needs of local residents and leave the premises and area quietly.

9.All employees are given appropriate instructions and training to encourage customers to leave the premises and the area quietly.

Incident Reports

10.All incidents of crime or disorder or nuisance are to be reported by the designated premises supervisor or responsible member of staff.

11.The licence holder shall ensure that the details of all complaints are recorded in an incident book.

Taxi Service

12.We will ask local taxi firms that car doors are not slammed and that there is no unnecessary use of the horn

13.Arrangements are made with a local taxi firms for taxis to stop at a safe stopping place when collecting patrons. A recommended list of local taxi companies is available to customers. Any taxi companies that regularly visit our premises will be notified in writing that the use of car horns outside the premises is only allowed in accordance of Rule 1121 of The Highway Code. Staff will take note of drivers that do not comply with this rule and management will notify the relevant taxi companies. Repeat offenders will result in that taxi firm being excluded from the recommended list of taxi providers for the premises.

14.SET staff are trained to be aware of the location of local taxi ranks, bus stops and hire car offices and advise customers accordingly.

15.Taxi drivers will be asked to not play radios at a volume likely to disturb the neighbourhood.

SET will attach the utmost importance to the careful investigation and prompt resolution of any complaint made in respect of the running of the premises. Particular emphasis will be placed on building and maintaining close links with local residents including hosting meetings where necessary to allow our neighbours to raise any

issues and for those issues to be quickly resolved. The telephone number of the premises will be provided to all our immediate residential neighbours.

SET will constantly review our Dispersal Policy and respond quickly to the needs of our neighbours.

Any breach of the Policy unless justifiable in the circumstances, may lead to disciplinary action. Management accept that there are times that call for initiative and Problem solving and one size does not fit all. Each case will be taken on its own merits. Management will carefully assess any breach and act accordingly. We at SET are acutely aware of our need to protect our reputation given that we are answerable to our Trustees, supporters, Patrons, Customers, and many more. We take pride in what we have achieved and deliver to the Community and our support of Culture, diversity, artists, and the arts.



SET Smoking Policy

SET smoking Policy is a live document to help promote the four Licensing Objectives. Improvements can and should be made at the behest of the Premises License Holder/DPS reflecting continual learning and implementing Best Practice. Members of staff should read this document.

1/ Smoking is not allowed in any part of the Premises apart from any legally compliant areas designated by management.

2/ The number of people allowed outside the Venue to smoke are to be limited by staff to prevent people from spilling onto the thoroughfare.

3/ Designated Security and/or staff shall be assigned to carry out checks to help ensure that smokers cause minimum disruption.

4/ Smokers to be reminded to respect neighbours and keep voices down to a reasonable level.

5/ Where appropriate staff should advise any Smoker that lack of compliance may lead to not being allowed back into the Venue except to collect belongings. Record to be made should this be enforced.

6/ The designated person shall reasonably encourage any person in the smoking area or loitering directly outside the club to keep disturbance/incidents to a minimum

7/ The smoking area should be regularly cleaned.

8/ Staff when smoking to be mindful of neighbours.

Any breach of the Policy unless justifiable in the circumstances, may lead to disciplinary action. Management accept that there are times that call for initiative and Problem solving and one size does not fit all. Each case will be taken on its own merits. Management will carefully assess any breach and act accordingly. We at SET are acutely aware of our need to protect our reputation given that we are answerable to our Trustees, supporters, Patrons, Customers, and many more. We take pride in what we have achieved and deliver to the Community and our support of Culture, diversity, artists, and the arts.



SET Space - Dalston
27A Dalston Lane
London
E8 3DF

Monday 11 May 2020

RE: SET Space Dalston Lane – License Renewal - Letter of Support Local Resident

To whom it may concern

I am writing in support of the fantastic initiative that is SET Space on Dalston Lane. As local resident, it provides a vital safe space in a busy urban area. I have always found it really safe, attracts a varied and diverse crowd and managed superbly. I have never been intimidated at any time, very welcoming staff and a relaxed atmosphere.

It is such an important place for me, and I think best represents Dalston as an area for young creatives and emerging talent in London. It would be an awful loss if it was not able to continue to be such a fantastic public facing and community centered space in a rapidly changing Hackney. I have never had any complaints on noise or bad behaviors and would always recommend it to others.

Yours Sincerely,

██████████

████████████████████

■ Queen Elizabeth Close
Stoke Newington
London, N16 ██████

To Whom It May Concern,

I write to you, as the manager of Farr's School of Dancing, a local business and neighbour of SET on Dalston Lane.

Since it first began, SET has attracted a really great mix of people and I have often attended the various events they offer; from gigs, to talks, to poetry readings. In this way, it's a unique space and I sincerely hope it continues to flourish as it has done for the last two years. There is always a great atmosphere in there and, from a management point of view, it is well run and efficient. The security and staff are incredibly friendly, informative and engaged. In two years I've not heard of any problems emanating from there, partly, as I said above, because they attract a very considerate and friendly crowd.

I wish to give my full support to their licence application, it would be a great shame to lose such a great space from this community. Regards,

██████████

Farr's School of dancing 17-19 Dalston Lane E8 3DF

██████████

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RESPONSIBLE AUTHORITY DETAILS

NAME OF AUTHORITY	Licensing Authority
ADDRESS OF AUTHORITY	Hackney Service Centre 1 Hillman Street London E8 1DY
CONTACT NAME	David Tuitt
TELEPHONE NUMBER	020 8356 4942
E-MAIL ADDRESS	david.tuitt@hackney.gov.uk

APPLICATION PREMISES

NAME & ADDRESS OF PREMISES	SET 27a Dalston Lane London E8 3DF
NAME OF APPLICANT	Set Ce

COMMENTS

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

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

Representation in relation to:

The premises is located in close proximity to residential premises. The proposed hours of activity could lead to a negative impact on the promotion of the licensing objectives, in particular, the prevention of public nuisance. However, it is noted that there was previously a licence at this address which expired in 2019.

The applicants' attention is drawn to the following extract from the Council's Statement of Licensing Policy.

LP3 Core Hours

Hours for licensable activity will generally be authorised, subject to demonstrating LP 1 and LP2, as follows:

- Monday to Thursday 08:00 to 23:00
- Friday and Saturday 08:00 to 00:00
- Sunday 10:00 to 22:30

Hours may be more restrictive dependent on the character of the area and if the individual circumstances require it.

Later hours may be considered where the applicant has identified any risk that may undermine the promotion of the licensing objectives and has put in place robust measures to mitigate those risks.

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

The Licensing Act 2003, Statement of Licensing Policy 2018-2023 and S182 Guidance issued by the Home Office.

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

Discussion in relation to the proposed hours of activity and overall management of the site.

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

Date: 13/03/2020

Representations against Application to vary Premise License 105245

1 message

13 March 2020 at 21:30

To: "Licencing (Shared Mailbox)" <licensing@hackney.gov.uk>

Dear Sirs

I am a resident at [REDACTED] Dalston Lane E8 2 [REDACTED]. I live in close proximity to 27A Dalston Lane (the "Venue").

I would like to make representations against the licence application made by SET Centre CIO ("Applicant") in respect of the Venue as I consider the increased opening hours and increased hours for sale of alcohol proposed by the application will have a detrimental impact public safety and lead to increased crime, disorder and public nuisance. I also do not believe that the application is in the spirit of Hackney Licencing Policy as implemented by Hackney Council in July 2018.

In late November 2019, the Venue was granted a licence to (i) sell alcohol until 00:30 and (ii) open until 02:30 on the weekends. During January and February things have been slightly calmer, however I believe this is due to the time of year where January and February are generally quieter months. However on the nights where TENs have been granted, there has been increased noise, litter and general disorder (people shouting loudly, people urinating on the roads opposite). There have also continued to be large numbers of people outside (please see video evidence). I do not consider sufficient time has passed since the previous licence was granted to ascertain whether the Applicant has taken on board concerns and implemented the measures they said they would.

The Venue is located on a main road leading to the centre of Dalston in Hackney, and is located on the outskirts of the Dalston Special Policy Area. Although this venue is just outside the SPA, I consider that due to the close proximity to Dalston, increasing both the opening hours and the licencing hours of the premises whereby alcohol will be sold until 4 am on the weekend will have a negative effect on the cumulative impact. There are many problems experienced during the hours that this application has proposed including urination, vomiting, anti-social behaviour, disorder, assaults etc. Statistics show that there has been increases in violent crime at night in London and that the majority of victims are night time revellers.

Increasing opening hours and the hours during which alcohol is sold, will lead to increased vulnerability and incidents involving alcohol including crime. The Police already deal with numerous incidents of anti-social behaviour, crime and disorder throughout the night. A venue selling alcohol until 4 am on the weekend in Dalston would undoubtedly increase the potential for further crime and disorder.

In terms of concerns in respect of the impact on public safety and public nuisance, the Venue currently has a limit on the number of people allowed outside the premises however this is rarely adhered to. Despite having complained many times about the number of people outside the Venue, on occasions since the hearing in late November 2019, I have seen 20 people or more outside the Venue on Dalston Lane. For example on 1 December, 2 days after the previous hearing of the Applicant's previous application (which took place on 28 November 2019), I went outside due to noise at approximately 5 am and there were more than 30 people outside the Venue crowding the pavement. I attach video evidence to this email.

Even after the previous application hearing where the Licencing Committee noted that this should not be happening, pedestrians still have to move off the pavement and walk in the road. As previously stated this continues to be dangerous and has the potential to lead to road accidents with cars, buses and cyclists. This has an impact on public safety and has not been addressed to date.

Increasing the opening hours and the hours during which alcohol is sold at night would mean more people in general attending the Venue and more inebriated people outside the Venue and increased traffic on the road (eg taxis) at anti-social hours. With increased numbers of drunk people leaving the Venue throughout the night there is a heightened risk of more road traffic accidents, personal injury and deaths.

On the nights where the Venue has had TENs there has continued to be loud noise. I believe this would only increase if the sale of alcohol hours and opening hours are extended, as would noise from customers leaving the Venue as I continue to often hear customers walking down Dalston Lane in the early hours of the morning.

In terms of the impact on the community, as a resident I am struggling to understand what benefits will arise from alcohol being sold until 4 am or increased opening hours. As a resident I am concerned that there will only be a negative impact in terms of increases in crime, disorder and public nuisance as well as undermining public safety.

As previously stated I am also concerned about the fact that this application does not seem in line with Hackney's current licencing policy which was voted on by elected members of Hackney local government in July 2018 and consequently implemented.

Please confirm receipt of this email and the video evidence which can be downloaded on the below dropbox link (large file), please let me know if you cannot access the video evidence.

https://www.dropbox.com/transfer/AAAAAJHAEIpoOADE9gabL_37Lay4I5S3nUq5ExX_PqeV3ZH7InwVpM

Keep the Faith <<

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2 attachments



A8B20219-8BFA-4268-AC02-0B1117693918.jpeg
58K



F0059CB9-D820-46CB-84CA-30895F0B99F6.jpeg
433K

Re: Representation against Premises Licence Variation Application by SET Centre CIO re 27A Dalston Lane

1 message

14 March 2020 at 00:06


To: Licensing <Licensing@hackney.gov.uk>

Dear Licensing

I would also like to add this video as I think it is a bit clearer than the photos.

Thanks


Sent: 13 March 2020 23:53

To: Licensing <Licensing@Hackney.gov.uk>

Subject: Representation against Premises Licence Variation Application by SET Centre CIO re 27A Dalston Lane

I am a resident of BST  Dalston Lane, E8  I would like to make representations in writing against the licence application by SET Centre CIO re 27a Dalston Lane (Premises).

I do not consider that SET Centre CIO has abided by due process in respect of this licence application as when I viewed the notice of the license application (photo and video attached) outside the Premises there was no content in the notice, i.e. no dates, times or dates for when any representations or objections had to be made. I am therefore writing this, hoping that I am in time of the deadline.

Since the Premises was granted a license back in November 2019, there have been some occasions where there have been TENs and the Premises has been open later and sold alcohol later than its regular hours. On these occasions there has been more noise and there have been increased numbers of people outside the Premises late at night. This was discussed at the previous license hearing application and continues to be a big issue for me as a resident. This is because lots of people gather on the pavement outside the Premises and this creates a public safety and public nuisance hazard where people block the pavement, especially when they are intoxicated. When passing I continue to have to walk in the road. When I have gone outside because I have heard noise, I have witnessed people urinating in the side roads and I have had to walk in the road when passing the Premises, which is dangerous and a public hazard.

In addition when there are TENs there has continued to be lots of noise coming from the Premises in terms of music and when people are leaving the Premises particularly after a few drinks. This has been less the case when the Premises has closed early.

I am really worried that if the application is granted then there will be lots of large numbers of people entering and exiting the building late at night and early in the morning. I'm concerned that the sale of alcohol up until 4 am will lead to more drunk and disorderly behaviour and potentially more crime in the area, as well as a lot of noise, and litter. I believe this contravenes Hackney's licensing objectives especially considering current concerns regarding increased crime levels in Hackney. I'm really worried that there will be an increase in crime. Late night venues which open until 4am do generally tend to lead to increases in noise and public disorder and I'm concerned that public urination, drinking and loitering outside will happen more widely here if licensing hours are extended.

I further understood that Hackney Council did not want to increase night club venues in Dalston and was looking to limit the number of late night venues. Indeed as I understand other venues who have applied for similar or earlier hours up to 2 am have had such applications amended to more sociable hours so as to minimise any impact on the local community, crime, disorder and public safety.

I consider that the application will mean that there is much more public nuisance. When there are TENs there is a lot of noise and this will only increase with longer regular licensing hours. I have on a number of occasions heard loud music at anti-social hours. I often hear people shouting as they leave the Premises and walk down Dalston Lane towards Hackney Central. I worry that will continue all night as people leave and arrive throughout the night. The application would permit sale of alcohol, DJs and live music until 4 am on the weekend and I consider that this is too late.

Whilst alcohol has been being sold until midnight things have been quieter, the Premises closes at a reasonable hour and this has been much better. As a property owner I am concerned about the impact on public safety and nuisance of having a night club open till 4 am, which in reality by the time customers disperse will be operational until at least 5 am. Increases in crime, public disorder and nuisance will then have a knock on effect on insurance and property values. I also thought Dalston was trying to become more family friendly rather than a night time hotspot. A pub has recently opened on the corner of Kingsland Road and Dalston Lane and this stops serving at midnight which I think is much more reasonable.

Thanks.

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APPENDIX E



Scale: 1:1250 at A4



Ref:

24 March 2020

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Drawn by: Unspecified

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