

**C O M M I T T E E N A M E**

MeetingDateLegal

at MeetingTime

MeetingLocation

MembersExpectedShortRolesList

**AGENDA**





## LICENSING SUB COMMITTEE D

Tuesday 26 October 2021, 2pm

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

The live stream can be viewed here:

<https://youtu.be/ggtJUrY6Yu4>

Members of the sub committee:

Cllr Brian Bell, Cllr Emma Plouviez and Cllr Penny Wrout

**Mark Carroll - Chief Executive**

Andrew Spragg, Governance Services Team Leader

Email: [andrew.spragg@hackney.gov.uk](mailto:andrew.spragg@hackney.gov.uk)

Hackney Council website: [www.hackney.gov.uk](http://www.hackney.gov.uk)

## Licensing Sub Committee Tuesday 26 October 2021

### AGENDA

#### ORDER OF BUSINESS

1. **Election of Chair**
2. **Apologies for Absence**
3. **Declarations of Interest - Members to declare as appropriate**

A Member with a disclosable pecuniary interest or a prejudicial interest in a matter who attends a meeting of the authority at which the matter is considered:

- must disclose the interest at the start of the meeting or when or when the interest becomes apparent, and
- may not participate in any discussion or vote on the matter and must withdraw from the meeting proceedings in person or virtually.

A Member who discloses at a meeting a disclosable pecuniary interest which is not registered in the Register of Members Interests or the subject of a pending notification must notify the Monitoring Officer of the interest within 28 days of the disclosure.

Disclosable pecuniary interests, personal interests and prejudicial interests are defined at paragraphs 8.1 - 15.2 of Section 2 of Part 5 of the constitution and Appendix A of the Members' Code of Conduct.

4. **Licensing Sub Committee Hearing Procedure**

All participants are requested to note the hearing procedure to be followed as set out in the agenda pack.

5. **Temporary Event Notice - Standing Item**

To consider any Temporary Event Notices (TENs).

## 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:

- Director of Legal and Governance 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.

### **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.

### **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 meeting when the item in which you have an interest is being discussed. You cannot stay in the meeting 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.

iii. If you have, however, obtained dispensation from the Monitoring Officer or Standards Committee you may remain in the meeting 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.

**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.

**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 meeting, 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 meeting unless you have obtained a dispensation from the Monitoring Officer or Standards Committee. You cannot stay in the meeting 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 meeting. Once you have finished making your representation, you must leave the meeting 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 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 non pecuniary interest.

## Further Information

Advice can be obtained from Dawn Carter-McDonald, Director for Legal & Governance Services via email [dawn.carter-mcdonald@hackney.gov.uk](mailto:dawn.carter-mcdonald@hackney.gov.uk)

## 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 deals 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  
Room 118 Hackney Town Hall  
Mare Street E8 1EA  
Telephone: 020 8356 1266  
Email: [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)

## 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.

**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></p> <p><b>Appointment of Chair and introduction</b></p>	<p>The Sub-Committee will appoint 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></p> <p><b>Licensing Officer</b></p>	<p>The Licensing Officer will outline the report.</p>	<p>5 minutes</p>
<p><b>Step 3</b></p> <p><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></p> <p><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></p> <p><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></p> <p><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></p> <p><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 only be in relation to issues raised during the discussion. These remarks should be brief.</p>	<p>10 minutes</p>
<p><b>Step 8 -</b></p> <p><b>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></p> <p><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></p> <p><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 so far as it does not conflict with the procedures as set out above. The Licensing Hearing Regulations can also be viewed by following the link below – <http://www.legislation.gov.uk/uksi/2005/44/contents/made>

This page is intentionally left blank

<b>REPORT OF GROUP DIRECTOR, NEIGHBOURHOODS AND HOUSING</b>		
<b>LICENSING SUB-COMMITTEE:</b> 26 October 2021	<b>Classification</b> DECISION	Enclosure
<b>TEMPORARY EVENT NOTICE – COUNTER NOTICE:</b> Biddle Bros Bar, 88 Lower Clapton Road, London, E5 0QR	<b>Ward</b> Lea Bridge	

## 1. SUMMARY

- 1.1 The Environmental Protection have given the Licensing Authority and the premises user notice of objection to Temporary Event Notices for an event to be held on **30/10/2021** from **00:00** finishing on **31/10/2021** at **02:30am** at above premises. The Licensing Authority must hold a hearing to decide whether or not to allow the event to proceed.

## 2. RECOMMENDATION

- 2.1 That the Licensing Sub-Committee consider the issuing of counter notices if it is satisfied that any of the licensing objectives would be undermined if the premises were to be used in accordance with the temporary event notice.

## 3. TEMPORARY EVENT NOTICES - BACKGROUND

- 3.1 Part 5 the Licensing Act 2003 permits small scale events to take place at which alcohol will be sold or other licensable activities will take place. The numbers attending the event must not exceed 499 people and there are restrictions on the number of events that can be held per year.
- 3.2 The individual must give notice of her/his intention to hold the event to the Licensing Authority, police and environmental health at least 10 working days (or 5 days in the event of a late notice) before the event is scheduled to take place by issuing a Temporary Event Notice (TEN). The event will be permitted to take place unless the Licensing Authority issues a counter notice.
- 3.3 The Licensing Authority can issue a counter notice if the number of permitted events has been exceeded or if, upon consideration of an 'objection notice' given by the police or those in the Council that exercise environmental health functions, it is satisfied that the event would undermine one or more of the licensing objectives.

- 3.4 If the police or those in the Council that exercise environmental health functions give an objection notice to the Licensing Authority, the Authority must convene a hearing to consider if it wishes to issue a counter notice. If the Authority determines to issue a counter notice it must give two copies to the premises user – a notice of its decision and a notice of the reasons for its decision. The decision must be made and the notices given at least 24 hours before the event is to begin. There is a right of appeal to the magistrates' court against the giving of a counter notice as a result of an objection notice

#### **4. BACKGROUND**

- 4.1 The premises is currently licensed under Licensing Act 2003 and a copy of the licence is attached as Appendix C.

#### **5. TEMPORARY EVENT NOTICE FOR EVENT TO BE HELD 30/10/2021-31/10/2021**

- 5.1 A TEN has been submitted to allow licensable activities to take place on the premises. A copy of the Temporary Event Notice and additional information is attached as Appendix A.
- 5.2 The Environmental Protection have objected to the TEN on the grounds of the public nuisance. A copy of the Environmental Protection objection is attached as Appendix B.

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

- 6.1 There are implications for;
- **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.

#### **7. MEMBERS DECISION MAKING**

- A. **Option 1**  
**That the Licensing Authority decides not to give a counter notice.**
- B. **Option 2**  
**That the Licensing Authority decides to give a counter notice, giving the reasons for the decision.**

## 8. CONCLUSION

- 8.1 That Members decide whether or not to issue a counter notice for the event scheduled to take place on **30/10/2021** from **00:00** finishing on **31/10/2021** at **02:30am** at location **above**.

<b>Group Director, Neighbourhoods and Housing</b>	Ajman Ali
<b>Lead Officer (holder of original copy):</b>	Shan Uthayasangar Licensing Officer Licensing Service 1 Hillman Street E8 1DY Telephone: 020 8356 2431

### LIST OF BACKGROUND PAPERS RELATING TO THIS REPORT

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

<b>Description of document</b>	<b>Location</b>
<b>Office File:</b> Biddle Bros Bar, 88 Lower Clapton Road, London, E5 0QR	Licensing Service 1 Hillman Street London E8 1DY

#### **Printed matter**

Licensing Act 2003

LBH Statement of Licensing Policy

Before completing this notice, please read the guidance notes at the end of the notice. If you are completing this notice by hand, please write legibly in block capitals. In all cases, ensure that your answers are inside the boxes and written in black ink or typed. Use additional sheets if necessary. You should keep a copy of the completed notice for your records. You must send at least one copy of this notice to the licensing authority and additional copies must be sent to the chief officer of police and the local authority exercising environmental health functions for the area in which the premises are situated. The licensing authority will give to you written acknowledgement of the receipt of the notice.

I, the proposed premises user, hereby give notice under section 100 of the Licensing Act 2003 of my proposal to carry on a temporary activity at the premises described below.

1. The personal details of premises user (Please read note 1)			
1. Your name			
Title	Mr <input checked="" type="checkbox"/> Mrs <input type="checkbox"/> Miss <input type="checkbox"/> Ms <input type="checkbox"/> Other (please state)		
Surname	Pitt		
Forenames	Robert Caradoc		
2. Previous names (Please enter details of any previous names or maiden names, if applicable. Please continue on a separate sheet if necessary)			
Title	Mr <input type="checkbox"/> Mrs <input type="checkbox"/> Miss <input type="checkbox"/> Ms <input type="checkbox"/> Other (please state)		
Surname			
Forenames			
3. Your date of birth		Day	Month
		■	■
4. Your place of birth		■	
5. National Insurance Number		■	
6. Your current address (We will use this address to correspond with you unless you complete the separate correspondence box below)			
■			
Post town		Postcode	
■		■	
7. Other contact details			
Telephone numbers			
Daytime	■		
Evening (optional)			
Mobile (optional)			
Fax number (optional)			
E-Mail address (if available)	■		
8. Alternative address for correspondence (If you complete the details below, we will			



use this address to correspond with you)	
Post town	Postcode
9. Alternative contact details (if applicable)	
Telephone numbers: Daytime	
Evening (optional)	
Mobile (optional)	
Fax number (optional)	
E-Mail address (if available)	

<b>2. The premises</b>	
Please give the address of the premises where you intend to carry on the licensable activities or, if it has no address, give a detailed description (including the Ordnance Survey references) (Please read note 2)	
Biddle Bros Bar 88 Lower Clapton Rd, London E5 0QR	
Does a premises licence or club premises certificate have effect in relation to the premises (or any part of the premises)? If so, please enter the licence or certificate number below.	
Premises licence number	LBH-PRE-T-0681
Club premises certificate number	
If you intend to use only part of the premises at this address or intend to restrict the area to which this notice applies, please give a description and details below. (Please read note 3)	
All Licensed areas.	
Please describe the nature of the premises below. (Please read note 4)	
A licensed public bar.	
Please describe the nature of the event below. (Please read note 5)	
Indie music weekender.	

--

3. The licensable activities		
Please state the licensable activities that you intend to carry on at the premises (please tick all licensable activities you intend to carry on). (Please read note 6)		
The sale by retail of alcohol	<input checked="" type="checkbox"/>	
The supply of alcohol by or on behalf of a club to, or to the order of, a member of the club	<input type="checkbox"/>	
The provision of regulated entertainment (Please read note 7)	<input checked="" type="checkbox"/>	
The provision of late night refreshment	<input type="checkbox"/>	
Are you giving a late temporary event notice? (Please read note 8)	<input type="checkbox"/>	
Please state the dates on which you intend to use these premises for licensable activities. (Please read note 9)		
Start date 30/ October/ 2021 End date 31/ October/ 2021		
Please state the times during the event period that you propose to carry on licensable activities (please give times in 24 hour clock). (Please read note 10)		
On 30/Oct/21 from 00:00 until 02.30 And on 31/Oct/21 from 00:00 until 02.30.		
Please state the maximum number of people at any one time that you intend to allow to be present at the premises during the times when you intend to carry on licensable activities, including any staff, organisers or performers. (Please read note 11)	60	
If the licensable activities will include the sale or supply of alcohol, please state whether these will be for consumption on or off the premises, or both (please tick as appropriate). (Please read note 12)	On the premises only	<input checked="" type="checkbox"/>
	Off the premises only	<input type="checkbox"/>
	Both	<input type="checkbox"/>

<p>Please state if the licensable activities will include the provision of relevant entertainment. If so, please state the times during the event period that you propose to provide relevant entertainment (including, but not limited to lap dancing and pole dancing). (Please see note 13)</p> <p>Background recorded music only from 00:00 until 02:00 on both the 30/October/2021 and on 31/October/2021.</p>
---

4. Personal licence holders (Please read note 14)		
Do you currently hold a valid personal licence? (Please tick)	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
If "Yes" please provide the details of your personal licence below.		
Issuing licensing authority	██████████	
Licence number	████████████████████	
Date of issue	██████████	
Any further relevant details		

5. Previous temporary event notices you have given (Please read note 15 and tick the boxes that apply to you)		
Have you previously given a temporary event notice in respect of any premises for events falling in the same calendar year as the event for which you are now giving this temporary event notice?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
If answering yes, please state the number of temporary event notices (including the number of late temporary event notices, if any) you have given for events in that same calendar year		
Have you already given a temporary event notice for the same premises in which the event period: a) ends 24 hours or less before; or b) begins 24 hours or less after the event period proposed in this notice?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>

6. Associates and business colleagues (Please read note 16 and tick the boxes that apply to you)		
Has any associate of yours given a temporary event notice for an event in the same calendar year as the event for which you are now giving a temporary event notice?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
If answering yes, please state the total number of temporary event notices (including the number of late temporary event notices, if any) your associate(s) have given for events in the same calendar year.		
Has any associate of yours already given a temporary event notice for the same premises in which the event period: a) ends 24 hours or less before; or b) begins 24 hours or less after the event period proposed in this notice?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
Has any person with whom you are in business carrying on licensable activities given a temporary event notice for an event in the same calendar year as the event for which you are now giving a temporary event notice?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
If answering yes, please state the total number of temporary event notices (including the number of late temporary event notices, if any) your business colleague(s) have given for events in the same		

calendar year.		
Has any person with whom you are in business carrying on licensable activities already given a temporary event notice for the same premises in which the event period: a) ends 24 hours or less before; or b) begins 24 hours or less after the event period proposed in this notice?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>

<b>7. Checklist (Please read note 17)</b>	
<b>I have: (Please tick the appropriate boxes, where applicable)</b>	
Sent at least one copy of this notice to the licensing authority for the area in which the premises are situated	<input checked="" type="checkbox"/>
Sent a copy of this notice to the chief officer of police for the area in which the premises are situated	<input type="checkbox"/>
Sent a copy of this notice to the local authority exercising environmental health functions for the area in which the premises are situated	<input type="checkbox"/>
If the premises are situated in one or more licensing authority areas, sent at least one copy of this notice to each additional licensing authority	<input type="checkbox"/>
If the premises are situated in one or more police areas, sent a copy of this notice to each additional chief officer of police	<input type="checkbox"/>
If the premises are situated in one or more local authority areas, sent a copy of this notice to each additional local authority exercising environmental health functions	<input type="checkbox"/>
Made or enclosed payment of the fee for the application	<input type="checkbox"/>
Signed the declaration in Section 9 below	<input checked="" type="checkbox"/>

<b>8. Condition (Please read note 18)</b>
It is a condition of this temporary event notice that where the relevant licensable activities described in Section 3 above include the sale or supply of alcohol that all such supplies are made by or under the authority of the premises user.

<b>9. Declarations (Please read note 19)</b>
The information contained in this form is correct to the best of my knowledge and belief.
I understand that it is an offence: (i) to knowingly or recklessly make a false statement in or in connection with this temporary event notice and that a person is liable on summary conviction for such an offence to a fine of any amount; and (ii) to permit an unauthorised licensable activity to be carried on at any place and that a person is liable on summary conviction for any such offence to a fine of any amount, or to imprisonment for a term not exceeding six months, or to both.
Signature

Date	11/October/2021
Name of Person signing	Mr Robert Caradoc Pitt

For completion by the licensing authority

<b>10. Acknowledgement (Please read note 20)</b>	
I acknowledge receipt of this temporary event notice.	
Signature	On behalf of the licensing authority
Date	
Name of Officer signing	

## Re: TEN for Biddle Bros Bar - TEN/301021/88LOW

External

RESPONSES TENS



**Gurch Patti**

Tue, 12  
Oct,  
20:08

to me, [REDACTED], HackneyLicensingUnit-GN, Subangini, Rockwell

### **TEN - OBJECTION**

Dear Licensing Team,

Please see comments from the Environmental Protection Team below.

In respect to the above Temporary Event Notices scheduled for:

**Start Date : 30-10-2021      End Date : 31-10-2021**  
**Start time: 00:00            End Time: 02:30**

The Environmental Protection Team **objects** to the above Temporary Event Notice.

### **Grounds of Objection**

#### The Prevention of Public Nuisance:

The Environmental Protection team has received allegations of loud music emanating through to nearby residential homes. Residents also claim patrons are shouting and congregating outside the venue causing a disturbance. Environmental Protection have concerns if this event was approved it could amount to a statutory noise nuisance hence undermining the licensing objective (Public Nuisance). Environmental Protection would like to see evidence of a noise management plan and dispersal policy for this TEN.

Kind regards,

Gurch Patti  
Temporary Event Notice Officer  
Environmental Protection Team  
Public Realm  
1 Hillman Street  
London  
E8 1DY  
Tel: 0208 356 4997



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

Licensing Service  
1 Hillman Street  
London E8 1DY

## **PART A – PREMISES LICENCE**

### **Premises Licence Number**

LBH-PRE-T-0681

### **Part 1 – Premises details**

Biddle Brothers Bar  
88 Lower Clapton Road  
Hackney  
London  
E5 0QR

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

Not Applicable

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

Plays  
Films  
Indoor Sporting Events  
Live Music  
Recorded Music  
Performance of Dance  
Other Entertainment Similar to Live or Rec Music or Dance Performance  
Late Night Refreshment  
Supply of Alcohol

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

#### **Plays**

#### **Standard Hours:**

#### **Premises:**

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

**Films** **Standard Hours:**

**Premises:** Mon 11:00-00:00  
Tue 11:00-00:00  
Wed 11:00-00:00  
Thu 11:00-00:00  
Fri 11:00-00:00  
Sat 11:00-00:00  
Sun 11:00-23:00

**Indoor Sporting Events** **Standard Hours:**

**Premises:** Mon 11:00-00:00  
Tue 11:00-00:00  
Wed 11:00-00:00  
Thu 11:00-00:00  
Fri 11:00-00:00  
Sat 11:00-00:00  
Sun 11:00-23:00

**Live Music** **Standard Hours:**

**Premises:** Mon 11:00-00:00  
Tue 11:00-00:00  
Wed 11:00-00:00  
Thu 11:00-00:00  
Fri 11:00-00:00  
Sat 11:00-00:00  
Sun 11:00-23:00

**Recorded Music** **Standard Hours:**

**Premises:** Mon 11:00-00:00  
Tue 11:00-00:00  
Wed 11:00-00:00  
Thu 11:00-00:00  
Fri 11:00-00:00  
Sat 11:00-00:00  
Sun 11:00-23:00

**Performance of Dance** **Standard Hours:**

**Premises:** Mon 11:00-00:00  
Tue 11:00-00:00  
Wed 11:00-00:00  
Thu 11:00-00:00  
Fri 11:00-00:00  
Sat 11:00-00:00  
Sun 11:00-23:00



**Other Entertainment  
Similar to Live or  
Rec Music or Dance  
Performance**

**Standard Hours:**

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

**Premises:**

**Late Night  
Refreshment**

**Standard Hours:**

Mon 23:00-00:00  
Tue 23:00-00:00  
Wed 23:00-00:30  
Thu 23:00-00:30  
Fri 23:00-00:30  
Sat 23:00-00:30

**Premises:**

**Supply of Alcohol**

**Standard Hours:**

**Premises:**

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

**The opening hours of the premises**

**Standard Hours:**

Mon 11:00-00:00  
Tue 11:00-00:00  
Wed 11:00-00:00  
Thu 11:00-00:00  
Fri 11:00-01:00  
Sat 11:00-01:00  
Sun 11:00-23:30

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

On Premises

**Part 2 –**

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

Ptang Ltd  
KLSA LLP  
Amba House 3rd Floor  
15 College Road  
Harrow  
HA1 1BA

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

04184463

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

Robert Caradoc Pitt

**Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises the supply of alcohol**

**Date of Grant:** 24 November 2005

**Signed:**

**David Tuitt  
Team Leader - Licensing**

## Annex 1 - Mandatory Conditions

### 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 customers 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.

## **Exhibition Of Films**

8. Admission of children (under 18) to the exhibition of any film must be restricted in accordance with: -

(a) Recommendations made by the film classification body where the film classification body is specified in the licence, or

(b) Recommendations made by the licensing authority where the film classification body is not specified in the licence, or the relevant licensing authority has not notified the holder of the licence that this subsection applies to the film in question.

"film classification body" means person('s) designated under s4 of the Video Recordings Act 1984(c.39).

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

9. CCTV shall be operated at the premises 24 hours a day.
10. Customers shall be advised to leave the premises in an orderly manner.

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

11. The premises shall comply with the rules of management for places of public entertainment and to the following conditions;
- (i) The premises shall not be used for regulated entertainment under this licence until the work and other requirements set out in the schedule attached to the councils letter dated 2nd May 2007, as modified in any subsequent letter from the council, has been notified in writing accordingly.
- (ii) The total number of persons accommodated at any one time within the ground floor bar only shall not exceed 60.

Note: This figure is a maximum accommodation and may be reduced if the internal layout is changed.

- (iii) Any alterations or addition to the existing electrical installation (including those which may be found necessary as a result of any electrical inspections) shall be carried out using a system of wiring approved by the council (e.g. cables enclosed in screwed metal conduit or metal trunking, or similar cables would not be acceptable for this purpose).
12. Staff to be trained as to the relevant legislation regarding sales or purchase of alcohol

13. Training records to be kept on the premises at all times.
14. Signage to be displayed stating that alcohol will not be served to underage drinkers and that ID will be sought in line with Challenge 21.

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

15. Any music after 23.00 hours to be background music only and at a level such as to permit face to face conversation.
16. The Premises Licence Holder and/or the Management Team hold quarterly meetings with the residents of Linscott Road to discuss the operation of the premises and to ensure there is continued dialogue that facilitates better relations with residents along Linscott Road.
17. A "Dispersal & Customer Management Policy" be produced and be given to both the residents down Linscott Road and the Council's Licensing Service containing measures and actions that the Premises Licence Holder and/or the Management Team will take to ensure that patrons using the outside area are adequately managed before 21.00 hours along with measures to be taken to ensure patrons congregate on Lower Clapton Road only after 21.00 hours. A copy of the policy will also be kept on the premises at all times and should be made available to regulatory bodies upon request.
18. The back door leading to the alleyway should be kept closed after 21.00 and not be used by patrons except in emergencies.
19. The side door leading onto Linscott Road to be closed and may not be used by patrons after 21.00 hours except in emergencies.
20. No more than 10 patrons to be allowed to smoke and congregate along Linscott Road before 21.00 hours. Patrons leaving to smoke after 21.00 hours to do so from the front of the premises and be directed to smoke on Lower Clapton Road only.
21. There be signage displayed informing patrons of the use of the outside area both before and after 21.00 hours and it be expressly stated that patrons using the outside area are to locate to Lower Clapton Road after 21.00 hours and that before 21.00 hours there should be no more than 10 patrons along Linscott Road.
22. A sign be displayed, and maintained, with the name and contact details including a telephone number for the licensee and/or a designated premises supervisor, which is visible from outside the premises in an established location.
23. A sign be displayed within the premises reminding all patrons that

the premises is within a residential area and that they should leave the premises in a quiet and orderly fashion.

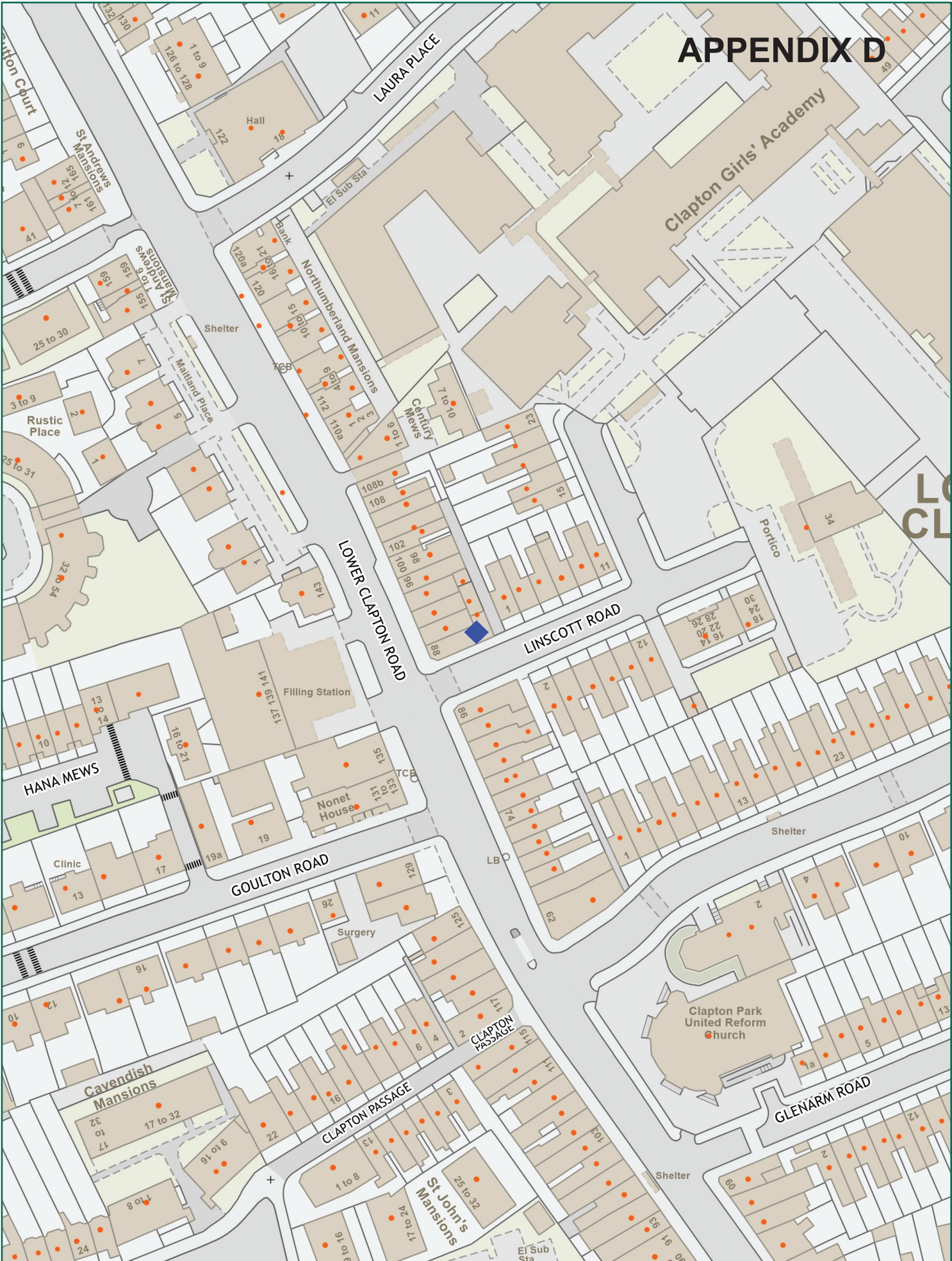
24. The licensee, designated premises supervisor or management staff to remind patrons when leaving the premises at 01.00 on a Friday and Saturday to leave in a quiet and orderly fashion.

#### **Annex 4 – Plans**

PLAN/LBH-PRE-T-0681/040805



# APPENDIX D



Scale: 1:1250 at A4

## Biddle Bros Bar, 88 Lower Clapton Road, E5 0QR



Ref: Thursday, October 21, 2021

Page 41  
Product: Unspecified  
email:

please specify copyright statement

This page is intentionally left blank

<b>REPORT OF GROUP DIRECTOR, NEIGHBOURHOODS AND HOUSING</b>		
<b>LICENSING SUB-COMMITTEE:</b> 26 October 2021	<b>Classification</b> DECISION	Enclosure
<b>TEMPORARY EVENT NOTICE – COUNTER NOTICE:</b> The Munch, Ground Floor, 148 Shoreditch High Street , London, E1 6JE	<b>Ward</b>  Hoxton East & Shoreditch	

## 1. SUMMARY

- 1.1 The Police have given the Licensing Authority and the premises user notice of objection to Temporary Event Notices for an event to be held on **30/10/2021** from **02:00am** finishing on **01/11/2021** at **05:00am** at above premises. The Licensing Authority must hold a hearing to decide whether or not to allow the event to proceed.

## 2. RECOMMENDATION

- 2.1 That the Licensing Sub-Committee consider the issuing of counter notices if it is satisfied that any of the licensing objectives would be undermined if the premises were to be used in accordance with the temporary event notice.

## 3. TEMPORARY EVENT NOTICES - BACKGROUND

- 3.1 Part 5 the Licensing Act 2003 permits small scale events to take place at which alcohol will be sold or other licensable activities will take place. The numbers attending the event must not exceed 499 people and there are restrictions on the number of events that can be held per year.
- 3.2 The individual must give notice of her/his intention to hold the event to the Licensing Authority, police and environmental health at least 10 working days (or 5 days in the event of a late notice) before the event is scheduled to take place by issuing a Temporary Event Notice (TEN). The event will be permitted to take place unless the Licensing Authority issues a counter notice.
- 3.3 The Licensing Authority can issue a counter notice if the number of permitted events has been exceeded or if, upon consideration of an 'objection notice' given by the police or those in the Council that exercise environmental health functions, it is satisfied that the event would undermine one or more of the licensing objectives.

- 3.4 If the police or those in the Council that exercise environmental health functions give an objection notice to the Licensing Authority, the Authority must convene a hearing to consider if it wishes to issue a counter notice. If the Authority determines to issue a counter notice it must give two copies to the premises user – a notice of its decision and a notice of the reasons for its decision. The decision must be made and the notices given at least 24 hours before the event is to begin. There is a right of appeal to the magistrates' court against the giving of a counter notice as a result of an objection notice

#### **4. BACKGROUND**

- 4.1 The premises is currently licensed under Licensing Act 2003 and a copy of the licence is attached as Appendix C.

#### **5. TEMPORARY EVENT NOTICE FOR EVENT TO BE HELD 30/10/2021 - 01/11/2021**

- 5.1 A TEN has been submitted to allow licensable activities to take place on the premises. A copy of the Temporary Event Notice and additional information is attached as Appendix A.

- 5.2 The Police have objected to the TEN on the grounds of the prevention of crime and disorder, public safety, public nuisance and protection of children from harm. A copy of the Police objection is attached as Appendix B.

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

- 6.1 There are implications for;

- **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.

#### **7. MEMBERS DECISION MAKING**

- A. **Option 1**  
**That the Licensing Authority decides not to give a counter notice.**
- B. **Option 2**  
**That the Licensing Authority decides to give a counter notice, giving the reasons for the decision.**

## 8. CONCLUSION

- 8.1 That Members decide whether or not to issue a counter notice for the event scheduled to take place on **30/10/2021** from **02:00am** finishing on **01/11/2021** at **05:00am** at location above.

<b>Group Director, Neighbourhoods and Housing</b>	Ajman Ali
<b>Lead Officer (holder of original copy):</b>	Shan Uthayasangar Licensing Officer Licensing Service 1 Hillman Street E8 1DY Telephone: 020 8356 2431

### LIST OF BACKGROUND PAPERS RELATING TO THIS REPORT

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

<b>Description of document</b>	<b>Location</b>
<b>Office File:</b> The Munch, Ground Floor, 148 Shoreditch High Street, London, E1 6JE.	Licensing Service 1 Hillman Street London E8 1DY

#### **Printed matter**

Licensing Act 2003

LBH Statement of Licensing Policy



Before completing this notice, please read the guidance notes at the end of the notice. If you are completing this notice by hand, please write legibly in block capitals. In all cases, ensure that your answers are inside the boxes and written in black ink or typed. Use additional sheets if necessary. You should keep a copy of the completed notice for your records. You must send at least one copy of this notice to the licensing authority and additional copies must be sent to the chief officer of police and the local authority exercising environmental health functions for the area in which the premises are situated. The licensing authority will give to you written acknowledgement of the receipt of the notice.

I, the proposed premises user, hereby give notice under section 100 of the Licensing Act 2003 of my proposal to carry on a temporary activity at the premises described below.

1. The personal details of premises user (Please read note 1)			
1. Your name			
Title	Mr <input checked="" type="checkbox"/> Mrs <input type="checkbox"/> Miss <input type="checkbox"/> Ms <input type="checkbox"/> Other (please state)		
Surname	<b>Disbudak</b>		
Forenames	<b>Utku</b>		
2. Previous names (Please enter details of any previous names or maiden names, if applicable. Please continue on a separate sheet if necessary)			
Title	Mr <input type="checkbox"/> Mrs <input type="checkbox"/> Miss <input type="checkbox"/> Ms <input type="checkbox"/> Other (please state)		
Surname			
Forenames			
3. Your date of birth	Day	Month	Year
4. Your place of birth			
5. National Insurance Number			
6. Your current address (We will use this address to correspond with you unless you complete the separate correspondence box below)			
[REDACTED]			
Post town	[REDACTED]	Postcode	[REDACTED]
7. Other contact details			
Telephone numbers Daytime	[REDACTED]		
Evening (optional)			
Mobile (optional)	[REDACTED]		
Fax number (optional)			
E-Mail address (if available)	[REDACTED]		

8. Alternative address for correspondence (If you complete the details below, we will use this address to correspond with you)	
Post town	Postcode
9. Alternative contact details (if applicable)	
Telephone numbers: Daytime	
Evening (optional)	
Mobile (optional)	
Fax number (optional)	
E-Mail address (if available)	

2. The premises	
Please give the address of the premises where you intend to carry on the licensable activities or, if it has no address, give a detailed description (including the Ordnance Survey references) (Please read note 2)	
<b>The Munch, Ground Floor 148 Shoreditch High Street Hackney, London, E1 6JE</b>	
Does a premises licence or club premises certificate have effect in relation to the premises (or any part of the premises)? If so, please enter the licence or certificate number below.	
Premises licence number	<b>LBH-PRE-T-0910</b>
Club premises certificate number	
If you intend to use only part of the premises at this address or intend to restrict the area to which this notice applies, please give a description and details below. (Please read note 3)	
The whole site will be used for this event. For all three events/dates, the restaurant will be open till 6am.	
Please describe the nature of the premises below. (Please read note 4)	
This is a Turkish restaurant.	
Please describe the nature of the event below. (Please read note 5)	
This event has been scheduled to celebrate Halloween.	

--

<b>3. The licensable activities</b>	
Please state the licensable activities that you intend to carry on at the premises (please tick all licensable activities you intend to carry on). (Please read note 6)	
The sale by retail of alcohol	<input type="checkbox"/>
The supply of alcohol by or on behalf of a club to, or to the order of, a member of the club	<input type="checkbox"/>
The provision of regulated entertainment (Please read note 7)	<input type="checkbox"/>
The provision of late night refreshment	<input checked="" type="checkbox"/>
Are you giving a late temporary event notice? (Please read note 8)	<input type="checkbox"/>
Please state the dates on which you intend to use these premises for licensable activities. (Please read note 9)	
<b>Start Date: 30-10-2021, 31-10-2021, 01/11/2021</b>	
Please state the times during the event period that you propose to carry on licensable activities (please give times in 24 hour clock). (Please read note 10)	
On the 30/10/2021 & 31/10/2021 the events will start at 4am and finish at 5am. On the 01/11/2021 the event will start at 2am and finish at 5am	
Please state the maximum number of people at any one time that you intend to allow to be present at the premises during the times when you intend to carry on licensable activities, including any staff, organisers or performers. (Please read note 11)	15
If the licensable activities will include the sale or supply of alcohol, please state whether these will be for consumption on or off the premises, or both (please tick as appropriate). (Please read note 12)	On the premises only <input type="checkbox"/>
	Off the premises only <input type="checkbox"/>
	Both <input checked="" type="checkbox"/>

<p>Please state if the licensable activities will include the provision of relevant entertainment. If so, please state the times during the event period that you propose to provide relevant entertainment (including, but not limited to lap dancing and pole dancing). (Please see note 13)</p> <p>N/A</p>
---



<b>4. Personal licence holders (Please read note 14)</b>		
Do you currently hold a valid personal licence? (Please tick)	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
If "Yes" please provide the details of your personal licence below.		
Issuing licensing authority	[REDACTED]	
Licence number	[REDACTED]	
Date of issue	[REDACTED]	
Any further relevant details	[REDACTED]	


<b>5. Previous temporary event notices you have given (Please read note 15 and tick the boxes that apply to you)</b>		
Have you previously given a temporary event notice in respect of any premises for events falling in the same calendar year as the event for which you are now giving this temporary event notice?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
If answering yes, please state the number of temporary event notices (including the number of late temporary event notices, if any) you have given for events in that same calendar year		
Have you already given a temporary event notice for the same premises in which the event period: a) ends 24 hours or less before; or b) begins 24 hours or less after the event period proposed in this notice?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>

<b>6. Associates and business colleagues (Please read note 16 and tick the boxes that apply to you)</b>		
Has any associate of yours given a temporary event notice for an event in the same calendar year as the event for which you are now giving a temporary event notice?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
If answering yes, please state the total number of temporary event notices (including the number of late temporary event notices, if any) your associate(s) have given for events in the same calendar year.		
Has any associate of yours already given a temporary event notice for the same premises in which the event period: a) ends 24 hours or less before; or b) begins 24 hours or less after the event period proposed in this notice?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
Has any person with whom you are in business carrying on licensable activities given a temporary event notice for an event in the same calendar year as the event for which you are now giving a temporary event notice?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
If answering yes, please state the total number of temporary event notices (including the number of late temporary event notices, if any) your business colleague(s) have given for events in the same calendar year.		

Has any person with whom you are in business carrying on licensable activities already given a temporary event notice for the same premises in which the event period: a) ends 24 hours or less before; or b) begins 24 hours or less after the event period proposed in this notice?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
---	---------------------------------	---

<b>7. Checklist (Please read note 17)</b>	
<b>I have: (Please tick the appropriate boxes, where applicable)</b>	
Sent at least one copy of this notice to the licensing authority for the area in which the premises are situated	<input checked="" type="checkbox"/>
Sent a copy of this notice to the chief officer of police for the area in which the premises are situated	<input checked="" type="checkbox"/>
Sent a copy of this notice to the local authority exercising environmental health functions for the area in which the premises are situated	<input checked="" type="checkbox"/>
If the premises are situated in one or more licensing authority areas, sent at least one copy of this notice to each additional licensing authority	<input checked="" type="checkbox"/>
If the premises are situated in one or more police areas, sent a copy of this notice to each additional chief officer of police	<input checked="" type="checkbox"/>
If the premises are situated in one or more local authority areas, sent a copy of this notice to each additional local authority exercising environmental health functions	<input checked="" type="checkbox"/>
Made or enclosed payment of the fee for the application	<input checked="" type="checkbox"/>
Signed the declaration in Section 9 below	<input checked="" type="checkbox"/>

<b>8. Condition (Please read note 18)</b>
It is a condition of this temporary event notice that where the relevant licensable activities described in Section 3 above include the sale or supply of alcohol that all such supplies are made by or under the authority of the premises user.

<b>9. Declarations (Please read note 19)</b>	
The information contained in this form is correct to the best of my knowledge and belief.	
I understand that it is an offence: (i) to knowingly or recklessly make a false statement in or in connection with this temporary event notice and that a person is liable on summary conviction for such an offence to a fine of any amount; and (ii) to permit an unauthorised licensable activity to be carried on at any place and that a person is liable on summary conviction for any such offence to a fine of any amount, or to imprisonment for a term not exceeding six months, or to both.	
Signature	
Date	14/10/2021

Name of Person signing	Ozlem Has
------------------------	-----------

For completion by the licensing authority

<b>10. Acknowledgement (Please read note 20)</b>	
I acknowledge receipt of this temporary event notice.	
Signature	On behalf of the licensing authority
Date	
Name of Officer signing	

# APPENDIX B

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

### RESPONSIBLE AUTHORITY DETAILS

NAME OF AUTHORITY	Metropolitan Police service
ADDRESS OF AUTHORITY	Licensing Unit, Stoke Newington Police Station 33 Stoke Newington High Street Stoke Newington London N16 8DS
CONTACT NAME	PC590GD Hunwick
TELEPHONE NUMBER	0207 275 3146
E-MAIL ADDRESS	hackneylicensing@met.police.uk

### APPLICATION PREMISES

NAME & ADDRESS OF PREMISES	<b>The Munch</b> <b>148 Shoreditch High Street</b> <b>London</b> <b>E1 6JE</b>
NAME OF PREMISES USER	<b>Utku Disbudak</b>

### COMMENTS

I make the following relevant representations in relation to the above application to the TEN 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 object to the granting of this TEN for the 30<sup>th</sup> October – 1<sup>st</sup> November 2021 on the grounds of crime and disorder, public safety, the prevention of public nuisance and the protection of children from harm for the following reason(s):

The area outside the venue is becoming a hotbed for crime and ASB and this had led in recent weeks to a serious assault in which someone outside was stabbed. This is due to people from nearby clubs loitering whilst eating their food which in turn is causing a proliferation of nitrous oxide sellers in French Place and Shoreditch High Street which affects nearby residents who complain every weekend about the problems here. We therefore object to any extension of the opening hours which will only serve to prolong the period of trouble on these nights.

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

Police National Computer (PNC) data, Criminal Intelligence Reports, personal knowledge

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

Details as requested

Signed PC590GD HUNWICK (By E-mail)

Name PC590GD HUNWICK (Printed)



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

Licensing Service  
1 Hillman Street  
London E8 1DY

**PART A – PREMISES LICENCE**

**Premises Licence Number**

LBH-PRE-T-0910

**Part 1 – Premises details**

The Munch  
Ground Floor  
148 Shoreditch High Street  
Hackney  
London  
E1 6JE

020 7613 3277

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

Not Applicable

**Licensable activities authorised by the licence**

Late Night Refreshment  
Supply of Alcohol

**The times the licence authorises the carrying out of Licensable activities**

**Late Night Refreshment**

**Standard Hours:**

**Premises:**

Mon 23:00-02:00  
Tue 23:00-02:00  
Wed 23:00-02:00  
Thu 23:00-02:00  
Fri 23:00-04:00  
Sat 23:00-04:00  
Sun 23:00-02:00

**Supply of Alcohol      Standard Hours:**

**Premises:**      Mon 11:00-23:00  
Tue 11:00-23:00  
Wed 11:00-23:00  
Thu 11:00-23:00  
Fri 11:00-23:00  
Sat 11:00-23:00  
Sun 11:00-23:00

**The opening hours of the premises**

**Standard Hours:**

Mon 11:00-02:00  
Tue 11:00-02:00  
Wed 11:00-02:00  
Thu 11:00-02:00  
Fri 11:00-04:00  
Sat 11:00-04:00  
Sun 11:00-02:00

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

On Premises

**Part 2 –**

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

Utku Disbudak

[REDACTED]  
[REDACTED]  
[REDACTED]

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

N/A

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

Utku Disbudak

**Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises the supply of alcohol**

**Date of Grant:** 6 February 2008

**Signed:**

**David Tuitt  
Team Leader - Licensing**



## Annex 1 - Mandatory Conditions

### Supply of Alcohol

#### Mandatory condition for 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 customers 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.

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

8. The management of the premises shall take part in local crime reduction schemes.
9. Alcohol shall only be supplied with seated table meals.
10. A register of refused sales shall be kept and maintained at the premises.
11. Staff shall be trained with regards to laws regarding under 18 year olds & alcohol sales.
12. 'Challenge 21' notices shall be displayed at the premises.

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

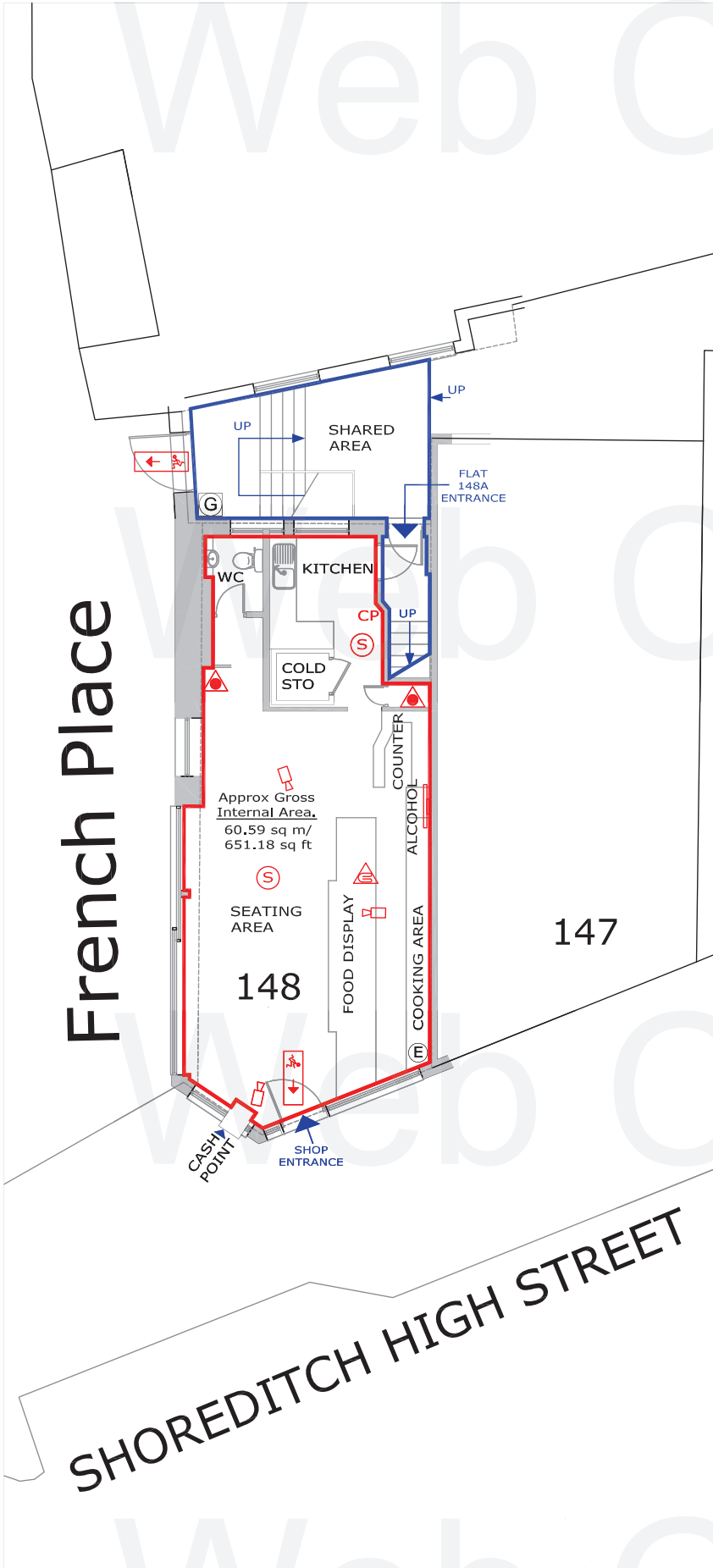
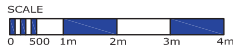
13. Bins must not be discharged between 11p.m. and 7a.m.
14. Notices must be prominently displayed at the exits reminding patrons to depart in an orderly manner.

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

None

## **Annex 4 – Plans**

PLAN/LBH-PER-T-0910/070316



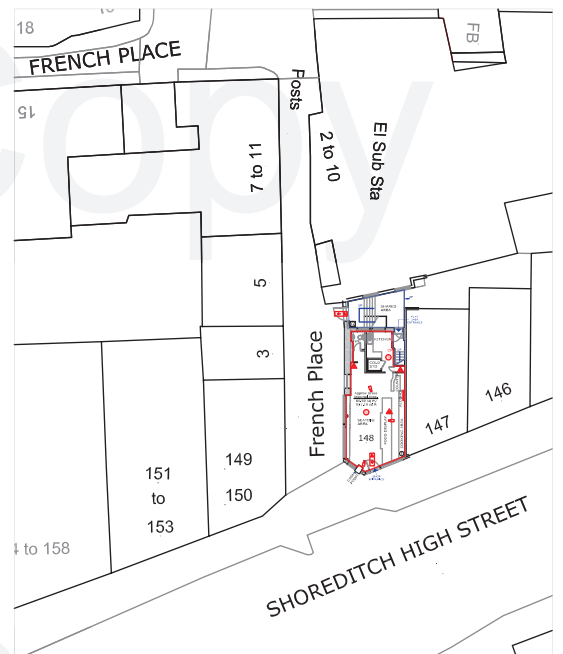
GROUND FLOOR PLAN  
SCALE 1:100



LOCATION PLAN  
SCALE 1:1250

**KEY**

	CCTV
	FIRE EXTINGUISHER - WATER
	FIRE ALARM CALL POINT
	SMOKE DETECTOR
	FIRE EXIT
	FIRE ALARM SOUNDER
	FIRE BLANKET
	FIRE EXTINGUISHER - CARBON DIOXIDE
	FIRE EXTINGUISHER - DRY POWDER
	FIRE EXTINGUISHER - FOAM
	CCTV MONITOR SCREEN
	HEAT DETECTOR
	GAS METER
	ELECTRIC METER



BLOCK PLAN  
SCALE 1:500

client	address 148 SHOREDITCH HIGH STREET LONDON E1 6JE	location LICENSING PLAN	date 12-AUG-2015	scale 1:100	sheet A3	 Boham Consult Limited 191 Lawrence Avenue London E12 5QR Tel: 08450523724 Fax: 02082226990 info@bohamconsult.com www.landregistryplanning.co.uk
			dwg. no. BC27L-01	revision		



# APPENDIX D



Scale: 1:1250 at A4

## The Munch, Ground Floor, 148 Shoreditch High Street, E1 6JE



Ref:

Page 62

please specify copyright statement

Thursday, October 21, 2021

email:



## MINUTES OF THE MEETING OF THE LICENSING SUB COMMITTEE D

TUESDAY, 26 OCTOBER 2021

THIS MEETING WAS LIVE STREAMED AND CAN BE VIEWED AT:

<https://youtu.be/ggtJUy6Yu4>

**Councillors Present:** Cllr Brian Bell (Chair),  
Cllr Emma Plouviez

**Officers in Attendance:** Amanda Nauth - Licensing and Corporate Lawyer  
David Tuitt - Business Regulation Team Leader  
Rabiya Khatun - Governance Services Officer

**Also in Attendance:** TENs - The Munch  
Utku Disbudak- Premises User  
Robert Sutherland - Agent for the Premises User  
  
PC Hunwick -Metropolitan Police Service

### 1. Election of Chair

1.1 Councillor Bell was duly elected to Chair the meeting.

### 2. Apologies for Absence

2.1 Apologies for absence were received from Councillor Wrout.

### 3. Declarations of Interest

3.1 There were no declarations of interest

### 4. Licensing Sub Committee Hearing Procedure

4.1 The hearing procedure as set out in the agenda pack was explained to all participants.

**5a Temporary Event Notice: Counter Notice - The Biddle Bros Bar, 88 Lower Clapton Road, London, E5 0QR**

The Chair reported that the TEN application had been withdrawn at the request of the Premises User.

**RESOLVED**

That the Temporary Event Notice for the The Biddle Bros Bar be withdrawn at the request of the Premises User.

**5b. Temporary Event Notice: Counter Notice - The Munch, Ground Floor, 148 Shoreditch High Street , London, E1 6JE**

5.1 David Tuitt, Business Regulation Team Leader introduced the report in respect of a Temporary Event Notice (TEN) for The Munch for an event to be held on 30 October 2021 from 02:00 hours finishing on 1 November 2021 at 05:00 hours and advised that the Police had objected to the TEN.

5.2 The Chair sought clarification regarding the application and the agent for the premise user confirmed that the application was solely for late night refreshment.

5.3 PC Hunwick, Metropolitan Police Service, objected to the granting of the TEN on the grounds of crime and disorder, public safety and the prevention of public nuisance, and outlined the reasons for his objection as follows:

- Since the easing of lockdown restrictions bars were reopening at full capacity, which had resulted in high levels of violence fuelled by alcohol and increased usage of nitrogen oxide. This had led to an increase in crime and anti-social behaviour on the Shoreditch High Street and surrounding area. The police had received complaints from local residents relating to noise nuisance, loud music and the use of nitrous oxide;
- The premises were attracting groups of people that were congregating on the streets within the vicinity until the early hours of the morning and contributing to crime and anti-social behaviour in the area;
- A serious incident of stabbing had taken place outside the venue;
- People from nearby clubs were loitering while consuming food and increasingly using nitrous oxide in French Place and Shoreditch High Street.



- The proposed extension of hours would encourage people to remain in the area for longer, which would further exacerbate the issues of crime and disorder and public nuisance in the area.

5.5 Robert Sutherland, agent for the Premises User, made the following points in support of the application:

- The Munch had been open since 2019 and was a family run business;
- The proposed premises user had the policies, personnel and CCTV in place to promote the licensing objectives.
- The proposed TEN for 30 October had been requesting an extension of one hour and a further three hours on 1 November;
- There would be two SIA door supervisors on duty during the TEN events. The second SIA door supervisor would be responsible for managing the external area, assist with dispersal from premises and also deter people from loitering;
- Staff and SIA door supervisors would control entry and exit between 04.00 to 05.00 hours; and

5.6 Members asked questions relating to the application and the responses were as follows:

- With regard to loitering outside the premises, the agent for the Premises User emphasised that the applicant had proposed an additional SIA door supervisor during TEN events and the wearing of body cams to address the concerns regarding people congregating outside premises and dispersal issues in the area;
- PC Hunwick reiterated that any extension of hours would encourage people to remain in the area for longer periods.
- The agent for the Premises User claimed that the stabbing incident on 11 July 2021 had taken place 180 metres away from the premises and following the incident the premises user had employed an additional SIA door supervisor for TEN events;
- PC Hunwick clarified that the stabbing had taken place outside the premises but the victim had moved from this area.

5.7 Members remained concerned that door supervisors would have no powers to move people on, and would not be able to resolve the problems being experienced by residents.

5.8 The agent for the Premises User summarised that the special policy area did not apply to TENs and argued that the extra measures proposed for an

additional SIA door supervisor and body camera would not undermine the licensing objectives.

- 5.9 The police remained opposed to the temporary extension because of the amount of crime and disorder being experienced in the area, and the venue's role in encouraging drinkers to remain in the area after clubs had closed.

**RESOLVED:**

**The decision**

The Licensing sub-committee, in considering this decision from the information presented to it within the report and at the hearing today, has determined that having regard to the promotion of all the licensing objectives:

- The prevention of crime and disorder;
- Public safety;
- Prevention of public nuisance; and
- The protection of children from harm

and in particular upon consideration of the 'objection notice' given by the Metropolitan Police Service, is satisfied that the proposed event would undermine the licensing objectives. Therefore, the sub-committee has decided to issue a counter notice.

**Reasons for the decision**

The sub-committee took into consideration the objection received from the Metropolitan Police Service to the Temporary Event Notice for the period from 04:00 on 30th October, from 04:00 on 31 October, and finishing at 05:00 on 1st November 2021, which contended that this event would undermine the licensing objectives, on the grounds of crime and disorder, public safety, and prevention of public nuisance. The sub-committee carefully considered the reasons for this objection.

The sub-committee heard representations made by the police who contended that the area immediately outside the premises has become a focal point for people standing around the area noisily consuming their food on the street, and playing loud music which led to increased anti-social behaviour, violence and crime in the area. This was due to people from nearby clubs loitering whilst eating their food. This also led to a proliferation of nitrous sellers in French Place and Shoreditch High Street which affected nearby residents who complained to the police each weekend.

The sub-committee heard submissions from the police that the crowding outside the premises had contributed to a recent stabbing and serious assault. The police contended that the premises already had sufficiently long hours, and to apply for further additional hours the premises user needed to demonstrate that they were for the benefit of the area.

The sub-committee heard from the representative of the premises user that it was a family business which provided late night refreshment until 04:00 Friday and Saturday and until 02:00 on all other days. The premises user offered 2 SIA security staff at the entrance to the premises to control customers and people queuing outside the premises. The food is prepared on the premises and consumed off the premises. The representative of the premises user contended that the presence of body-worn CCTV on the SIA security door staff would discourage anti-social behaviour on the days of the event.

The sub-committee, having heard from the premises user, their representative, and from the Metropolitan Police Service felt that the TEN would result in people staying in the area for longer and causing anti-social behaviour, crime and disorder. The sub-committee heard that the police will object to any extension of opening hours, particularly late at night and in the early hours of the morning to prevent public nuisance.

Therefore, on balance, the sub-committee considered that the event would contribute to public nuisance and antisocial behaviour late at night which would add to the noise and negative impact within the Shoreditch Special Policy Area. The sub-committee also took into consideration the impact on local residents in the area and public safety.

The sub-committee considered that allowing the event to take place in accordance with the TEN would undermine the licensing objectives. It determined that it was therefore necessary and proportionate to issue a counter notice due to the current situation in the Shoreditch area as outlined by the police.

**Duration of the meeting:** 14.00- 14.35

**Contact:**

**Rabiya Khatun**

Governance Services Officer

[rabiya.khatun@hackney.gov.uk](mailto:rabiya.khatun@hackney.gov.uk)

0208 356 6279

This page is intentionally left blank

## **Counter Notice (Temporary Event Notice for 30 and 31 October and 1 November 2021)**

**The Munch, Ground Floor, 148 Shoreditch High Street, London N1 6JE**

### **The decision of 26th October 2021**

The Licensing sub-committee, in considering this decision from the information presented to it within the report and at the hearing today, has determined that having regard to the promotion of all the licensing objectives:

- The prevention of crime and disorder;
- Public safety;
- Prevention of public nuisance; and
- The protection of children from harm

and in particular upon consideration of the 'objection notice' given by the Metropolitan Police Service, is satisfied that the proposed event would undermine the licensing objectives. Therefore, the sub-committee has decided to issue a counter notice.

### **Reasons for the decision**

The sub-committee took into consideration the objection received from the Metropolitan Police Service to the Temporary Event Notice for the period from 04:00 on 30th October, from 04:00 on 31 October, and finishing at 05:00 on 1st November 2021, which contended that this event would undermine the licensing objectives, on the grounds of crime and disorder, public safety, and prevention of public nuisance. The sub-committee carefully considered the reasons for this objection.

The sub-committee heard representations made by the police who contended that the area immediately outside the premises has become a focal point for people standing around the area noisily consuming their food on the street, and playing loud music which led to increased anti-social behaviour, violence and crime in the area. This was due to people from nearby clubs loitering whilst eating their food. This also led to a proliferation of nitrous sellers in French Place and Shoreditch High Street which affected nearby residents who complained to the police each weekend.

The sub-committee heard submissions from the police that the crowding outside the premises had contributed to a recent stabbing and serious assault. The police contended that the premises already had sufficiently long hours, and to apply for further additional hours the premises user needed to demonstrate that they were for the benefit of the area.

The sub-committee heard from the representative of the premises user that it was a family business which provided late night refreshment until 04:00 Friday and Saturday and until 02:00 on all other days. The premises user offered 2 SIA security staff at the entrance to the premises to control customers and people queuing outside the premises. The food is prepared on the premises and consumed off the premises. The representative of the premises user contended that the presence of body-worn CCTV on the SIA security door staff would discourage anti-social behaviour on the days of the event.

The sub-committee, having heard from the premises user, their representative, and from the Metropolitan Police Service felt that the TEN would result in people staying in the area for longer and causing anti-social behaviour, crime and disorder. The sub-committee heard that the police will object to any extension of opening hours, particularly late at night and in the early hours of the morning to prevent public nuisance.

Therefore, on balance, the sub-committee considered that the event would contribute to public nuisance and antisocial behaviour late at night which would add to the noise and negative impact within the Shoreditch Special Policy Area. The sub-committee also took into consideration the impact on local residents in the area and public safety.

The sub-committee considered that allowing the event to take place in accordance with the TEN would undermine the licensing objectives. It determined that it was therefore necessary and proportionate to issue a counter notice due to the current situation in the Shoreditch area as outlined by the police.