



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

Thursday 17 February 2022  
at 2.00 pm

Until further notice, all Licensing Sub  
Committee meetings will be held remotely

The live stream can be viewed here:

<https://youtu.be/psU-14E641s>

If there are technical difficulties with the main link please  
use this link: <https://youtu.be/IGZT-uRaHkk>

Members of the Sub-Committee: Councillor Brian Bell,  
Councillor Emma Plouviez

**Mark Carroll**  
Chief Executive  
Tuesday 8 February 2022  
[www.hackney.gov.uk](http://www.hackney.gov.uk)

Contact: Peter Gray  
Governance Services Officer  
[Peter.Gray@Hackney.gov.uk](mailto:Peter.Gray@Hackney.gov.uk)

**Licensing Sub Committee D**  
**Thursday 17 February 2022**  
**2pm**

**Agenda**

- 1 Election of Chair**
- 2 Apologies for Absence**
- 3 Declarations of Interest - Members to declare as appropriate**
- 4 Minutes of the Previous Meeting**
- 5 Licensing Sub-Committee Hearing Procedure (Pages 9 - 10)**
- 6 Application for a Premises Licence: Jiffy Grocery, Arch 411, Institute Place, London, E8 1LA**
- 7 Application for a Premises Licence: 2 Chatsworth Road, London, E5 0LP**
- 8 Temporary Event Notices - Standing Item**

## Public Attendance

The Town Hall is not presently open to the general public, and there is limited capacity within the meeting rooms. However, the High Court has ruled that where meetings are required to be 'open to the public' or 'held in public' then members of the public are entitled to have access by way of physical attendance at the meeting. The Council will need to ensure that access by the public is in line with any Covid-19 restrictions that may be in force from time to time and also in line with public health advice.

Those members of the public who wish to observe a meeting are still encouraged to make use of the live-stream facility in the first instance. You can find the link on the agenda front sheet.

Members of the public who would ordinarily attend a meeting to ask a question, make a deputation or present a petition will be able to attend if they wish. They may also let the relevant committee support officer know that they would like the Chair of the meeting to ask the question, make the deputation or present the petition on their behalf (in line with current Constitutional arrangements).

In the case of the Planning Sub-Committee, those wishing to make representations at the meeting should attend in person where possible.

**Regardless of why a member of the public wishes to attend a meeting, they will need to advise the relevant committee support officer of their intention in advance of the meeting date. You can find contact details for the committee support officer on the agenda front page.** This is to support track and trace. The committee support officer will be able to confirm whether the proposed attendance can be accommodated with the room capacities that exist to ensure that the meeting is covid-secure.

**As there will be a maximum capacity in each meeting room, priority will be given to those who are attending to participate in a meeting rather than observe.**

Members of the public who are attending a meeting for a specific purpose, rather than general observation, are encouraged to leave the meeting at the end of the item for which they are present. This is particularly important in the case of the Planning Sub-Committee, as it may have a number of items on the agenda involving public representation.

## Before attending the meeting

The public, staff and councillors are asked to review the information below as this is important in minimising the risk for everyone.

If you are experiencing covid symptoms, you should follow government guidance. Under no circumstances should you attend a meeting if you are experiencing covid symptoms.

Anyone experiencing symptoms of Coronavirus is eligible to book a swab test to find out if they have the virus. You can register for a test after checking your symptoms through the NHS website. If you do not have access to the internet, or have difficulty with the digital portals, you are able to call the 119 service to book a test.

If you're an essential worker and you are experiencing Coronavirus symptoms, you can apply for priority testing through GOV.UK by following the guidance for essential workers. You can also get tested through this route if you have symptoms of coronavirus and live with an essential worker.

Availability of home testing in the case of people with symptoms is limited, so please use testing centres where you can.

Even if you are not experiencing covid symptoms, you are requested to take an asymptomatic test (lateral flow test) in the 24 hours before attending the meeting.

You can do so by visiting any lateral flow test centre; details of the rapid testing sites in Hackney can be found here. Alternatively, you can obtain home testing kits from pharmacies or order them here.

You must not attend a lateral flow test site if you have Coronavirus symptoms; rather you must book a test appointment at your nearest walk-through or drive-through centre.

Lateral flow tests take around 30 minutes to deliver a result, so please factor the time it will take to administer the test and then wait for the result when deciding when to take the test.

If your lateral flow test returns a positive result then you must follow Government guidance; self-isolate and make arrangements for a PCR test. Under no circumstances should you attend the meeting.

## **Attending the Town Hall for meetings**

To make our buildings Covid-safe, it is very important that you observe the rules and guidance on social distancing, one-way systems, hand washing, and the wearing of masks (unless you are exempt from doing so). You must follow all the signage and measures that have been put in place. They are there to keep you and others safe.

To minimise risk, we ask that Councillors arrive fifteen minutes before the meeting starts and leave the meeting room immediately after the meeting has concluded. The public will be invited into the room five minutes before the meeting starts.

Members of the public will be permitted to enter the building via the front entrance of the Town Hall no earlier than ten minutes before the meeting is scheduled to start. They will be required to sign in and have their temperature checked as they enter the building. Security will direct them to the Chamber or Committee Room as appropriate.

Seats will be allocated, and people must remain in the seat that has been allocated to them.

Refreshments will not be provided, so it is recommended that you bring a bottle of water with you.

## **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. 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.

## **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:

- i. 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;
- ii. 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
- iii. 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:

- i. 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).
- ii. 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 of Legal and Governance Services via email [dawn.carter-mcdonald@hackney.gov.uk](mailto:dawn.carter-mcdonald@hackney.gov.uk)

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

THURSDAY 9th SEPTEMBER 2021 AT 2PM

THIS MEETING WAS LIVE STREAMED AND CAN BE VIEWED AT:

**Councillors Present:** Cllr Brian Bell (Chair), Cllr Emma Plouviez  
Cllr Susan Fajana-Thomas

**Officers in Attendance:** Peter Gray - Governance Services Officer  
Amanda Nauth - Licensing and Corporate Lawyer  
Suba Sriramana - Acting Principal Licensing Officer

**Also in Attendance:** The Fixagon, 130 Bridport Place  
Joshua Nawras (Applicant)  
Felix Mortimer(Applicant)  
David Tuitt (Licensing Authority)  
Other Persons  
Richard Barnett  
Fiona Gee  
Craig Mills  
Dennis Mok  
Felix Philippen  
Stephanie Wong  
Casa Fofa, 158 Sandringham Road  
Paula Albanese (Applicant)  
David Tuitt (Licensing Authority)  
Other Person  
Thomas Iskratsch

**1. Election of Chair**

1.1 Councillor Brian Bell was duly elected as Chair of the meeting.

**2. Apologies for Absence**

2.1 There were no apologies for absence.

### **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.

### **5. Minutes of previous meetings**

5.1 The minutes of the meeting on 8th July 2021 were agreed as a correct record subject to amending the spelling of Rolling Rock.

### **6. Application for a Premises Licence: The Fixagon, Mono Tower, 130 Bridport Place N5**

6.1 Suba Srirmana introduced the application for a premises licence. Environment Enforcement had withdrawn their representations. Representations remained from the Licensing Authority and from a number of other persons.

6.2 The Chair referred to the error in the Police's correspondence and that the hours should be to 11pm - Friday and Saturday.

6.3 Joshua Nawras (applicant) made representations to the Sub-Committee in support of the application, highlighting the following:

- The Community Cafe was a creative hub with shared activity, serving vegan food. The premise was not a nightclub;
- The premise was supported by commercial operation, partly funded by alcohol;
- There would be no public nuisance arising;
- Tables would be taken in after 9pm;
- Premise staff were available to speak to residents.

6.3 Councillor Plouviez asked about the viability of the limited service of alcohol at the premises. Joshua Nawara referred to limited capacity at the premises with 60 patrons seated and 80 patrons standing and that the premises could not sustain a high capacity.

6.4 Councillor Fajana-Thomas asked for clarification in regard to live music at the premises. Joshua Nawara stated that there would not be amplified music at the venue. A keyboard player and a harp player would play at the premises.

- 6.5 David Tuitt made submissions to the Sub-Committee, highlighting the following:
- Concerns that the proposals could cause public nuisance given the proximity of a drinking establishment to a residential area with an extensive outdoor seating area;
  - It was unclear if there were hours attached to the planning permission.
- 6.6 Fiona Gee (Other Person) made submissions against the application, highlighting the following:
- Acoustics and noise issues in the building;
  - Concerns about patrons in an outside area with possible smoking;
  - The premises had been targeted for crime which would increase with the existence of a late night premises.
- 6.7 Richard Barnett made submissions against the application, highlighting the following:
- That the area was residential;
  - Concern around public nuisance;
  - Late drinking was not in keeping with a residential area.
- 6.8 Craig Mills made submissions against the application, highlighting the followings:
- The area was residential;
  - Concerns around noise pollution with balconies above the premises;
  - To be viable the venue would have to bulk sell alcohol.
- 6.9 Stephanie Wong made submissions against the application, highlighting the following:
- Confusion over timings at the premises;
  - The premises could be managed by alternative business owners in the future.
- 6.10 Dennis Mok made submissions against the application, highlighting the following:
- Concerns around the acoustics of the building and noise levels;
  - Groups of patrons outside the premises creating noise;
  - Negative effect on the quality of life of residents;
  - That the area was an unsafe environment;
  - Premises serving alcohol was not consistent with the character of the area;
  - A future different operator could manage the property in a different way.

- 6.11 Felix Philippen made submissions against the application, highlighting the following:
- Concerns around noise;
  - Whether the premises was soundproofed;
  - The outside tables should be removed at an earlier time;
  - At closing time, patrons should be directed to transport hubs;
  - The area was vibrant with other such premises present.
- 6.12 Councillor Emma Plouviez asked for clarification on the planning status in relation to the premises. Joshua Narwar confirmed that an application had been made for a change of use.
- 6.13 Councillor Fajana-Thomas stressed that 12 patrons could make a lot of noise and how this would be managed. She asked if tables could be taken in at an earlier time. Joshua Narwar confirmed that the premises had a noise policy. The doors of the premises would be closed and the premises was triple insulated. If there were issues with egress, amendments would need to be made. He confirmed that the tables could be taken in from 6pm.
- 6.14 The Chair recommended a condition on noise reduction. He stressed the need for the applicant to prove that crime and disorder would not arise from the proposals. Joshua Narwar confirmed that regular sound checks would be carried out. He confirmed that CCTV had been installed at the premises. All effort would be made to reduce crime in the area.
- 6.14 Councillor Plouviez asked if any tester events had been carried out. Joshua confirmed that the premises was operating for 8/9 weeks and that there had been no tester events or TENS at the premises. He confirmed that staff levels would be increased if alcohol was served.
- 6.15 Richard Barnett referred to the fact that there were a number of benches in the area where patrons could sit outside and drink. Joshua confirmed that there would not be any off-sales of alcohol. It would be made clear that it was inappropriate to drink on the benches. Felix Mortimer confirmed that the impact on the local area was monitored. He confirmed that there was a programme of events planned but that these were not large scale. Joshua agreed to have quarterly meetings with residents.
- 6.16 Craig Mills expressed concern that the venue was entirely glass and extended to the building's lobby area. Joshua confirmed that the glass was triple insulated.
- 6.17 In summing up, Joshua submitted that there had been an open conversation with residents in regard to the premises and the many residents supported the application.

6.18 David Tuitt made no closing submissions

6.19 Dennis Mok submitted in closing that there were problems around acoustics in the building in question.

### **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,

the application for a premises licence has been approved in accordance with the Council's Statement of Licensing Policy and the proposed conditions set out in paragraph 8.1 of the report, with the following amendments:

- The hours for licensable activity are:

#### **The opening hours of the premises:**

Monday - Thursday	08:00 - 22:30
Friday - Saturday	08:00 - 23:00
Sunday	11:00 - 22:00

#### **Supply of Alcohol (On Sales):**

Monday - Sunday	11:00 - 21:00
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#### **Plays:**

Monday - Sunday	11:00 - 21:00
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#### **Films:**

Monday - Sunday	11:00 - 21:00
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#### **Live Music:**

Monday - Sunday	11:00 - 21:00
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**Recorded Music:**

Monday - Sunday                      11:00 - 21:00

- Remove off sales of alcohol from the application
- Remove conditions 8-17 of the report from the licence because they are operational details not conditions

Additional conditions

- No off-sales of alcohol for consumption off the premises is permitted.
- The use of the external area shall cease by 1900 hours and all street furniture including tables and chairs shall be removed.
- There shall be no glass drinks or open containers taken from the premises at any time.
- Events with 80 patrons standing shall be pre-booked or ticketed.
- The licensee shall hold and publicise quarterly liaison meetings with local residents to address any concerns or complaints about the premises.
- The maximum number of persons permitted on the premises at any one time shall not exceed 80 (excluding staff) at any one time.
- There shall be no deliveries made to the premises between the hours of 18:00 and 08:00.
- There shall be a written dispersal policy, a copy of which shall be kept on the premises and made available to the police or other authorised officers upon request.
- The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of a Metropolitan Police Crime. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Recordings shall be made available immediately upon the request of police or authorised officers throughout the preceding 31 day period. The CCTV system should be updated and maintained according to police recommendations.
- A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open

to the public. This staff member must be able to show a Police or authorised council officer recent data or footage when requested.

- Signs will be prominently displayed at all entrance and exit points reminding customers to leave quietly and respect local residents.
- An incident log shall be kept at the premises, and made available on request to an authorised officer of the council or the police, which will record the following:
  - a. All crimes reported.
  - b. All ejections of patrons
  - c. Any complaints received.
  - d. Any incidents of disorder.
  - e. Seizure of drugs or offensive weapons.
  - f. Any faults in the CCTV system.
  - g. Any refusal of the sale of alcohol.
  - h. Any visit by a relevant authority or emergency service.
- All instances of crime and disorder witnessed or reported to staff are to be reported by the Designated Premises Supervisor or responsible member of staff, to the police.
- All staff shall receive training on the legislation relating to the sales of alcohol to underage persons and drunken persons and shall have refresher training every 12 months. There shall be written records of such training which will be kept on the premises and produced to a police officer or other authorised officer upon request.
- The premises shall at all times operate a Challenge 25 policy to prevent any customers who attempt to purchase alcohol and who appear to the staff member to be under the age of 25 years without having first provided identification. Only a valid British driver's licence showing a photograph of the person, a valid passport or proof of age card showing the 'Pass' hologram are to be accepted as identification. Military ID Cards can also be accepted. Notices and/or posters advertising the Challenge 25 policy shall be placed in prominent positions at the premises.
- The use of the external area shall cease at 1900 hours save for a maximum of 5 smokers.
- External doors shall be kept closed at all times.
- There shall be food available at the venue at all times when alcohol is for sale.
- There shall be no DJ led events or club nights. All events at the venue shall be pre booked or ticketed events.

- The maximum capacity of the venue shall be 60 seated OR 80 standing.
- The licence holder shall maintain and advertise a dedicated telephone number of the Designated Premises Supervisor for use by any person who may wish to make a complaint.
- SIA door supervisors shall be employed on an operational risk assessment basis whenever licensable activity is taking place. All door supervisors shall enter their full details in the premises daily register at the commencement of their work. They shall record their full name, home address, and contact telephone number, their SIA registration number and the times they commence and conclude working. If the door supervisor is provided by an agency, the name, registered business address and contact telephone number will also be recorded. This register will be made available to police or other authorised officers upon request.

### **Reasons for the decision**

The sub-committee noted that the Environmental Protection had withdrawn their representation following the applicant's agreement to reduce the start time for the Supply of Alcohol "on" the premises to 11:00.

The sub-committee took into account that the Responsible Authorities (the Metropolitan Police Service and the Licensing Authority) made representations against the application, The sub-committee also took into consideration that 30 representations had been received from and on behalf of Other Persons (local residents).

The sub-committee heard that the police maintained their objection on the grounds of crime and disorder and of public nuisance. The police made submissions that the premises is situated in a block with commercial and residential spaces and close to Shoreditch Park and Regents Canal.

The sub-committee heard that the Licensing Authority made representations also on the grounds of public nuisance because the premises could introduce a drinking establishment with an extensive external seating area directly beneath and opposite a residential block of properties.

The sub-committee heard submissions and considered the written representations of the Other Persons who did not object to a cafe. However they feared that the applicant intended to run an all day and late night drinking and music venue, serving alcohol inside and outside with live music. They felt this would result in a disturbance to the local residents who live in the two blocks of flats above the premises, and a public nuisance in the area.

The sub-committee heard representations from the applicant that they wanted to operate a cafe with a strong community focus and provision of work space. The primary use of the premises would always be as a cafe, and they intended to



schedule complementary events and classes which may involve live performances, recorded and live music and other licensable activities. It was noted that there would be no provision of alcohol without food also being available.

The sub-committee noted the applicant's written submissions that they had originally sought later opening times to enable phased dispersal of events so that customers do not all leave simultaneously. They were prepared to now reduce these and accept additional conditions. The applicant had submitted letters of support from arts organisations, and wanted the opportunity to show that they were capable of operating the premises responsibly.

The applicant acknowledged that some of the information about their previous operation in Haringey had been confusing and may have led to some of the objections.

The sub-committee, after hearing from the applicant, the Responsible Authorities, and the Other Persons, was satisfied that the premises would not unduly impact the area if the hours for licensable activity were reduced and robust additional conditions applied. Specific conditions on the use of the outside area would help overcome any negative impact on local residents above and close to the premises. The sub-committee felt that the applicant agreeing to remove off-sales of alcohol from their application would help prevent public nuisance in the area.

The sub-committee took into consideration that the applicant was willing to work with the police and local residents to ensure they did not hold events that would be a public nuisance or unduly impact on local residents. Conditions would require ongoing liaison and the facilitation of complaints.

The sub-committee felt that by granting this licence with the reduced hours and substantial conditions, the licensing objectives would be upheld. The applicant would also be given an opportunity to prove that they are a responsible operator who can promote the licensing objectives.

#### **Public Informative**

1. The licence holder is encouraged to engage in meaningful dialogue with the local residents to resolve any issues relating to the premises, and for the licence holder to play their part in reducing any impacts of noise emanating from the premises, particularly during the evening and late at night.
2. The licence holder is strongly encouraged to use sustainable cutlery, plates, cups, food containers, and recyclable disposable materials to avoid using single-use disposable items to protect the local area, to prevent litter, and to protect the environment.

**7. Application to vary a Premises Licence: Casa Fofa, Basement and Ground Floor, 158 Sandringham Road, London, E8 2HS**

7.1 Suba Srirmana introduced the application to vary a premises licence as follows:

- To extend hours for supply of alcohol in the garden area;
- To extend hours for late night refreshment in the garden area;
- To remove the current condition 24 which states "Any outside space shall not be used after 22:00"

7.2 Paula Albanese (Applicant) made submissions in support of the application, highlighting the following:

- The restaurant had a 7 course menu with sitting times of 3 ½ hours so the restaurant needed to stay open past 10pm;
- The price of the menu was high and attracted a certain type of clientele;
- Extending the licence would allow the premise to welcome more clients;
- Customers were not allowed in the restaurant past 8pm with decreased revenue

7.3 Councillor Plouviez asked whether the restaurant continued to offer takeaway food and asked for clarification on the capacity of the premises. Paula Albanese responded that the maximum capacity inside the premises was 40 with capacity outside between 10 and 12. Takeaway food was no longer available.

7.4 Councillor Fajana-Thomas expressed concern that the restaurant garden faced a residential area.

7.5 David Tuitt made submissions in objection to the application, highlighting that:

- The proposals would have a negative impact on the promotion of licensing objectives;
- That the applicant had been asked to put comprehensive control measures in place to ensure the promotion of licensing objectives. Non-Compliance had led to a complaint against the premises. The applicant needed to demonstrate that control measures were in place.

7.6 Councillor Fajana-Thomas expressed concern that the requirements of the Licensing Authority had been ignored with excessive noise emanating from the restaurant which was located in a residential area. The Chair referred to the photos that had been submitted, demonstrating that there had been people in the garden area at a late hour. The Sub-Committee stated it was not confident at this time that comprehensive measures were in place to ensure the promotion of licensing objectives .

7.7 In summing up Paula Albanese apologised for the breach of the Licensing Authority's requirements and that improvements would be made in the coming months.

### **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;
- The protection of children from harm;

the application for a premises licence has been refused in accordance with Licensing Policies LP1, LP2, LP3, LP6 and LP11 within the Council's Statement of Licensing Policy.

### **Reasons for the decision**

The sub-committee heard from the Licensing Authority that they were objecting to the use of the outdoor area which should be restricted in accordance with Policy LP6. The extension of hours will cause noise nuisance and have a negative impact on local residents.

The sub-committee took into consideration three objections received from local residents confirming their objections to the late night hours and the impact of noise on families if the premises operated to later hours every day. The sub-committee agreed these could give rise to nuisance in the area, and anti-social behaviour affecting those residential properties situated close to the premises. The premises backs onto several local residents.

The sub-committee also took into consideration the applicant's representations. However, these did not go far enough to mitigate the negative impact late at night. The applicant has not been able to demonstrate adequate exceptional circumstances, to justify the proposed hours, and the application being approved.

The sub-committee felt that by not granting this application it would help prevent public nuisance in the area. The sub-committee took into account the recent breaches of conditions at the premises in August 2021, evidenced by numerous photographs. The sub-committee felt that the licence holder had not provided comprehensive control measures given the previous complaints about the premises.

The sub-committee noted that the structure which the licence holder had built did not appear to have made an adequate difference to the impact of noise. The council's policy states that premises in close proximity to local residents should not use the external areas after 22:00 to prevent noise nuisance.

The sub-committee determines each application on its merits. The sub-committee believed that the licensing objectives could not be promoted by granting this application, and as such believed it was appropriate to refuse the application in its entirety.

### **Public Informative**

The Licence holder is advised to submit a revised floor plan of the licenced area to reflect the current and actual layout of the premises in accordance with the conditions of the premises licence

## **7. Temporary Event Notices**

7.1 There were no Temporary Event Notices.

**End of Meeting.**

**Duration of Meeting: 2-5pm**

Chairperson: Councillor Brian Bell

Contact:  
Peter Gray  
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# Agenda Item 5

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> <b>Appointment of Chair and introduction</b></p>	<p>The Sub-Committee will appointment a Chair.</p> <p>The Chair will introduce the Sub-Committee, announce the item, and establish the identity of those taking part.</p> <p>The Sub-Committee will consider any requests to depart from normal procedure, such as holding a private session if it is considered to be in the public interest to do so or if a deferral/adjournment is requested for the item.</p> <p>The Chair (or Legal Adviser if asked by the Chair) will briefly outline how the hearing will proceed. However, Members may seek clarification on any issue raised during the hearing if required and if requested.</p>	<p>5 minutes</p>
<p><b>Step 2</b> <b>Licensing Officer</b></p>	<p>The Licensing Officer will outline the report.</p>	<p>5 minutes</p>
<p><b>Step 3</b> <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> <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> <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> <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> <b>Closing remarks</b></p>	<p>The Chair will ask Responsible Authorities, Other Persons, Applicants and the Licensing Officer if they have any final comments to make. These comments can <u>only</u> be in relation to issues raised during the discussion. These remarks should be brief.</p>	<p>10 minutes</p>
<p><b>Step 8 - Final clarification</b></p>	<p>Licensing Sub-Committee Members will have a final opportunity to seek clarification on any points raised, following which the Chair will conclude the discussion.</p>	<p>5 minutes</p>
<p><b>Step 9</b> <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> <b>Chair announces the decision</b></p>	<p>The Sub-Committee will return and the Chair will announce the decision. Reasons for their decision will be given, if appropriate.</p> <p>The Licensing Officer will draw attention to any restrictions which will affect the running of the premises and provide a written record of the decision, which will be sent to the applicant.</p>	<p>5 minutes</p>

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

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<b>REPORT OF GROUP DIRECTOR, NEIGHBOURHOODS AND HOUSING</b>		
<b>LICENSING SUB-COMMITTEE:</b> 17/02/2022	<b>Classification</b> DECISION	<b>Enclosure</b>
<b>Application for a Premises Licence</b>  Jiffy Grocery, Arch 441, Institute Place, London, E8 1LA	<b>Ward(s) affected</b>  Hackney Central	

## 1. SUMMARY

<b>Applicant(s):</b> Cloud Retail Ltd	<b>In SPA:</b> No																
<b>Date of Application</b> 16/12/2021	<b>Period of Application</b> Permanent																
<b>Proposed licensable activity</b>  Supply of Alcohol (Off Premises)																	
<b>Proposed hours of licensable activities</b>  <table style="width: 100%;"> <tr> <td style="width: 40%;"><b>Supply of Alcohol:</b></td> <td><b>Standard Hours:</b></td> </tr> <tr> <td></td> <td>Mon 08:00-23:00</td> </tr> <tr> <td></td> <td>Tue 08:00-23:00</td> </tr> <tr> <td></td> <td>Wed 08:00-23:00</td> </tr> <tr> <td></td> <td>Thu 08:00-23:00</td> </tr> <tr> <td></td> <td>Fri 08:00-00:00</td> </tr> <tr> <td></td> <td>Sat 08:00-00:00</td> </tr> <tr> <td></td> <td>Sun 10:00-22:30</td> </tr> </table>		<b>Supply of Alcohol:</b>	<b>Standard Hours:</b>		Mon 08:00-23:00		Tue 08:00-23:00		Wed 08:00-23:00		Thu 08:00-23:00		Fri 08:00-00:00		Sat 08:00-00:00		Sun 10:00-22:30
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<b>The opening hours of the premises</b>  <table style="width: 100%;"> <tr> <td style="width: 40%;"></td> <td><b>Standard Hours:</b></td> </tr> <tr> <td></td> <td>Not be open to the public</td> </tr> </table>			<b>Standard Hours:</b>		Not be open to the public												
	<b>Standard Hours:</b>																
	Not be open to the public																
<b>Capacity:</b> Not known																	
<b>Policies Applicable</b>	LP1 (General Principles), LP2 (Licensing Objectives), LP4 ('Off' Sales of Alcohol) and LP11 (Cumulative Impact - General)																
<b>List of Appendices</b>	A – Application for a premises licence and supporting documents B – Representations from other persons C – Location map																
<b>Relevant Representations</b>	<ul style="list-style-type: none"> <li>• Other Persons</li> </ul>																

## 2. APPLICATION

- 2.1 Cloud Retail Ltd has made an application for a premises licence under the Licensing Act 2003:

- To authorise the supply alcohol for consumption off the premises

2.2 The application is attached as Appendix A. The applicant has proposed measures that could be converted to conditions (see paragraph 8.1 below).

### 3. CURRENT STATUS / HISTORY

3.1 The premises are not currently licensed for any activity.

### 4. REPRESENTATIONS: RESPONSIBLE AUTHORITIES

From	Details
Environmental Health Authority (Environmental Protection)	No representation received
Environmental Health Authority (Environmental Enforcement)	Have confirmed no representation on this application
Environmental Health Authority (Health & Safety)	No representation received
Weights and Measures (Trading Standards)	No representation received
Planning Authority	No representation received
Area Child Protection Officer	No representation received
Fire Authority	Have confirmed no representation on this application
Police	Have confirmed no representation on this application
Licensing Authority	Have confirmed no representation on this application
Health Authority	No representation received

### 5. REPRESENTATIONS: OTHER PERSONS

From	Details
9 Representations opposing the application received from and on behalf of local residents. (Appendices B1-B9).	Representation received on the grounds of The Prevention of Crime and Disorder, Public Safety, Prevention of Public Nuisance and The Protection of Children from Harm.

### 6. GUIDANCE CONSIDERATIONS

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

### 7. POLICY CONSIDERATIONS

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

7.2 The Policy applies to applications where relevant representations have been made. With regard to this application, policies, LP1 (General Principles), LP2



(Licensing Objectives), LP4 ('Off' Sales of Alcohol) and LP11 (Cumulative Impact - General) are relevant.

## 8. OFFICER OBSERVATIONS

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

### Supply Of Alcohol(Off)

#### Supply of Alcohol

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.
  - 3.1. 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.
  - 3.2 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.
  - 3.3. 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.

### Minimum Drinks Pricing

4.
  - 4.1 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.
  - 4.2 For the purposes of the condition set out in paragraph 4.1 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.

4.3 Where the permitted price given by Paragraph 4.2(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.

4.4 (1) Sub-paragraph 4.4(2) below applies where the permitted price given by Paragraph 4.2(b) above on a day (“the first day”) would be different from the permitted price on the next day (“the second day”) as a result of a change to the rate of duty or value added tax.

(2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

### **Conditions consistent with the Operating Schedule**

5. A written notice of ‘authority’ record shall be maintained for staffs who sell alcohol.
6. Comprehensive training for staff in the main requirements of the Licensing Act 2003, the specific measures and conditions in place to promote the Licensing Objectives and the staff roles and responsibilities. Such records shall be available for inspection by the responsible authorities.
7. Contact details of the Designated Premises Supervisor shall be available to staff and to the authorities.
8. The business will be a delivery service only with no public visitors to the ‘premises’.
9. Deliveries will be only to pre-arranged postal addresses (not to open spaces).
10. A clear document trail shall be maintained of the order process from order, dispatch from the licensed premises and delivery to the customer and available for inspection by an authorised officer.
11. Strict terms and conditions emphasising the right to and the duty to refuse alcohol sales or supplies where there are concerns over age, drunkenness or the vulnerability of customers, which shall be included in promotional material, on the website and through staff training.
12. A written or digital record of refusals (to leave alcohol at given address) shall be kept on the delivery vehicle and maintained, recording the address, date, time and reason for the refusal.
13. Delivery staff shall not be given any incentive to sell or deliver alcohol.
14. Alcohol will not be sold from the delivery vehicle.

15. The delivery person shall only carry alcohol that has been pre-ordered.
16. When the delivery person is employed directly by the Premises Licence Holder, a register of staff details will be kept on the premises and must be made available for inspection by Local Authority officers and the Police.
17. Alcohol will only be delivered to the person who placed the order and whose name appears on the debit or credit card used for the transaction.
18. Records of all alcohol sales including the customer's name and delivery address shall be retained for 12 months and made available for inspection by Local Authority officers and the Police.
19. To prevent and detect crime the property shall be covered by an effective and secure cctv system, the images from which shall be made available to the responsible authorities without delay.
20. Staffing levels shall be maintained appropriately to ensure adequate security of the premises.
21. Staff shall be trained on all security issues including how to identify and to refuse service to customers that are drunk or appear to be drunk.
22. The business shall be a responsible alcohol retailer and will always refuse to supply alcohol where there is a likelihood that such a sale might contribute to crime and disorder.
23. There shall be no cash handling by delivery staff.
24. The means of escape provided for the premises shall be maintained unobstructed, free of trip hazards, be immediately available and clearly identified in accordance with the plans provided.
25. The public shall not be permitted to visit the premises at any time.
26. Deliveries will be conducted in a responsible and considerate manner, ensuring no disturbance to local residents or businesses.
27. The site and public areas near to the premises will kept free from litter associated with the operation of the business.
28. Deliveries to and waste removal from the site will undertaken at a time and in a manner that does not cause disturbance.
29. Delivery riders will await deliveries by waiting in an internal section of the premises until such time as a delivery is ordered. Staff on site will ensure that no excessive noise is created by the riders when leaving the Premises.
30. Terms & conditions stressing that the purchaser and those receiving a delivery of alcohol shall be at least 18 years of age.
31. There shall be an effective Challenge 25 policy.

32. At the time an order is placed a declaration will be required from the person placing the order that the person is over 18 years of age.
33. The online ordering process will prevent the consumer from placing an order until they have read the Challenge 25 statement unless the business calls the consumer to provide this information verbally before the order is accepted.
34. Anyone receiving a delivery and not appearing to be of the age of 25 years will be required to produce appropriate identification proving that they have turned 18 in order to be supplied with alcohol.
35. Appropriate ID will be a passport, photo driving licence, PASS accredited proof of age card or other reliable photo-ID that is recommended and approved for acceptance by the police or other authorities.
36. Staff shall be trained in all aspects of responsible alcohol retailing and in particular the Protection of Children including the Challenge 25 policy and the identification and refusal of potential 'proxy' purchasers.
37. Staff training will occur before a staff member is authorised to sell or deliver alcohol for the business.
38. Staff training records will be available for inspection by the police or other responsible authority upon request.
39. A refusals log will be kept and reviewed regularly by the DPS and made available for inspection by the police and an appropriate local authority representative.
40. Alcohol deliveries will not be made by a member of staff under the age of 18 years.

## 9. REASONS FOR OFFICER OBSERVATIONS

- 9.1 Conditions 5 to 40 above are derived from the applicant's operating schedule

## 10. LEGAL COMMENTS

- 10.1 The Council has a duty as a Licensing Authority under the Licensing Act 2003 to carry out its functions with a view to promoting the following 4 licensing objectives;
  - The Prevention of Crime and Disorder
  - Public Safety
  - Prevention of Public Nuisance
  - The Protection of Children from Harm
- 10.2 It should be noted that each of the licensing objectives have equal importance and are the only grounds upon which a relevant representation can be made and for which an application can be refused or terms and conditions attached to a licence.

## 11. HUMAN RIGHTS ACT 1998 IMPLICATIONS

- 11.1 There are implications to;
  - **Article 6** – Right to a fair hearing
  - **Article 14** – Not to discriminate
  - Balancing: **Article 1**- Peaceful enjoyment of their possession (i.e. a licence

is defined as being a possession) with **Article 8** – Right of Privacy (i.e. respect private & family life) to achieve a proportionate decision having regard to the protection of an individuals rights against the interests of the community at large.

## 12. MEMBERS DECISION MAKING

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

## 13. CONCLUSION

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

<b>Group Director, Neighbourhoods and Housing</b>	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.

Description of document	Location
<b>Office File:</b> Jiffy Grocery Arch 441, Institute Place London E8 1LA	Licensing Service 1 Hillman Street London E8 1DY

### Printed matter

Licensing Act 2003  
LBH Statement of Licensing Policy

**↳ Hackney**  
**LA01**

**Application for a premises licence to be granted under the Licensing Act 2003**

**PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST**

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

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

**I/We** Cloud Retail Ltd (t/as Jiffy Grocery)

*(Insert name(s) of applicant)*

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

**Part 1 – Premises details**

Postal address of premises or, if none, ordnance survey map reference or description Unit 441, Institute Place Arches Hackney Downs			
<b>Post town</b>	London	<b>Postcode</b>	E8 1LA

Telephone number at premises (if any)	
Non-domestic rateable value of premises	£43500

**Part 2 - Applicant details**

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

- a) an individual or individuals \*  please complete section (A)
- b) a person other than an individual \*
  - i as a limited company/limited liability partnership  please complete section (B)
  - ii as a partnership (other than limited liability)  please complete section (B)
  - iii as an unincorporated association or  please complete section (B)
  - iv other (for example a statutory corporation)  please complete section (B)

- c) a recognised club  please complete section (B)
- d) a charity  please complete section (B)
- e) the proprietor of an educational establishment  please complete section (B)
- f) a health service body  please complete section (B)
- g) a person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales  please complete section (B)
- ga) a person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 (within the meaning of that Part) in an independent hospital in England  please complete section (B)
- h) the chief officer of police of a police force in England and Wales  please complete section (B)

\* If you are applying as a person described in (a) or (b) please confirm (by ticking yes to one box below):

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

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

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
<b>Surname</b>			<b>First names</b>		
<b>Date of birth</b>		I am 18 years old or over		<input type="checkbox"/> Please tick yes	
<b>Nationality</b>					
Current residential address if different from premises address					
Post town				Postcode	
<b>Daytime contact telephone number</b>					
<b>E-mail address (optional)</b>					

Where applicable (if demonstrating a right to work via the Home Office online right to work checking service), the 9-digit 'share code' provided to the applicant by that service (please see note 15 for information)

**SECOND INDIVIDUAL APPLICANT** (if applicable)

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
<b>Surname</b>			<b>First names</b>		
<b>Date of birth</b>		I am 18 years old or over		<input type="checkbox"/>	Please tick yes
<b>Nationality</b>					
Current postal address if different from premises address					
Post town				Postcode	
<b>Daytime contact telephone number</b>					
<b>E-mail address (optional)</b>					
Where applicable (if demonstrating a right to work via the Home Office online right to work checking service), the 9-digit 'share code' provided to the applicant by that service (please see note 15 for information)					

**(B) OTHER APPLICANTS**

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

<b>Name</b> Cloud Retail Ltd (t/as Jiffy Grocery)
<b>Address</b> Kemp House 160 City Road London EC1V 2NX



Registered number (where applicable) 13046988
Description of applicant (for example, partnership, company, unincorporated association etc.) private limited company
Telephone number (if any) [REDACTED]
E-mail address (optional) [REDACTED]

**Part 3 Operating Schedule**

When do you want the premises licence to start?

DD	MM	YYYY
1	4	01 2022

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

DD	MM	YYYY

Please give a general description of the premises (please read guidance note 1) 'Jiffy Grocery' occupies Unit 441 at Institute Place Arches in Hackney Downs. The business is an online grocer providing home delivery of a range of ambient, chilled and frozen products, as well as alcohol, and responding to internet orders, serving customers locally.

No members of the public will be allowed to visit the premises.

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

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

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

Provision of regulated entertainment (please read guidance note 2) Please tick all that apply

- a) plays (if ticking yes, fill in box A)
- b) films (if ticking yes, fill in box B)
- c) indoor sporting events (if ticking yes, fill in box C)
- d) boxing or wrestling entertainment (if ticking yes, fill in box D)
- e) live music (if ticking yes, fill in box E)
- f) recorded music (if ticking yes, fill in box F)
- g) performances of dance (if ticking yes, fill in box G)
- h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H)
- Provision of late night refreshment** (if ticking yes, fill in box I)
- Supply of alcohol** (if ticking yes, fill in box J)

**In all cases complete boxes K, L and M**

**A**

<b>Plays</b> Standard days and timings (please read	<b>Will the performance of a play take place indoors or outdoors or both – please tick</b> (please read guidance note 3)	Indoors	<input type="checkbox"/>
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**J**

<b>Supply of alcohol</b> Standard days and timings (please read guidance note 7)			<b>Will the supply of alcohol be for consumption – please tick</b> (please read guidance note 8)	On the premises	<input type="checkbox"/>
				Off the premises	<input checked="" type="checkbox"/>
				Both	<input type="checkbox"/>
<b>Day</b>	<b>Start</b>	<b>Finish</b>	<b>State any seasonal variations for the supply of alcohol</b> (please read guidance note 5)		
Mon	0800	2300			
Tue	0800	2300			
Wed	0800	2300			
Thur	0800	2300			
Fri	0800	0000			
Sat	0800	0000			
Sun	1000	2230	<b>Non-standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list</b> (please read guidance note 6)		

**State the name and details of the individual whom you wish to specify on the licence as designated premises supervisor (Please see declaration about the entitlement to work in the checklist at the end of the form):**

<b>Name</b> Saidul Hussain	
<b>Date of birth</b> ██████████	
<b>Address</b> ██████████ ██████████	
<b>Postcode</b>	██████████
<b>Personal licence number (if known)</b> ██████████	
<b>Issuing licensing authority (if known)</b> ██████████	

**K**

**Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 9).**

none

**L**

<b>Hours premises are open to the public</b> Standard days and timings (please read guidance note 7)			<b>State any seasonal variations</b> (please read guidance note 5) THE PREMISES SHALL NOT BE OPEN TO THE PUBLIC AT ANY TIME
Day	Start	Finish	
Mon			<b>Non-standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list</b> (please read guidance note 6)
Tue			
Wed			
Thur			
Fri			
Sat			
Sun			

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

**a) General – all four licensing objectives (b, c, d and e)** (please read guidance note 10)

- The premises licence holder shall ensure:
- A written notice of ‘authority’ record is maintained for staff who sell alcohol
  - Comprehensive training for staff in the main requirements of the Licensing Act 2003, the specific measures and conditions in place to promote the Licensing Objectives and the staff roles and responsibilities. Such records shall be available for inspection by the responsible authorities.
  - Contact details of the Designated Premises Supervisor shall be available to staff and to the authorities
  - The business will be a delivery service only with no public visitors to the ‘premises’
  - Deliveries only to pre-arranged postal addresses (not to open spaces)
  - A clear document trail shall be maintained of the order process from order, despatch from the licensed premises and delivery to the customer and available for inspection by an authorised officer
  - Strict terms and conditions emphasising the right to and the duty to refuse alcohol sales or supplies where there are concerns over age, drunkenness or the vulnerability of customers, which shall be included in promotional material, on the website and through staff training.
  - A written or digital record of refusals (to leave alcohol at given address) shall be kept on the delivery vehicle and maintained, recording the address, date, time and reason for the refusal.
  - Delivery staff shall not be given any incentive to sell or deliver alcohol
  - Alcohol may not be sold from the delivery vehicle
  - The delivery person may only carry alcohol that has been pre-ordered
  - When the delivery person is employed directly by the Premises Licence Holder, a register of staff details must be kept on the premises and must be made available for inspection by Local Authority officers and the Police.
  - Alcohol will only be delivered to the person who placed the order and whose name appears on the debit or credit card used for the transaction.
  - Records of all alcohol sales including the customer’s name and delivery address must be retained for 12 months and made available for inspection by Local Authority officers and the Police.

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

- To prevent and detect crime the property shall be covered by an effective and secure cctv system, the images from which shall be made available to the responsible authorities without delay.
- Staffing levels shall be maintained appropriately to ensure adequate security of the premises.
- Staff shall be trained on all security issues including how to identify and to refuse service to customers that are drunk or appear to be drunk.
- The business shall be a responsible alcohol retailer and will always refuse to supply alcohol where there is a likelihood that such a sale might contribute to crime and disorder.
- There shall be no cash handling by delivery staff.

**c) Public safety**

The premises licence holder will ensure:

- Appropriate fire fighting equipment shall be installed and maintained at the premises and staff trained in its use.
- Delivery vehicles shall be maintained and operated safely
- The approved arrangements at the premises, including means of escape provisions, emergency warning equipment, the electrical installation and mechanical equipment, shall at all material times be maintained in good condition and full working order.
- The means of escape provided for the premises shall be maintained unobstructed, free of trip hazards, be immediately available and clearly identified in accordance with the plans provided
- The public shall not be permitted to visit the premises at any time

#### **d) The prevention of public nuisance**

The premises licence holder will ensure :

- Deliveries will be conducted in a responsible and considerate manner, ensuring no disturbance to local residents or businesses
- The site and public areas near to the premises are kept free from litter associated with the operation of the business
- Deliveries to and waste removal from the site are undertaken at a time and in a manner that does not cause disturbance
- Delivery riders will await deliveries by waiting in an internal section of the premises until such time as a delivery is ordered. Staff on site will ensure that no excessive noise is created by the riders when leaving the Premises.

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

To protect children from harm, in relation to alcohol sales, there will be a policy of:

- Terms & conditions stressing that the purchaser and those receiving a delivery of alcohol must be at least 18 years of age
- There shall be an effective Challenge 25 policy
- At the time an order is placed a declaration will be required from the person placing the order that the person is over 18 years of age.
- The online ordering process will prevent the consumer from placing an order until they have read the Challenge 25 statement unless the business calls the consumer to provide this information verbally before the order is accepted.
- Anyone receiving a delivery and not appearing to be of the age of 25 years will be required to produce appropriate identification proving that they have turned 18 in order to be supplied with alcohol
- Appropriate ID will be a passport, photo driving licence, PASS accredited proof of age card or other reliable photo-ID that is recommended and approved for acceptance by the police or other authorities
- Staff shall be trained in all aspects of responsible alcohol retailing and in particular the Protection of Children including the Challenge 25 policy and the identification and refusal of potential 'proxy' purchasers
- Staff training will occur before a staff member is authorised to sell or deliver alcohol for the business
- Staff training records will be available for inspection by the police or other responsible authority upon request

- A refusals log will be kept and reviewed regularly by the DPS and made available for inspection by the police and an appropriate local authority representative
- Alcohol deliveries will not be made by a member of staff under the age of 18 years

**Checklist:**

**Please tick to indicate agreement**

- I have made or enclosed payment of the fee.
- I have enclosed the plan of the premises.
- I have sent copies of this application and the plan to responsible authorities and others where applicable.
- I have enclosed the consent form completed by the individual I wish to be designated premises supervisor, if applicable.
- I understand that I must now advertise my application.
- I understand that if I do not comply with the above requirements my application will be rejected.
- [Applicable to all individual applicants, including those in a partnership which is not a limited liability partnership, but not companies or limited liability partnerships] I have included documents demonstrating my entitlement to work in the United Kingdom or my share code issued by the Home Office online right to work checking service (please read note 15).

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

**IT IS AN OFFENCE UNDER SECTION 24B OF THE IMMIGRATION ACT 1971 FOR A PERSON TO WORK WHEN THEY KNOW, OR HAVE REASONABLE CAUSE TO BELIEVE, THAT THEY ARE DISQUALIFIED FROM DOING SO BY REASON OF THEIR IMMIGRATION STATUS. THOSE WHO EMPLOY AN ADULT WITHOUT LEAVE OR WHO IS SUBJECT TO CONDITIONS AS TO EMPLOYMENT WILL BE LIABLE TO A CIVIL PENALTY UNDER SECTION 15 OF THE IMMIGRATION, ASYLUM AND NATIONALITY ACT 2006 AND PURSUANT TO SECTION 21 OF THE SAME ACT, WILL BE COMMITTING AN OFFENCE WHERE THEY DO SO IN THE KNOWLEDGE, OR WITH REASONABLE CAUSE TO BELIEVE, THAT THE EMPLOYEE IS DISQUALIFIED.**

**Part 4 – Signatures**(please read guidance note 11)

**Signature of applicant or applicant’s solicitor or other duly authorised agent** (see guidance note 12). **If signing on behalf of the applicant, please state in what capacity.**

<b>Declaration</b>	<ul style="list-style-type: none"> <li>[Applicable to individual applicants only, including those in a partnership which is not a limited liability partnership] I understand I am not entitled to be issued with a licence if I do not have the entitlement to live and work in the UK (or if I am subject to a condition preventing me from doing work relating to the carrying on of a licensable activity) and that my licence will become invalid if I cease to be entitled to live and work in the UK (please read guidance note 15).</li> <li>The DPS named in this application form is entitled to work in the UK (and is not subject to conditions preventing him or her from doing work relating to a licensable activity) and I have seen a copy of his or her proof of entitlement to work, or have conducted an online right to work check using the Home Office right to work checking service which confirmed their right to work (please see note 15)</li> </ul>
Signature	
Date	M B Nickson (Michael Nickson)                      16 December 2021
Capacity	Authorised Agent for Applicants

**For joint applications, signature of 2<sup>nd</sup> applicant or 2<sup>nd</sup> applicant’s solicitor or other authorised agent** (please read guidance note 13). **If signing on behalf of the applicant, please state in what capacity.**

Signature	
Date	
Capacity	

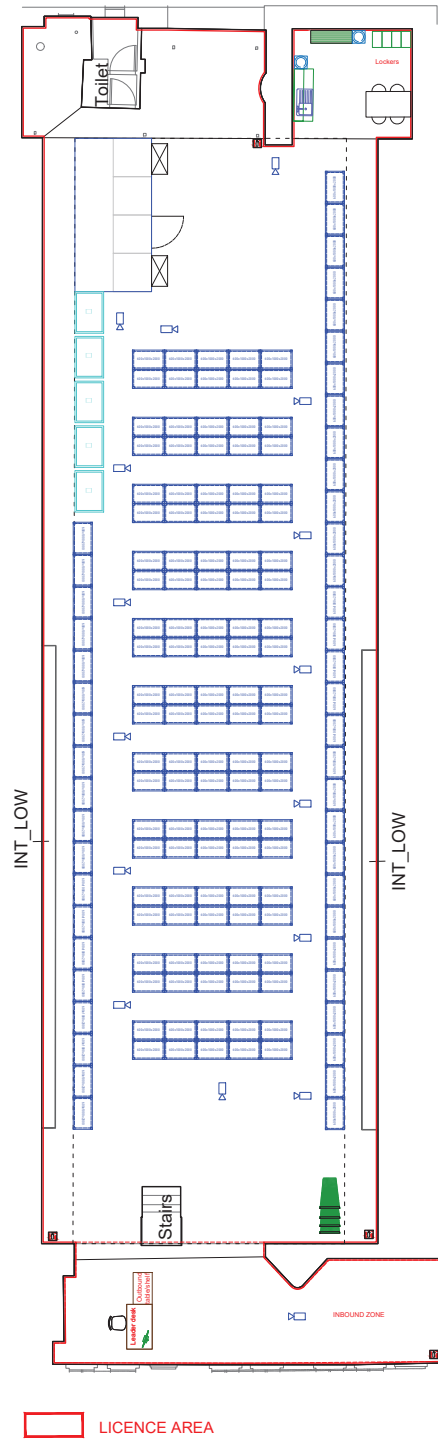
Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 14) Michael Nickson Inn Confidence Ltd ██████████ ██████████			
Post town	██████████	Postcode	██████████
Telephone number (if any)	██████████		



If you would prefer us to correspond with you by e-mail, your e-mail address (optional)

### Notes for Guidance

1. Describe the premises, for example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies, you must include a description of where the place will be and its proximity to the premises.
2. In terms of specific regulated entertainments please note that:
  - Plays: no licence is required for performances between 08:00 and 23.00 on any day, provided that the audience does not exceed 500.
  - Films: no licence is required for 'not-for-profit' film exhibition held in community premises between 08.00 and 23.00 on any day provided that the audience does not exceed 500 and the organiser (a) gets consent to the screening from a person who is responsible for the premises; and (b) ensures that each such screening abides by age classification ratings.
  - Indoor sporting events: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000.
  - Boxing or Wrestling Entertainment: no licence is required for a contest, exhibition or display of Greco-Roman wrestling, or freestyle wrestling between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000. Combined fighting sports – defined as a contest, exhibition or display which combines boxing or wrestling with one or more martial arts – are licensable as a boxing or wrestling entertainment rather than an indoor sporting event.
  - Live music: no licence permission is required for:
    - a performance of unamplified live music between 08.00 and 23.00 on any day, on any premises.
    - a performance of amplified live music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
    - a performance of amplified live music between 08.00 and 23.00 on any day, in a workplace that is not licensed to sell alcohol on those premises, provided that the audience does not exceed 500.
    - a performance of amplified live music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
    - a performance of amplified live music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i)



- 1. Total shelf units: 159  
600\*1000\*2000 - 159
  - 2. Walk-in-fridge 2400\*4800 - 1
  - 3. Freezers 1380\*800\*2000 - 5
  - 4. Furniture:
    - Leader desk 1500\*700\*750 - 1
    - Outbound table 1200\*400\*900 - 1
    - Lockers 500\*300\*1800 - 4
    - Bench 400\*1300\*450 - 1
- Total space: 445 sq.m.

Itemref	Quantity	Title/Name, designation, material, dimension etc			Article No./Reference	
Designed by Maksim Leonov	Checked by Artur Shamalov	Approved by - date 10/12/2021	Filename Hackney	Date 10/12/2021	Scale 1:100	
Hackney: Arch441 Institute Place E81LA Page 42 Jiffy Grocery			1-002		Edition 1	Sheet 1/1

**APPENDIX B1****Application for Premises Licence by Cloud Retail Ltd (t/a Jiffy Grocery) at Unit 441, Institute Place**

1 message

13 January 2022 at 13:36

To: "licensing@hackney.gov.uk" &lt;licensing@hackney.gov.uk&gt;

**Application for Premises Licence by Cloud Retail Ltd (t/a Jiffy Grocery) at Unit 441, Institute Place**

Dear Sirs

I am an interested party in relation to the above-mentioned application and am writing to make representations objecting to the application.

I live in Academy Apartments, E8 [REDACTED]. The other leaseholders and I make use of Institute Place regularly because that is where our recycling bins are located. It is also the location of the car and contractor entrance to Academy Apartments, which is only accessible by via a gate halfway up Institute Place.

If the application by Cloud Retail Ltd succeeds, I am concerned that Institute Place will be subjected to scooter traffic until late at night, potentially making Institute Place a dangerous road in which to locate our recycling and blocking car/contractor traffic into Academy Apartments. I am also concerned that the noise generated by the scooter traffic will be at levels that cause nuisance to the residents of Academy Apartments.

I make these representations by email because the notice was not situated in a sufficiently public location and the application has therefore only recently come to my and other leaseholders' attention, preventing me from making these representations by letter.

Many thanks

[The contents of this email do not reflect the views of my employer]

---

**Objection licensing application**

1 message

13 January 2022 at 13:46

[REDACTED]  
To: licensing@hackney.gov.uk

To whom it may concern

I live in institute place and would like to strongly object to the licensing request made by Jiffy Grocery to use unit 441 on Institute Place arches E8 11a as their place of work. First of all we have received no notification of this request, but more importantly, this would pose an incredible disturbance to all homes on institute place, including our flats Academy apartments and the houses with the gardens with their packs to institute place on the other side. The entrance to our home on institute place is already overrun with waste problems with the council bins constantly being used as local tipping grounds. This proposal, for an all-day and late night alcohol delivery service, would pose a significant public hazard with delivery vans and/or bikes travelling up and down. It would make entry and exit dangerous for residents, especially for those like myself with small children; it would turn a pedestrian entrance into a industrial road; it would create more waste in an area that the council is already struggling to keep clear; it would be a noise and air pollutant for residents, from early in the morning to late at night; and it would pose significant entry and exit problems. I urge you to reject this proposal on these grounds.

Please let me know if you need any further information.

[REDACTED]  
Sent from my iPhone

**Representation in Response to Cloud Retail Ltd Application for Licensing****B3**

1 message

13 January 2022 at 14:14

[Redacted]  
To: "licensing@hackney.gov.uk" <licensing@hackney.gov.uk>

To whom it may concern,

I would like to raise a representation against the application for permission to distribute alcohol from Unit 441, Institute Place Arches, Hackney Downs, London, E8 1LA.

The arches at the end of Institute place are accessed by the narrow lane. It has no pedestrian walkways on either side of the street and by introducing the new premises, which will likely mean a significant increase in motor vehicles I believe that you are endangering the residents of Eastside Academy Apartments. There are roughly 50 flats in the block and there are two main entrances and exits. The one on Institute place being used by all residents for the access to refuse bins, as well as street access. There are also a number of other residential buildings on Institute place accessed from the lane.

To clarify I am raising an objection in relation to the public safety licensing objective. Permitting a delivery company to begin using the single track lane with no pavements will no doubt put people in risky situations, particularly as lighting is not always particularly good on the lane. Finally there is a large tree on the lane which would block site of the exit where pedestrians will be walking onto the lane. This will create risk that the drivers of the alcohol deliveries will not be able to see people exiting from the grounds of Eastside Academy Apartments.

Kind regards,

[Redacted]

Before printing this e-mail or attachments, be sure it is necessary.  
It is in our hands to protect the environment.

[Redacted]

**Licensing application for Unit 441 Arches, Insitute Place E8 1LA****B4**

1 message

13 January 2022 at 16:09

To: licensing@hackney.gov.uk

Cc: "Ben Hayhurst (Cllr)" &lt;ben.hayhurst@hackney.gov.uk&gt;, Hackney Central Councillors &lt;hccouncillors@gmail.com&gt;

Dear Hackney Licensing,

I wish to complain strongly about an application for the use of an Arch space by Jiffy Grocery (Cloud retail Ltd).

Firstly, we have only become aware of this as someone read the application posted on the gate of the currently vacant space. Why wasn't this application circulated to residents who live next to the Arch as I believe is the usual procedure?

Secondly, the residents of Marcon Place and Eastside Academy Apartments have in the past complained to Hackney Council in detail about the inappropriateness of housing a busy business at the end of Institute Place.

The introduction of Jiffy Grocery just repeats the issues that we raised with the council (and to which they never responded despite it being via their planning committee) and that we will continue to raise more vociferously with your team, ArchCo and Cloud Retail Ltd.

I attach the complaint letter in full (which was addressed to the council in relation to the previous occupant 5 Points brewery) as the issues it raises are still very appropriate even if the zoning labels have been changed.

As your website outlines, there are 4 categories to raise an objection to a proposed planning application:

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

We believe that the proposed application contravenes your own guidelines in relation to points 2,3 and 4.

**Public Nuisance**

Core Strategy Policy 17 "Economic Development" states that "General Industry (B2) and Storage and Distribution (B8) uses *may* be appropriate where existing or proposed physical barriers for example railway arches, canals, roads or landscaping features, **minimise environmental impacts from industrial activity to the surrounding area such as visual intrusion, noise, vibration and general disruption from servicing and vehicular access**".

There are no landscaping features or physical barriers between the proposed use of Arch 441 and the surrounding residential buildings.

Policy DM18 "Railway arches" of the Development Management Local Plan is reproduced in full below: Railway arches are appropriate for B1, B2, B8, and other similar sui generis uses. **Proposals for such uses must not cause adverse environmental, highway or amenity impacts to other uses within the surrounding area.**

We believe that this proposal will cause adverse environmental, highway and amenity impacts.

Other commercial uses may be appropriate, such as A and D class uses, for arches in certain locations, provided they meet the sequential approach for such uses outside of the Borough's Shopping Centres and comply with other policies in this plan. Proposals should: i. Incorporate active frontage uses where appropriate, and result in the upgrade and appearance of the premises; ii. **Not obstruct the public highway**; and iii. Not result in the significant loss of any existing employment generating use.

**This Arch is not in an appropriate area with other types of businesses but remains in a residential space, with the only means of access via a narrow public road.**

**Paragraph C of Policy LP26 of the emerging Hackney Local Plan 2033 states that proposals for employment floorspace located outside designated employment locations will only be permitted if it would not have an unacceptable impact on residential amenity.**

**Public Safety**

**As we have previously noted to the council:**

The proposed use has a negative impact on the local transport network and is located in a narrow road that is unsuitable to accommodate the movement of vehicles and goods associated with this business. The proposed use would see the vehicles accessing the site continually block the public highway, park outside designated parking areas and obstruct the flow of pedestrian traffic. Furthermore, the physical constraints of Institute Place force arriving vehicles to proceed slowly and to reverse back into the main road, thus emitting fumes and noises for prolonged periods near residential properties.

The local plan states clearly that proposals that can cause disruption to local communities need to be accompanied by either a Transport Assessment (TA) or a Transport Statement (TS), together with a Travel Plan setting out the practical, measurable and enforceable actions that will be undertaken by the occupant of a site to mitigate the “negative transport impact of development proposals”

We submit that the planning application should not be determined until all the relevant reports (Transport Statement, Travel Plan and Delivery and Servicing Plan) are submitted to the local authority and deemed sufficient to address all the planning policies issues evidenced above.

#### **the protection of children from harm**

We have many families living in the immediate area including those with young children.

We believe, as outlined above, that the use of the narrow road will mean high levels of pollution from vehicles turning their engines, reversing out and the increased number of delivery vehicles, which include motor bikes that are usually not very well maintained.

Policy LP2 of the new Hackney Local Plan 2033 mirrors the wording of Policy DM2 noted above.

Paragraph 3.3.2 of the DMLP states that “amenity can be compromised in a number of ways through development, such as through detrimental loss of daylight and sunlight to existing and adjacent occupiers; **loss of privacy and outlook** due to the proximity and design **of development; harmful noise, odour, vibration and air pollution** from existing and proposed developments, **typically commercial activities and other activities such as rail; conditions with potential for danger to highway safety;** and causing detrimental microclimate effects”.

Paragraph B of Policy DM42 “Pollution and water and air quality” of the DMLP states that “development proposals should include measures **to reduce adverse noise, vibration, and/or odour impacts and minimise unnecessary light pollution, particularly close to light and noise sensitive areas, the public realm and open space**”.

Paragraph 7.7.7 of the DMLP states that “noise pollution and vibration can come from a range of uses. Some examples include from industrial processes, **transport**, construction activities, foul and surface water mis-connections and energy consumption. As such it can have a detrimental impact on the amenity of areas **as well as serious health impacts of people and the environment**”.

Paragraph 7.7.11 of the DMLP underlines that “where additional information is required as to the impacts of a proposal in respect of impacts on noise, odour or air quality, **the Council will consider refusing planning permission where inadequate mitigation is proposed or if sufficient information is not submitted**”.

#### **IN SUMMARY**

Due to its location in a dense urban area, its proximity to residential properties, the absence of physical barriers or other buffers separating it from the adjoining residential properties, and the narrowness of the access road, the site at [3 Institute Place](#) is wholly unsuitable to accommodate the proposed use. The continued industrial use would have negative environmental impacts on the area, would cause disruption and safety hazards on the local highway network and would obstruct the public highway, contrary to Policy CS17 of the Core Strategy and Policy DM18 of the Local Development Management Plan.

We believe that this license application should be rejected.

Best Regards,

Academy Apartments  
Institute Place  
Hackney E8

--  
[Redacted signature]



Letter of Objection - 2019-2456 Final.pdf

310K

Our Ref: LP/JCG1000



Date: 3 October 2019

20 Farringdon Street  
London, EC4A 4AB  
T +44 20 3691 0500

Nick Bovaird  
Neighbours and Housing  
Hackney Service Centre  
1 Hillman Street  
London  
E8 1DY

Dear Mr Bovaird,

**3 INSTITUTE PLACE, LONDON, E8 1JE**  
**PLANNING APPLICATION REFERENCE 2019/2456**  
**LETTER OF OBJECTION**

We act on behalf of Eastside Academy Apartments Property Management Company in respect of the retrospective planning application submitted at the above address for the following development:

*“Change of use from B1 to B2”*

Our client manages the Eastside Academy Apartments, the block of 57 flats located to the north-east of the development site, and wishes to object to the planning application on behalf of all residents and on behalf of residents on Marcon Place

Below is a brief summary of the most recent planning history records for 3 Institute Place, an overview of the key planning policies underpinning our representations and the detailed arguments for each ground of objection.

### Planning History

LPA Ref:	Proposal	Decision
2015/2112	Installation of 3 fermentation tanks in the yard to the east of the existing brewery.	Permission GRANTED 05/11/2015
2017/3256	Installation of four additional storage/fermentation tanks in the yard to the east of the brewery.	Permission GRANTED 09/10/2017



## Planning Policy Context

The local development framework documents that are relevant for the site include the London Borough of Hackney Core Strategy 2010 (**CS**), the Development Management Local Plan 2015 (**DMLP**) and the London Plan (Consolidated with amendments since 2011) (**LP**).

The emerging Hackney Local Plan 2033 (**HLP 2033**) was submitted for public consultation in early 2019 and the Planning Inspectorate held public hearings in June 2019. Whilst not forming part of the current local plan, the emerging policies of the HLP 2033 can carry weight in the determination of planning applications, depending on the alignment of each policy with national and regional planning policies and guidance and the level of disagreement on any particular policy that still needs to be resolved at examination stage. The policies of the HLP 2033 have been taken into consideration in this letter.

Other materially relevant policy documents for the assessment of the proposal are the National Planning Policy Framework 2018 (**NPPF**) and the National Planning Practice Guidance (**NPPG**).

The Hackney Sustainable Transport Supplementary Planning Document (**Sustainable Transport SPD**) is also a material planning consideration for the assessment of the proposal.

## Grounds of objection

### Acceptability of Class B2 Industrial use on site

Core Strategy Policy 17 “Economic Development” states that “*General Industry (B2) and Storage and Distribution (B8) uses may be appropriate where existing or proposed physical barriers for example railway arches, canals, roads or landscaping features, minimise environmental impacts from industrial activity to the surrounding area such as visual intrusion, noise, vibration and general disruption from servicing and vehicular access*”.

Policy DM18 “Railway arches” of the Development Management Local Plan is reproduced in full below:

*Railway arches are appropriate for B1, B2, B8, and other similar sui generis uses. **Proposals for such uses must not cause adverse environmental, highway or amenity impacts to other uses within the surrounding area.** Other commercial uses may be appropriate, such as A and D class uses, for arches in certain locations, provided they meet the sequential approach for such uses outside of the Borough’s Shopping Centres and comply with other policies in this plan.*

*Proposals should:*

- i. Incorporate active frontage uses where appropriate, and result in the upgrade and appearance of the premises;*
- ii. **Not obstruct the public highway;** and*
- iii. Not result in the significant loss of any existing employment generating use.*

Paragraph C of Policy LP26 of the emerging Hackney Local Plan 2033 states that proposals for employment floorspace located outside designated employment locations will only be permitted if it would not have an unacceptable impact on residential amenity.

### **Objection comment**

Contrary to what is suggested in the “Operational Statement” submitted by applicant, a brewery falls squarely within an industrial Class B2 use and not within a light industrial Class B1(c) use.

By definition Class B1(c) uses are those “*which can be carried out in any residential area without detriment to the amenity of that area by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit*” (Town and Country Planning (Use Classes) Order 1987).

The brewery emits smells and fumes and has an adverse impact on the amenity of the adjoining residential properties. Furthermore, the amount of processing involved in the production of beer is industrial in nature. The Land Use Gazetteer identifies breweries as being within Use Class B2.

The applicant is also suggesting that the brewing activities on site are contained in the “Brewing Area” identified in drawing A0010-A. In reality seven fermentation and storage tanks which are essential to the industrial process leading to the production of beer are located in the front yard, outside the arches. The unit as a whole, rather than a percentage of it, is therefore in Class B2 use.

Core Strategy Policy 17 states that industrial uses may be appropriate where there are existing or proposed physical barriers that minimise their environmental impact on the surrounding area. This means that even where there are barriers creating a buffer from sensitive uses, an industrial use may not be appropriate if its impact on adjoining occupiers is negative.

In the case of 3 Institute Place, there are no physical barriers separating the industrial use from the adjoining residents. The windows of the Eastside Academy Apartments are located just 15 metres away from the external tanks, which emit both smell and fumes (See photographs at Appendix A). Similarly, the rear windows of the residential properties along Marcon Place are just 22 metres away from the tanks and suffer from the smell and noise produced by the industrial activities of the brewery. The retention of the existing use would therefore be contrary to the principles of development set out in the Core Strategy.

The brewery causes adverse environmental, highway and amenity impacts to the residents living in the surrounding area, as testified by the significant number of objections submitted against this application and the photographic evidence submitted to the Council’s planning, enforcement and highway departments in the last years by local residents. The current use is clearly contrary to Policy DM18, which states in unequivocal terms that proposals for industrial uses in railway arches “must not” cause such adverse impacts. Policy LP26 of the emerging Hackney Local Plan provides similar restraints to employment uses that would have unacceptable impacts on residential amenity.

In addition to the above, the existing use causes the obstruction of the public highway. The delivery of raw ingredients and the transportation of other materials in the rear yard forces large vehicles to access a very narrow street in forward or reverse gear without the possibility of manoeuvring on the brewery site. The vehicles park in front of the yard for long periods and move slowly along Institute Place, thus creating a hazard for pedestrians and cyclists accessing the block of flats managed by my client and a general disturbance to the public highway.

In summary, the very principle of retaining a Class B2 industrial on site would be contrary to the policies of the Core Strategy, of the Development Management Local Plan and of the emerging Hackney Local Plan 2033.

In addition to the planning policy conflicts identified above, we submit that the brewery should consider relocating to different premises if the levels of production need to continue at the current pace or increase

in the future. This is a common solution adopted by successful breweries which outgrew their original premises. Alternatively, the beer production should be contained within the envelope of the railway arches and the external fermentation tanks removed.

Redchurch Brewery started its business in Bethnal Green, grew substantially and eventually relocated to the Mead Park Industrial Estate. Pressure Drop had a micro-brewery in the railway arches located to the east of Hackney Central station along Bohemia Place but is now based in Tottenham Hale in a larger, purpose-built industrial warehouse. Both companies relocated when production increased and moved inside an appropriate industrial building within designated industrial estates.

Other examples of existing breweries within Hackney offer a clear benchmark on the amount, location and intensity of use that could be sustained in densely populated areas and in the vicinity of residential properties.

As shown in the photographs of Appendix A, there are other breweries currently operating within the borough which have a much lower impact on residential amenity, have better accessibility or are located well away from houses and flats.

The Hackney Brewery, located at 358 Laburnum Street, does not have external storage or fermentation tanks and has a double vehicular access to Laburnum Street and Whiston Road used by delivery vehicles without the necessity of reversing or parking for long periods on the public highway.

The Hackney Church Brewery and the Deviant & Dandy Brewery are located in the railway arches to the east of Hackney Central station. Both breweries are located at least 50 metres away from residential properties, are screened by boundary walls or other large commercial buildings such as a Tesco Superstore and the Clapton Bus Garage and have no tanks installed in their curtilages.

London Fields Brewery occupies two railway arches in proximity of London Fields Station, is within a designated employment area, does not have external tanks and is screened away from the adjoining residential properties.

On the other hand, 3 Institute Place is the wrong location for the invasive industrial use carried out by the Five Points Brewery.

The site is too small, the access road is too narrow and the residential properties in the vicinity are too close to several sources of noise, fumes and pollutants such as machinery, delivery vehicles and fork lifts used in the front yard.

The site cannot become a lawful Class B2 industrial units without setting a dangerous precedent in the area and causing problems to local residents in the long term. The industrial use should not be allowed to continue. The brewery should relocate to a suitable industrial area as other growing breweries have done, or it should scale back its activities within the limits of the lawful Class B1(c) use of the site.

### **Traffic, parking and highway safety**

Core Strategy Policy 6 “Transport and Land Use” states that the Council “*will ensure that development results in the highest standard of design quality, environment and facilities for pedestrians and cyclists*” and that it will seek to mitigate “any potential negative impacts of the development on the transport network”.

Core Strategy Policy 33 “Promoting Sustainable Transport” states that “to minimise noise and disturbance, operations that require heavy movement of goods should be located close to the higher-level road network as defined by Transport for London”.

Policy DM44 “Movement hierarchy” of the DMLP states that “all new development must be successfully integrated into the existing transport networks and manage demand through traffic restraint and proven demand management tools”.

Policy DM45 “Development and transport” of the DMLP provides detailed guidance on the impact of new developments on transport, highway safety and traffic. The most relevant parts of Policy DM45 for the assessment of the application are copied below.

**The Council will not permit development where it is considered the proposal will have a detrimental safety or amenity impact on other highway users, including pedestrians and cyclists; obstruction to access by emergency vehicles; or where manoeuvring, parking and loading risks unduly obstructing the flow of traffic on public highways.**

The Council will expect development which is considered to generate significant movement of goods or materials, both during construction and operation, to:

- xv. Be located with easy access to TfL’s Road Network, the Strategic Road Network or other Major Roads;
- xvi. **Accommodate goods vehicles within the curtilage of the site;** and
- xvii. **Minimise disruption for local communities through effective management, including through optimisation of collection and delivery timings. Development proposals should be accompanied by a Construction and Logistics Plan (CLP) and Delivery and Servicing Plan in accordance with TfL guidance;**  
and
- xviii. **Ensure that all HGV and PCV operators involved in the construction and servicing of the development comply with the cyclist safety requirements set out in the TfL’s Freight Operator Recognition Scheme.**

The Council will assess each application on its individual merits and may refuse planning permission on transport grounds **where the residual cumulative impacts of a development is severe.**

Paragraph 8.2.3 of the DMLP states that “in order to enable the Council to assess the impacts of new developments upon its transport network, **Transport Assessments will be required in accordance with the thresholds, requirements and guidance set out in the Department for Transport’s ‘Guidance on Transport Assessments’ (2007), the Transport for London’s ‘Transport Assessment Best Practice Guidance Document (2010), and Hackney’s emerging local guidance. Where the Council does not consider the preparation of a full Transport Assessment necessary, a less detailed assessment in the form of a Transport Statement will be asked for**”.

Paragraph 8.2.4 states that “where Transport Assessments/Statements are required, **the Council will also seek the submission of a Travel Plan.** A Travel Plan is a package of measures that seek to reduce reliance on single occupancy vehicle use and increase the use of more sustainable modes. Travel Plans are the key management tool for implementing any transport solutions highlighted by the Transport Assessment/Statement and are one of the primary tools for mitigating negative transport impacts of development proposals”. Paragraph 8.2.4 also notes that “Travel Plans should be set out in accordance with TfL’s best practice guidance ‘Travel planning for new development in London (2011) and any updated

local guidance” and that “for commercial and workplace developments, the threshold is dependent on the type of land use and scale of the development”.

Paragraph 8.2.13 of the Development Management Local Plan is reproduced in full below:

*Goods vehicles, particularly heavy goods vehicles, can have impacts on local amenity and traffic movement in certain areas. For example, in areas such as Hackney Central many delivery points are located close together. The Council will expect development which is considered to generate significant movement of goods or materials, both during its construction and operation to be located where the need to travel will be minimised and the use of sustainable transport modes can be maximised. This is because such a development would involve several journeys to and from the development resulting in disruption to traffic movement and congestion. **Goods vehicles manoeuvring, and loading and unloading also add to pollution and may cause congestion, danger to pedestrians and other road users. Unloading and loading may also damage pavements. To mitigate against this, the Council will require development proposals to be accompanied by a Construction and Logistics Plan (CLP) and Delivery and Servicing Plans (DSP) in accordance with TfL guidance, ‘Making Freight Work for You’ to minimise congestion, noise and road danger.***

Paragraphs 5.1 and 5.1.1 of the Sustainable Transport SPD read as follows:

*Transport Assessment (TA) is a statutory document which accompanies a planning application for developments that are expected to have significant transport implications. A TA demonstrates how the development proposals are likely to impact on the local environment in transport terms and considers issues before, during and after construction including what measures should be introduced to accommodate and mitigate the effects of trip generation from the site.*

***The TA should demonstrate to the Council’s satisfaction that the development will not have a negative impact on safety, cause congestion or lead to illegal or additional parking near the site of the proposed development.** It must also show how it is likely to improve, provide and prioritise travel by walking; cycling and public transport and restrict travel by car.*

Paragraph 5.3.1 of the Sustainable Transport SPD states that “the Council may still require that a Transport Assessment (TA) and a Full Travel Plan accompany applications for new developments that do not meet these thresholds, **where a significant transport impact is expected from the development,** or a cumulative impact is expected from different uses within a development or from a number of developments in the vicinity. Other factors influencing the decision to request a TA include the scale and nature of the proposed development (including floor area, number of employees and operational aspects); whether the proposal is located within a Controlled Parking Area; and new travel demand generated by the development. The sensitivity of land uses adjacent to the site and any existing transport strategies or policies close to the site may also influence the Council’s decision to request a TA”.

Paragraph 5.3.2 of the Sustainable Transport SPD states that “when the Council considers that a full TA is not required, a less detailed assessment in the form of a Transport Statement will suffice”.

Paragraphs 6.1 and 6.1.1 of the Sustainable Transport SPD read as follows:

*The Travel Plan is the sister document to the Transport Assessment and both documents are required to be developed together. Travel Plans are the key management tool for implementing any transport solutions highlighted by the Transport Assessment / Statement, and are one of the primary tools for mitigating the negative transport impacts of development proposals. Travel Plans are required to detail the developer's response to the Transport Assessment / Statement and deliver sustainable transport objectives with a package of measures to promote sustainable transport, including measures to achieve a shift from private car use to the most sustainable forms of transport: walking and cycling.*

*The Travel Plan is required to set out the on-going management arrangements for the development, which shall include the appointment of a Travel Plan coordinator and identification of the organisation with overall responsibility (e.g. a developer, a management company or community trust etc). A monitoring schedule and outline of the approach to monitoring is required within a Travel Plan; a monitoring period of at least 5 years will apply. **Enforcement actions are required to be agreed prior to any grant of planning permission, in the event of non-compliance or failure to implement measures.***

Paragraph 6.3 of the Sustainable Transport SPD states that “*in general, any development application that requires a Transport Assessment should also include a Travel Plan. Some smaller developments may also require a Travel Plan if they are expected to have significant transport impacts*”.

Paragraph 7.2 of the Sustainable Transport SPD states that “*development proposals that are likely to attract a large number of vehicles for loading and servicing requirements will be required to submit a Delivery and Servicing Management Plan (DSP) as part of the Transport Assessment. The Transport Assessment will usually consider how a new development can best be serviced depending upon the nature, size and location of the development*”.

Paragraph 7.3 states that “*the overall aim of the DSP will be to manage and minimise the impact and amount of servicing and delivery vehicles operations particularly in the morning peak. The DSP will also help to identify areas where safe and legal loading can take place. DSP's should be prepared in accordance with TfL guidance 'Delivery and Servicing Plans – Making Freight Work for You'.*

Paragraph 11.3.2 of the Sustainable Transport SPD specifies that “*the Council will look to restrict access to off-street parking that could potentially impact on highway safety, for example due to vehicles reversing, or through reduced sight lines. Any applications for on-site parking that does not allow vehicles to enter and exit the site in a forward direction particularly on classified roads are likely to be refused. Proposals that impact negatively on the footway, or impede movement on busy bus or cycle lanes are likely to be similarly refused*”.

### **Objection comment**

The existing use has a negative impact on the local transport network and is located in a narrow road that is unsuitable to accommodate the movement of vehicles and goods associated with the brewery. The existing use is not successfully integrated in this context as the vehicles accessing the site continually block the public highway, park outside designated parking areas and obstruct the flow of pedestrian traffic. Furthermore, the physical constraints of Institute Place force arriving vehicles to proceed slowly and to reverse back to the main road, thus emitting fumes and noises for prolonged periods near residential properties.

The parking of vehicles occurs outside the curtilage of the site in a narrow public highway. This is not only contrary to the Council's policies on the safety and amenity of road users, pedestrian and cyclists, but also poses a safety risk in case of incident. Emergency vehicles would not be able to reach the premises if a delivery vehicle happens to be parked along Institute Place - as is often the case during the brewery business hours - at a critical time.

The site has a long history of parking, loading, servicing and noise issues created by the movements of goods and vehicles and the local residents were forced to request the intervention of traffic enforcement officers on several occasions to limit the nuisance and disturbance caused by these activities.

The evidence used to support the retrospective application falls well short of the standards required in such a constrained and sensitive location.

The "Operational Statement" and the "Delivery/Vehicle Movements Policy" submission reports and the additional information presented during the determination period contain broad statements on the willingness of the brewery to minimise the disruption caused by the traffic generated by the industrial use but they do not contain the key information and level of detail required by Policy DM45 of the Development Management Local Plan and the Sustainable Transport SPD.

The local plan states clearly that proposals that can cause disruption to local communities need to be accompanied by either a Transport Assessment (TA) or a Transport Statement (TS), together with a Travel Plan setting out the practical, measurable and enforceable actions that will be undertaken by the occupant of a site to mitigate the "*negative transport impact of development proposals*".

The applicant has not submitted a Transport Assessment, has not submitted a Transport Statement or a Travel Plan. The submitted documents do not contain any detailed analysis of the local transport network and of the impacts of the industrial use that would be expected in these professional reports. More importantly, the mitigating measures proposed by the applicant are vague and not sufficient to resolve the chronic problems generated by the vehicles and machinery servicing the site.

We also note that the applicant has not submitted a Delivery and Servicing Plan, as required by Policy DM45 of the DMLP. This important report would allow a clear understanding of the impact of the scheme on congestion, danger to pedestrians and damage to pavements and trees caused by delivery vehicles.

For these reasons, the applicant has failed to present sufficient information to allow the Council's highway and planning teams to take an informed view of the existing and potentially future impacts of the brewery use on the local community and the highway network. This is contrary to policy and should be a reason to refuse the retrospective planning application in principle.

Alternatively, we submit that the planning application should not be determined until all the relevant reports (Transport Statement, Travel Plan and Delivery and Servicing Plan) are submitted to the local authority and deemed sufficient to address all the planning policies issues evidenced above.

### **Residential amenity**

Policy DM2 "Development and amenity" of the Development Management Local Plan reads as follows:

**Development proposals should be appropriate to their location and should be designed to ensure that they will not result in significant adverse impacts on the amenity of occupiers and neighbours.** *The individual and cumulative impacts of development proposals on amenity will be considered in considering their acceptability. The*

*consideration of the merits of development proposals will be balanced against the impact on amenity.*

*Amenity considerations include the impacts of developments on:*

- i. Visual privacy and overlooking;*
- ii. Overshadowing and outlook;*
- iii. Sunlight and daylight, and artificial light, levels;*
- iv. **Vibration, noise, fumes and odour, and other forms of pollution;***
- v. Microclimate conditions;*
- vi. **Safety of highway users.***

Policy LP2 of the new Hackney Local Plan 2033 mirrors the wording of Policy DM2 above.

Paragraph 3.3.2 of the DMLP states that “*amenity can be compromised in a number of ways through development, such as through detrimental loss of daylight and sunlight to existing and adjacent occupiers; loss of privacy and outlook due to the proximity and design of development; harmful noise, odour, vibration and air pollution from existing and proposed developments, typically commercial activities and other activities such as rail; conditions with potential for danger to highway safety; and causing detrimental micro-climate effects*”.

Paragraph B of Policy DM42 “Pollution and water and air quality” of the DMLP states that “**development proposals should include measures to reduce adverse noise, vibration, and/or odour impacts** and minimise unnecessary light pollution, particularly close to light and noise sensitive areas, the public realm and open space”.

Paragraph 7.7.7 of the DMLP states that “noise pollution and vibration can come from a range of uses. Some examples include from industrial processes, transport, construction activities, foul and surface water mis-connections and energy consumption. As such it can have a detrimental impact on the amenity of areas as well as serious health impacts of people and the environment”.

Paragraph 7.7.11 of the DMLP underlines that “where additional information is required as to the impacts of a proposal in respect of impacts on noise, odour or air quality, the Council will consider refusing planning permission where inadequate mitigation is proposed or if sufficient information is not submitted”.

### **Objection comment**

As noted in the previous comments, the retention of the existing industrial use would have severe impacts on the residential amenity of the adjoining properties by way of noise, fumes, odour, traffic and inappropriate parking on a public highway. This would be contrary to Policies DM2 and DM42 of the Development Management Local Plan and the policies of new Hackney Local Plan 2033

Adopting the same limited approach used in relation to the transport issues outlined above, the applicant has not provided any technical report setting out clear and enforceable measures to mitigate the amenity impacts of the industrial brewing process currently active on site.

The applicant is fully aware of the complaints raised by neighbours in relation to the air pollution caused by the brewery through the emission of smell and fumes but has not provided any report setting out mitigation measures, nor proposed smell abatement machinery as part of the retrospective application. This demonstrates a lack of collaboration on the part of the brewery and an evident disregard of the right of local residents to enjoy acceptable levels of amenity at all times.



Similarly, the brewery has not made any effort to resolve the noise issues caused by fork lifts on the front yard, the opening until late evening, the diffusion of amplified music with open shutters at unneighbourly hours and the vehicular movements associated with the industrial use.

The agent for the application goes as far as saying that the brewery's "*primary concern*" relates to "*the imposition of restrictive planning conditions that would be detrimental to the commercial operations of the premises*". This is an explicit admission that the well-being and amenity of adjoining neighbours are positioned very low in the scale of the applicant's priorities. It is also a bold suggestion to make to the Council, which has a duty to protect the amenity of its residents and the power to impose appropriate and necessary planning conditions whenever there are sound policy grounds to do so.

As such, we submit that the planning application as currently presented does not satisfy the exacting standards required to justify and mitigate the negative amenity impacts of industrial uses located in proximity of residential properties.

Without the submission of very detailed technical reports on noise, smell and fumes, the merits of the application cannot be properly assessed by the Council's planning and environmental health departments. In the absence of these reports, the application would not provide satisfactory answers to the issues discussed above, would be contrary to the local plan's policies on amenity and should be refused at once.

Even if such reports are produced, stringent planning conditions should be imposed on the planning permission to secure the delivery and enforcement of effective mitigation measures to ensure full compliance with the local plan.

### **Determination of planning application**

The suggestion made by the applicant's agent that the submission of the retrospective planning application was "*made on a strictly 'without prejudice' basis*" is misleading.

The expression "without prejudice" is often used as a caveat by Councils in the written advice given to third parties during pre-application discussions in order not to tie themselves to a pre-established decision-making path when a formal planning application is eventually submitted at a later stage.

A full planning application cannot be submitted "without prejudice" because the very act of submitting it signals the end of the pre-application phase and bounds the applicant to accept the decision of the local authority or of the Secretary of State, as the case may be. The decision notice would provide a final answer to the question "*Can the applicant lawfully implement the proposed development?*" or "*Can the applicant lawfully retain the existing development?*" in the case of retrospective applications.

The contents of a decision notice, including planning conditions, cannot be "without prejudice" as they would be final and legally binding unless successfully challenged in the courts, they would not be re-negotiable unless a removal of condition application is subsequently approved, and would have immediate effect on the planning history of the application site.

In the current case, the refusal of the retrospective application would not give space to further discussions "without prejudice" but would effectively trigger the need to remedy a breach of planning control through adequate enforcement action aimed at stopping the unlawful use of 3 Institute Place for Class B2 industrial activities and the reinstatement of the lawful use of the site for Class B1(c) light industrial activities.

For these reasons, we would invite the Council to firmly resist the suggestion that the current application is a sort of interim placeholder filling the gap between the date of the breach of planning control occurred at 3 Institute Place and further “without prejudice” negotiations with the local authority, which may continue indefinitely whilst a polluting and noisy industrial use that has negative impacts on local traffic and residential amenity continues undisturbed on site.

If the application is refused, the industrial use must be discontinued and the use of the site must return within the limits of Use Class B1(c), which excludes Class B2 breweries.

If the application is approved, the Class B2 brewery use would need to be controlled and regulated by stringent planning conditions to make it acceptable in planning policy terms.

The prolonged planning hiatus that caused significant distress to the occupiers of the Eastside Academy Apartments and the residents of Marcon Place must come to an end either way.

### **Submission documents and decision-making process**

The applicant submitted short statements that deal with serious planning issues in a superficial manner. No proper consideration of key impacts of the industrial use on the surrounding properties and the wider area was undertaken and no satisfactory and enforceable mitigation measures have been proposed.

For proposals with this magnitude of impact on the amenity of residents and on the proper functioning of the highway network, appropriate supporting reports should have been presented as part of the original submission as required by the policies of the local plan.

The applicant has not submitted a Transport Assessment/Transport Statement, a Travel Plan, a Delivery and Servicing Plan, a Noise Impact Assessment, nor submitted proposals for mitigation measures against the emission of fumes, odour or noise, contrary to the validation requirements of Hackney Council.

In addition to the specific issues analysed in the objection comments above, we also submit that the application does not meet basic validation requirements and failed to provide the right amount of information to address, prevent or mitigate substantial shortcomings against planning policy. As such, it should be refused because it did not put the Council’s planning, highways and environmental health teams in a position to make an informed decision on substantive planning policy points and other material planning considerations.

As a minimum, we submit that the applicant must present all the documents listed above to the Council before determination to allow a proper consideration of the planning merits of the scheme.

### **Summary of proposed reasons for refusal**

We submit that, as currently presented, application reference 2019/2456 should be refused for the following reasons:

- Due to its location in a dense urban area, its proximity to residential properties, the absence of physical barriers or other buffers separating it from the adjoining residential properties, and the narrowness of the access road, the site at 3 Institute Place is wholly unsuitable to accommodate a Class B2 industrial brewery use. The continued industrial use would have negative environmental impacts on the area, would cause disruption and safety hazards on the local highway network and would obstruct the public highway, contrary to Policy CS17 of the Core Strategy and Policy DM18 of the Local Development Management Plan.

- The traffic and movements generated by the brewery have negative impacts on highways, residential amenity and the local environment. The continued industrial use would therefore be contrary to Policies CS6 and CS33 of the Core Strategy, Policies DM42, DM44 and DM45 of the Development Management Local Plan and the Sustainable Transport SPD.
- The continued unlawful use of the premises for Class B2 industrial brewery activities would have severe impacts on the amenity of the residential properties adjoining the site by way of noise emissions, air pollution, traffic movements and nuisance. This would be contrary to Policies DM2 and DM22 of the Development Management Local Plan.

As a corollary to the above, we also submit that if the retrospective application is refused enforcement action should be promptly started and lead to the complete cessation of Class B2 industrial activities on site.

### Enforcement action

The only way to put the site back to its lawful use is to stop all the uses that fall within Class B2 and limit future uses of the site solely within Class B1(c).

In practical terms, this means stopping all the industrial brewing activities that are currently carried out in the areas labelled as “Brewing Area” and “Front Yard” in drawing No. A0010-A.

It also means stopping using the fermentation tanks located in the front yard, which are in effect the main elements of the industrial process that leads to the production of beer.

We acknowledge that there are valid planning permissions for the *construction* of the existing fermentation tanks, but their *use* is outside the limits of Class B1(c) and the scope of the approved planning permissions. As such, the use of the tanks needs to be discontinued to allow the reinstatement of the lawful use of the site.

### Planning conditions

As discussed above, the proposal would be contrary to Hackney’s planning policies on the location of industrial uses, would have significant negative impacts on traffic, parking and highways and the preservation of residential amenity. We therefore submit that it should be refused, and that enforcement action should be taken as soon as possible to remedy the breach of planning control that has occurred.

However, if the Council is minded to grant retrospective permission, we submit that:

- 1) **The applicant must submit appropriate technical reports** to address all the amenity, transport and environmental issues raised above **before the determination of the application**; and
- 2) **Stringent planning conditions must be imposed on the development** to make it acceptable in planning policy terms and address the severe adverse impacts that the industrial use of the site has had on the adjoining residents in the past years.

Paragraph 55 of the NPPF sets out the six tests that need to be met to justify the imposition of planning conditions.

Planning conditions needs to be:

- Necessary;
- Relevant to planning;

- Relevant to the development to be permitted;
- Enforceable;
- Precise; and
- Reasonable in all other respects.

We submit that the following planning conditions would meet all the six tests above and that they would be necessary to make the development acceptable in planning terms.

- **Condition 1 – Temporary permission**

The current industrial use of the site has caused significant disturbance to the residential properties located in the vicinity through noise and odour emissions, posed threats to the safety of pedestrians and cyclist and the unlawful occupation of the public highway for delivery and loading activities. The Five Points Brewery has been a bad neighbour for years.

A temporary permission lasting one (1) year would allow the Council to test the actual willingness of the occupiers of 3 Institute Place to comply with the relevant planning policies of the local plan, change their behaviours and minimise their impact on the residential amenity of the local community.

If the brewery wanted to continue its activities on site after one year has lapsed, they will have the option of applying to renew the permission and the Council would then be in a position to verify their compliance with the local plan. Temporary permissions are often used by Councils to test the suitability of highly impacting uses in dense urban locations. The scale of impact of the current use on the surrounding area would justify this course of action. The absence of such a condition would render the development contrary to Policy DM2 of the DMLP.

- **Condition 2 – Permission limited to Class B2 brewery use only**

The retrospective planning permission should limit the use of the site to a Class B2 brewery and prevent the change to any other use within Class B2 without prior planning consent from the local authority. Giving permission for an unqualified Class B2 use could cause the transfer of even more intrusive industrial uses on site without further planning controls, to the further detriment of amenity conditions and traffic. The absence of such a condition would render the development contrary to Policy CS17 of the Core Strategy and Policy DM18 of the DMLP.

- **Condition 3 – No parking allowed on the public highway at any time**

The policies of the local plan clearly state that public highways should never be obstructed by the traffic or parking generated by developments. A planning condition to this effect would be enforceable and would stop the disruption currently caused by the brewery to the local community. The absence of such a condition would render the development contrary to Policy CS6 of the Core Strategy and Policies DM18 and DM45 of the DMLP.

- **Condition 4 – Hours of operation**

Conditions limiting the hours of operation of noisy and polluting activities are standardly used to limit their impact on neighbours. The brewery should operate only between 08:00 and 19:00 from Monday to Friday and be closed on Saturday, Sunday and Bank Holidays. No activities ancillary to the brewery such as guided tours or events should take place outside the brewery operating hours.

The absence of a condition to this effect would render the development contrary to Policies DM2 and DM42 of the DMLP.

- **Condition 5 – No music or noise audible outside the premises at any time and no noise-emitting machinery to be used in the front yard**

To prevent further disturbance to the residential properties in the vicinity, any amplified music and the noises associated with the activities of the brewery should not be audible outside the railway arches. The absence of a condition to this effect would render the development contrary to Policy DM2 of the DMLP.

- **Condition 6 – No loading or unloading between 19:00 and 08:00 on weekdays and no loading or unloading activities at all on weekends and on Bank Holidays**

To prevent further disturbance to the residential properties in the vicinity, deliveries to and from the site and vehicular movements associated with the deliveries should not take place outside the business hours of the brewery. The absence of a condition to this effect would render the development contrary to Policy DM2 of the DMLP.

- **Condition 7 – Details of fumes and odour abating machinery to be submitted within one month of permission and to be installed immediately upon receipt of permission from the Council**

The existing air pollution caused by the brewery needs to stop. Even if the applicant provides drawings and technical reports setting out appropriate mitigation measures curbing the emission of fumes and smell, the permission needs to ensure that the proposals are followed by tangible actions and the installation of fumes and odour abating machinery. The absence of a condition to this effect would render the development contrary to Policies DM2 and DM42 of the DMLP.

## Conclusions

The proposed retention of the unlawful industrial brewery would have significant negative impacts on traffic, residential amenity and the environment. These impacts have not been mitigated with appropriate measures and the applicant is not willing to address at the source the issues that have caused distress to the residents of the Eastside Academy Apartments and the properties located along Marcon Place.

The proposal would be contrary to Policies CS6, CS17 and CS33 of the Core Strategy, Policies DM2, DM18, DM42 DM44 and DM45 of the Development Management Local Plan, the Sustainable Transport SPD and the National Planning Policy Framework.

For the reasons set out in this letter, we submit that the retrospective planning permission ref. 2019/1456 should be refused, and that enforcement action should be undertaken to stop the current Class B2 industrial use and reinstate the lawful Class B1(c) of the site.

This would effectively amount to the removal of all the current activities and uses that are industrial in nature, including the processing of raw ingredients to obtain a finished product, and would require the cessation of the use of the external fermentation/storage tanks.

Many breweries that occupied railway arches within the borough of Hackney have now relocated inside larger premises within designated industrial areas to expand their production and gain direct access to appropriate transport networks. Other breweries in the borough are located in buildings or railway arches that do not adjoin residential properties and have direct access to large roads.

The Five Points Brewery should either move inside larger, more accessible premises as many of its peers have successfully done or remove the polluting and noise industrial activities from the site and use it solely for Class B1(c) activities and storage.

If the Council is minded to approve the retrospective application, we submit that the application cannot be determined until detailed specialist reports setting out appropriate and enforceable mitigation measures addressing the severe amenity, transport, air pollution and noise impacts of the brewery are submitted to the Council and approved by officers in consultation with the Council's highway and environmental health departments.

Even if such reports are produced and they respond satisfactorily to the requirements of the local planning policies, any permission would need to include stringent planning conditions to prevent negative impacts on the amenity of adjoining residents in the future and enforce the proposed mitigation measures.

Yours faithfully,  
for RPS Consulting Services Ltd



**Lorenzo Pandolfi**  
Principal Planner



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**Licensing Application for Unit 441 Arches Institute Place E8 and Cloud Retail(taJiffy Grocery)**

1 message

13 January 2022 at 18:55

To: "licensing@hackney.gov.uk" <licensing@hackney.gov.uk>, "Ben.hayhurst@hackney.gov.uk" <Ben.hayhurst@hackney.gov.uk>

Dear Hackney Licensing,

I find it necessary to complain about an application for the use of an Arch space by Cloud retail Ltd (t/as Jiffy Grocery).

I have only become aware of this today, as my daughter went to the shops for me and noticed a new sign on the gate of arch 441. Please can you advise why this application was not sent to residents of Marcon Place, considering their proximity to the Arch?

The residents of Marcon Place and Eastside Academy Apartments have in the past complained to Hackney Council in detail about the unsuitability of housing a busy business at the end of Institute Place.

The introduction of cloud retail just repeats the issues that we raised with the council historically, and that we will continue to raise with your team, ArchCo and Cloud Retail LTD. By their own admission on their website, Cloud Retail strive to deliver to every customer within 15 minutes. The number of vehicles travelling into and out of the Arch, all in a rush, night and day, 7 days a week, will make the residents lives a complete misery! Firstly, the residents use Institute Place to walk to the shops etc, there is no pavement, so for the increased number of motorcycle /vans, it will be a strong contender for an accident waiting to happen. Most of the residents' bedrooms are at the back of their houses, so to be kept awake all night with motorcycles/vans/lorries, constantly going up and down is totally unacceptable.

Your website outlines that there are 4 categories to raise an objection to a proposed planning application. These are: the prevention of crime and disorder, the prevention of public nuisance, public safety, and the protection of children from harm.

I believe that the proposed application contravenes 3 of these categories as outlined below:

**1. Public Nuisance**

- This Arch is not in an appropriate area with other types of businesses but remains in a residential space, with the only means of access via a narrow public road, without any pavement - the proposal would have an unacceptable impact on residents.
- There are no landscaping features or physical barriers between the proposed use of Arch 441 and the surrounding residential buildings.
- The proposal will potentially cause adverse environmental, highway and amenity impacts.

**2. Public Safety**

- The proposal will have a negative impact on the local transport network
- 441 Arch is in a narrow road that is unsuitable to accommodate the movement of large delivery vans / heavy motor traffic
- The proposal will result in increased traffic on a narrow road, resulting in excess noise, air pollution (fumes), and overall disruption to residents quality of life
- The proposal presents a real safety risk for residents walking and cycling

**3. Protection of children from harm**

- Increased traffic, noise, unpleasant smells, and consequent air pollution will have a detrimental effect on the health and wellbeing of families living in the immediate area, many of which have young children.

- Air pollution and safety risks associated with increased traffic on a narrow road will have a detrimental effect on the ability of children to play freely in their gardens, and consequently potentially a negative impact on their mental wellbeing.

In summary, due to its proximity to residential properties and the narrowness of the access road, the site at [3 Institute Place](#) is unsuitable to accommodate the proposed use. The excess noise, air pollution, odours, and safety risks associated with continued industrial use will have a severely detrimental impact on the quality of life of residents and their children, (as well as cause disruption to the local highway network, and have a negative impact on the environment).

We submit that the planning application should not be determined until all the relevant reports (Transport Statement, Travel Plan and Delivery and Servicing Plan) are submitted to the local authority and deemed sufficient to address the concerns I have outlined above.

I believe that this license application must be rejected.

Best Regards,

[REDACTED]

[REDACTED] [Marcon Place](#)

[Hackney E8](#) [REDACTED]

[REDACTED]



**Licensing Application For Unit 441 Arches Institute Place Hackney E8 to Cloud Retail (t/a JiffyGrocery)**

1 message

13 January 2022 at 19:56

To: "licensing@hackney.gov.uk" &lt;licensing@hackney.gov.uk&gt;

Cc: "Ben.hayhurst@hackney.gov.uk" &lt;Ben.hayhurst@hackney.gov.uk&gt;, "hccouncillors@gmail.com" &lt;hccouncillors@gmail.com&gt;

Dear Hackney Licensing,

I am writing to complain about an application for the use of a arch space 441 by Cloud Retail (t/a Jiffy grocery), and to have the license application rejected.

I have only become aware of this application today because I had to get shopping for my 91-year-old mother, and noticed the application form on the gate of 441 Arch. I am at a loss to see why the Hackney council did not send this application to the residents of Marcon Place and would like an explanation as to why this didn't happen, please?

Furthermore, I just can't believe that the Hackney Council can even consider this company, Cloud Retail, who by their own admission on their website states that they will get their customers groceries delivered within 15 minutes day and night.

The residents of Marcon place have in the past complained to the Hackney Council, about the unsuitability of housing an extremely busy business at the end of Institute Place. The extreme increase of number of vehicles up and down Institute place 24 hours a day will have a high impact on the residents of Marcon Place. The residents of Marcon Place bedrooms are at the back of their houses, which overlooks Institute Place, the noise from these motor vehicles 24 hours a day will certainly impact their lives detrimentally. Also, the residents use Institute Place to walk to shops etc, there is no pavement or barrier's and the street is an extremely narrow road so the high volume of traffic from Cloud Retail, will make it very unsafe for the residents. The increased traffic on a narrow road will result in excess noise, increased air pollution (fumes) and overall disruption to residents' quality of life. Marcon place has a number of elderly residents as well as families with young children and their gardens back onto Institute Place. The increase of traffic, noise, and consequent air pollution will have a detrimental effect on the ability of children to play freely in their gardens and subsequently have a negative impact on their mental welling and health.

I believe this license application must be rejected.

Regards

 Lauriston Road

Hackney E9



**FAO LICENSING DEPT - REPRESENTATION in connection with new Premises Licence**

1 message

13 January 2022 at 21:35

To: licensing@hackney.gov.uk

Dear Sir/Madam,

**Representation in respect of New Premises Licence for Cloud Retail Limited (T/as Jiffy Grocery), at Unit 441 Institute Place, Hackney, E8.**

As a resident of Academy Apartments, [REDACTED] Dalston Lane, which backs onto Institute Place, I wish to object to this premises licence application.

In the first instance, however, please note that I do not believe the relevant notice was displayed for the required number of days and therefore I believe the application is invalid.

Secondly I would raise the following points.

1. **Institute Place** is a narrow lane at the back of a residential property which contains 57 residential apartments (Academy Apartments). This lane, which has no pavements, but is utilised by most/many of the residents to access the property and Amhurst Road. The lack of pavements means that pedestrians compete with vehicles along this route and it is often unsafe. By adding additional traffic with the additional delivery drivers that a new licence would allow, means that pedestrian safety is even more of an issue.

2. The premises if permitted would mean that additional traffic would be expected 7 days a week, late into the evening. This brings an unacceptable level of additional noise and nuisance to the nearby residents.

3. In respect of LB Hackney Core Strategy Policy 17 "Economic Development" - it states that "General Industry (B2) and Storage and Distribution (B8) uses *may* be appropriate where existing or proposed physical barriers for example railway arches, canals, roads or landscaping features, **minimise environmental impacts from industrial activity to the surrounding area such as visual intrusion, noise, vibration and general disruption from servicing and vehicular access**".

4. LB Hackney Policy DM18 "Railway arches" of the Development Management Local Plan is reproduced in full below: Railway arches are appropriate for B1, B2, B8, and other similar sui generis uses. **Proposals for such uses must not cause adverse environmental, highway or amenity impacts to other uses within the surrounding area.**

Other commercial uses may be appropriate, such as A and D class uses, for arches in certain locations, provided they meet the sequential approach for such uses outside of the Borough's Shopping Centres and comply with other policies in this plan.

Proposals should: i. Incorporate active frontage uses where appropriate, and result in the upgrade and appearance of the premises; ii. **Not obstruct the public highway**; and iii. Not result in the significant loss of any existing employment generating use.

**5. Paragraph C of Policy LP26 of the emerging Hackney Local Plan 2033 states that proposals for employment floorspace located outside designated employment locations will only be permitted if it would not have an unacceptable impact on residential amenity.**

The delivery of goods and then subsequent deliveries to the customers via Institute Place using large vehicles to access a very narrow street in forward or reverse gear without the possibility of manoeuvring is dangerous. It would be expected that delivery vehicles will significantly increase the traffic in Institute Place, thus creating a hazard for pedestrians and cyclists accessing the block our homes and be a general disturbance to the public highway.

I strongly object to the granting of a premises licence and would question whether the Arch has the relevant planning permission to carry out these activities.

Yours faithfully,

[REDACTED]  
Academy Apartments  
[REDACTED] Dalston Lane  
E8 [REDACTED]

**Licensing application for Unit 441 Arches, Insitute Place E8 1LA**

1 message

13 January 2022 at 22:05

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

Jiffy Grocery  
Unit 441 Arches  
Institute Place  
London  
E8 1LA

Hackney  
Central

Cloud Retail  
Ltd

Application for a premises licence to authorise the supply of alcohol for consumption off the premises from 08:00 to 23:00 Mon to Thurs, 08:00 to 00:00 Fri and Sat and from 10:00 to 22:30 Sun.

13/01/2022

\*\*\*\*\*

Dear Hackney Licensing,

I oppose this license application on the following grounds.

Institute place is a quiet dead end road which gives onto the bedrooms of all the terraced houses in marcon place road.

Having vehicle movements so late into the evening is going to create a lot of noise disturbance without a doubt. Also the couriers will be speeding down a small cobbled road which will undoubtedly create a safety hazard.

I have just had baby twins who sleep in a bedroom giving onto institute place road. I don't think it's appropriate for them to be woken up by transit vehicles up to midnight on a friday night for the sale of alcohol.

Sadly it seems Arch Co. only seem interested in making money and have no care for the local community otherwise they would have vetted this type of business using this arch as its location.

Businesses of this type should be kept on the main roads where they cause no disruption.

The hours in the application are far too late and should be to the detriment of long-time local residents who just wish to sleep in their bedrooms without disturbance of a badly located business.

I object to this application on the grounds it will create a high volume of traffic on a road which is not able to support it due to the sale of alcohol (Please refer to our complaints about 5 points brewery which were vindicated by Hackney Council - No Heavy Good Vehicles and speeding restrictions). My second objection is the sale of alcohol off site after 8pm will be a detriment to the local amenities (us residents) due to associated business activities.

As a long term resident I urge you to refuse this application and avoid a long standing dispute as we already had with 5 points brewery and make Arch Co understand to find suitable tenants for the premises requirements to operate with harming the local environment rather than just chasing money.

Best Regards,

  
  
**MARCON PLACE E8** 

**Re: Cloud Retail (t/a Jiffy Grocery)**

1 message

**David Tuitt** <david.tuitt@hackney.gov.uk>

14 January 2022 at 08:52

To: [REDACTED]  
Cc: Shan Uthayasangar <shan.uthayasangar@hackney.gov.uk>

Dear [REDACTED],

Many thanks for your email. I have cc'd my colleague Shan who is the case officer for this application.

Regards,

--  
**David Tuitt**  
**Business Regulation Team Leader**  
Licensing | Technical Support  
Direct Tel: 020 8356 4942  
Tel: 020 8356 2431

On Thu, 13 Jan 2022 at 22:00, [REDACTED] wrote:

Hello

My Name is [REDACTED] and I am the landlord of the 5 flats at [REDACTED] [Marcon Place](#) and also [REDACTED] [Marcon Place, Hackney](#).

All of these properties have residents who have access via the back of the property on to Institute Place.

We have previously serious issues with Meantime Brewery who were the previous occupiers of the units within the arches to the extent where an articulated lorry virtually demolished our back wall and gate whilst attempting to reverse out of Institute Place. I have photographic evidence should you require.

We therefore wish to register our objection to allowing Cloud Retail, another proposed use of the arches which involves Institute Place as means of delivery, to occupy these units.

From a health and safety perspective it is clearly unsuitable to use Institute place, which has no segregated footpath, for a route to allow articulated lorries to make deliveries. There are also council residential bins which obviously involves pedestrians on the same road as the lorries.

The severe damage to our property is evidence enough of this unacceptable use of Institute Place.

Please contact me should you wish to discuss.

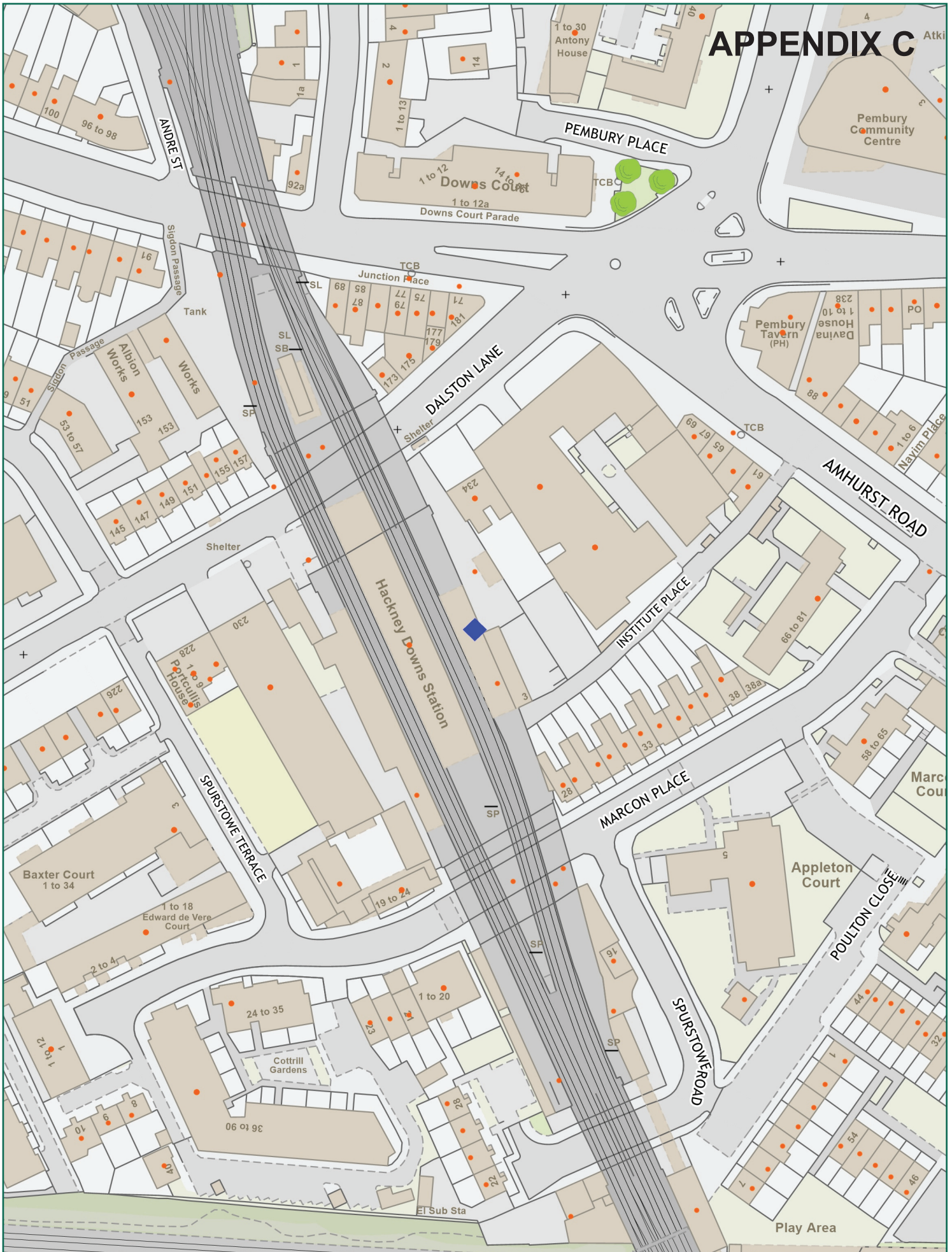
Thanks

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]



[REDACTED]

# APPENDIX C



Scale: 1:1250 at A4

## Jiffy Grocery, Arch 441, Institute Place, E8 1LA



Ref:  
Friday, February 4 2022

Page 69  
Product: Unspecified  
email:

please specify copyright statement

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<b>REPORT OF GROUP DIRECTOR, NEIGHBOURHOODS AND HOUSING</b>		
<b>LICENSING SUB-OMMITTEE:</b> 17/02/2022	<b>Classification</b> DECISION	<b>Enclosure</b>
<b>Application for a Premises Licence</b>  2 Chatsworth Road, London, E5 0LP	<b>Ward(s) affected</b>  King's Park	

## 1. SUMMARY

<b>Applicant(s):</b> Niyazi Erdogan	<b>In SPA:</b> Not Applicable
<b>Date of Application</b> 08/11/2021	<b>Period of Application</b> Permanent
<b>Proposed licensable activity</b>  Supply of Alcohol (Off Premises)	
<b>Proposed hours of licensable activities</b>	
<b>Supply of Alcohol:</b> <b>(Off sales)</b>	<b>Standard Hours:</b>  Mon 08:00-23:00 Tue 08:00-23:00 Wed 08:00-23:00 Thu 08:00-23:00 Fri 08:00-00:00 Sat 08:00-00:00 Sun 10:00-22:30
<b>The opening hours of the premises</b>	
<b>Standard Hours:</b>  Mon 08:00-23:00 Tue 08:00-23:00 Wed 08:00-23:00 Thu 08:00-23:00 Fri 08:00-00:00 Sat 08:00-00:00 Sun 10:00-22:30	
<b>Capacity:</b> Not known	
<b>Policies Applicable</b>	LP1 (General Principles), LP2 (Licensing Objectives), LP4 ('Off' Sales of Alcohol) and LP11 (Cumulative Impact - General)
<b>List of Appendices</b>	A – Application for a premises licence and supporting documents B – Representations from responsible authorities C – Representations from other persons D – Location map

<b>Relevant Representations</b>	<ul style="list-style-type: none"> <li>• Licensing Authority</li> <li>• Other Persons</li> </ul>
---------------------------------	--

## 2. APPLICATION

- 2.1 Niyazi Erdogan has made an application for a premises licence under the Licensing Act 2003:
- To authorise the supply alcohol for consumption off the premises
- 2.2 The application is attached as Appendix A. The applicant has agreed to remove on sales of alcohol from the application. The applicant has proposed some additional measures to address the licensing objectives.

## 3. CURRENT STATUS / HISTORY

- 3.1 The premises is not currently licensed for any activity.
- 3.2 No Temporary Event Notices have been given for this premises in the last twelve months.

## 4. REPRESENTATIONS: RESPONSIBLE AUTHORITIES

<b>From</b>	<b>Details</b>
Environmental Health Authority (Environmental Protection)	No representation received
Environmental Health Authority (Environmental Enforcement)	Representation has been withdrawn on the basis of the agreed conditions as set out in para 8.1
Environmental Health Authority (Health & Safety)	No representation received
Weights and Measures (Trading Standards)	No representation received
Planning Authority	No representation received
Area Child Protection Officer	No representation received
Fire Authority	Have confirmed no representation on this application
Police	Representation has been withdrawn on the basis of the agreed conditions as set out in para 8.1 and amend the hours for alcohol as set out above.
Licensing Authority (Appendix B)	Representation received on the grounds of The Prevention of Public Nuisance.
Health Authority	Have confirmed no representation on this application



## 5. REPRESENTATIONS: OTHER PERSONS

From	Details
3 Representations opposing the application received from and on behalf of local residents. (Appendices C1-C3).	Representation received on the grounds of The Prevention of Crime and Disorder, Public Safety, Prevention of Public Nuisance and The Protection of Children from Harm.

## 6. GUIDANCE CONSIDERATIONS

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

## 7. POLICY CONSIDERATIONS

- 7.1 Licensing Sub-Committee is required to have regard to the London Borough of Hackney's Statement of Licensing Policy ("the Policy") adopted by the Licensing Authority.
- 7.2 The Policy applies to applications where relevant representations have been made. With regard to this application, policies, LP1 (General Principles), LP2 (Licensing Objectives), LP4 ('Off' Sales of Alcohol) and LP11 (Cumulative Impact - General).

## 8. OFFICER OBSERVATIONS

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

### Supply Of Alcohol(Off)

#### Supply of Alcohol

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.
  - 3.1. 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.
  - 3.2 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.
  - 3.3. 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.

#### Minimum Drinks Pricing

4. 4.1 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.

4.2 For the purposes of the condition set out in paragraph 4.1 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.

4.3 Where the permitted price given by Paragraph 4.2(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.

4.4 (1) Sub-paragraph 4.4(2) below applies where the permitted price given by Paragraph 4.2(b) above on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.

(2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

## Conditions derived from Responsible Authority representations

5. The premises shall install and maintain a comprehensive CCTV System. All public areas and each entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Recordings shall be made available immediately upon the request of Police or authorised officer.
6. There shall be a staff member from the premises who is conversant with the operation of the CCTV system on the premises at all times when the premises are open to the public. This staff member must be able to show a Police or authorised council officer recent data or footage when requested.
7. Notices will be prominently displayed by the entry/ exit door and point of sale (as appropriate) advising customers:
  - a. That CCTV & challenge 25 are in operation;
  - b. Advising customers of the provisions of the licensing act regarding underage & proxy sales;
  - c. Of the permitted hours for licensable activities & the opening times of the premises;
  - d. Not to drink in the street;
  - e. To respect residents, leave quietly, not to loiter outside the premises or in the vicinity and to dispose of litter legally.
8. An incident log shall be kept at the premises, and made available on request to an authorised officer of the council or the police, which will record the following.
  - a. All crimes reported;
  - b. All ejections of patrons
  - c. Any complaints received.
  - d. Any incidents of disorder.
  - e. Seizure of drugs or offensive weapons.
  - f. Any faults in the CCTV system.
  - g. Any refusal of the sale of alcohol.
  - h. Any visit by a relevant authority or emergency service.
9. All instances of crime and disorder witnessed or reported to staff to be reported by the Designated Premises Supervisor or responsible member of staff to an agreed police contact point, as agreed with the police.
10. All staff shall receive training on the legislation relating to the sales of alcohol to underage persons and drunken persons and shall have refresher training every 12 months. There shall be written records of such training which will be kept on the premises and produced to a police officer or other authorised officer upon request.
11. No beer, lagers or ciders exceeding 6.5% alcohol by volume (ABV) shall be sold or supplied at the premises.
12. Signs will be prominently displayed at all entrance and exit points reminding customers to leave quietly and respect local residents.

13. A Challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as driving licence or passport.
14. All off sales of alcohol shall be in sealed containers for consumption away from the premises.
15. The Licensee shall ensure that all staff are fully trained and made aware of the legal requirement of businesses to comply with their responsibility as regards the disposal of waste produced from the business premises. The procedure for handling and preparing for disposal of the waste shall be in writing and displayed in a prominent place where it can be referred to at all times by staff.
16. The Licensee shall ensure that any contract for general and recyclable waste disposal shall be appropriate in size to the amount of waste produced by the business. The Licensee shall maintain an adequate supply of waste receptacles provided by his registered waste carrier (refuse sacks or commercial waste bins) in order to ensure all refuse emanating from the business is always presented for collection by his waste carrier and shall not use any plain black or unidentifiable refuse sacks or any other unidentifiable or unmarked waste receptacles.
17. The Licensee's premises are situated in an area within which refuse may only be left on the public highway at certain times (time bands). If the Licensee's waste carrier cannot or does not comply by collecting the refuse within an hour after the close of any time band imposed by the waste authority, the Licensee must remove the refuse from the public highway and/or keep it within the premises until such time as his/her waste carrier arrives to collect the refuse.
18. The Licensee shall instruct members of staff to make regular checks of the area immediately outside the premises and remove any litter, bottles and glasses emanating from the premises. A final check should be made at close of business.
19. The Licensee shall provide a safe receptacle for cigarette ends to be placed outside for the use of customers, such receptacle being carefully placed so as not to cause an obstruction or trip.
20. The current trade waste agreement/duty of care waste transfer document shall be conspicuously displayed and maintained in the window of the premises where it can be conveniently seen and read by persons standing in 2 Chatsworth Road. This should remain unobstructed at all times and should clearly identify:-
  - the name of the registered waste carrier
  - the date of commencement of trade waste contract
  - the date of expiry of trade waste contract
  - the days and times of collection
  - the type of waste including the European Waste Code

## 9. REASONS FOR OFFICER OBSERVATIONS

- 9.1 Conditions 5 to 14 agreed with the Police and conditions 15 to 20 agreed with environmental enforcement.

## 10. LEGAL COMMENTS

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

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

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

## 11. HUMAN RIGHTS ACT 1998 IMPLICATIONS

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

## 12. MEMBERS DECISION MAKING

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

### 13. CONCLUSION

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

<b>Group Director, Neighbourhoods and Housing</b>	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> 2 Chatsworth Road, London, E5 0LP	Licensing Service 1 Hillman Street London E8 1DY

#### **Printed matter**

Licensing Act 2003

LBH Statement of Licensing Policy

<b>↳ Hackney</b>	<b>Application for a premises licence to be granted under the Licensing Act 2003</b>
<b>LA01</b>	

**PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST**

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

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

**I/We** Niyazi Erdogan

*(Insert name(s) of applicant)*

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

**Part 1 – Premises details**

Postal address of premises or, if none, ordnance survey map reference or description 2 Chatsworth Road E5 0LP			
<b>Post town</b>	London	<b>Postcode</b>	E5 0LP

Telephone number at premises (if any)	
Non-domestic rateable value of premises	<b>£22250</b>

**Part 2 - Applicant details**

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

- a) an individual or individuals \*  please complete section (A)
- b) a person other than an individual \*
  - i as a limited company/limited liability partnership  please complete section (B)
  - ii as a partnership (other than limited liability)  please complete section (B)
  - iii as an unincorporated association or  please complete section (B)
  - iv other (for example a statutory corporation)  please complete section (B)

- c) a recognised club  please complete section (B)
- d) a charity  please complete section (B)
- e) the proprietor of an educational establishment  please complete section (B)
- f) a health service body  please complete section (B)
- g) a person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales  please complete section (B)
- ga) a person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 (within the meaning of that Part) in an independent hospital in England  please complete section (B)
- h) the chief officer of police of a police force in England and Wales  please complete section (B)

\* If you are applying as a person described in (a) or (b) please confirm (by ticking yes to one box below):

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

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

Mr <input checked="" type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
<b>Surname</b> Erdogan			<b>First names</b> Niyazi		
<b>Date of birth</b> [REDACTED]				I am 18 years old or over <input checked="" type="checkbox"/> Please tick yes	
<b>Nationality</b> [REDACTED]					
Current residential address if different from premises address		[REDACTED]			
Post town		[REDACTED]	Postcode		[REDACTED]
<b>Daytime contact telephone number</b>			[REDACTED]		
<b>E-mail address (optional)</b>		[REDACTED]			



**Where applicable (if demonstrating a right to work via the Home Office online right to work checking service), the 9-digit 'share code' provided to the applicant by that service (please see note 15 for information)**

**SECOND INDIVIDUAL APPLICANT (if applicable)**

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
<b>Surname</b>			<b>First names</b>		
<b>Date of birth</b>		I am 18 years old or over		<input type="checkbox"/> Please tick yes	
<b>Nationality</b>					
Current postal address if different from premises address					
Post town				Postcode	
<b>Daytime contact telephone number</b>					
<b>E-mail address (optional)</b>					
<b>Where applicable (if demonstrating a right to work via the Home Office online right to work checking service), the 9-digit 'share code' provided to the applicant by that service (please see note 15 for information)</b>					

**(B) OTHER APPLICANTS**

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

Name
Address

Registered number (where applicable)
Description of applicant (for example, partnership, company, unincorporated association etc.)
Telephone number (if any)
E-mail address (optional)

**Part 3 Operating Schedule**

When do you want the premises licence to start?

DD	MM	YYYY
0	3	1 2 2 0 2 1

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

DD	MM	YYYY

<p>Please give a general description of the premises (please read guidance note 1)  The subject property is the existing ground floor of a terraced building. The property is currently vacant.</p> <p>The premises is proposed to be used as a commercial unit (Organic Food Store)</p>
--

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

--

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

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

Provision of regulated entertainment (please read guidance note 2) Please tick all that apply

- a) plays (if ticking yes, fill in box A)
  - b) films (if ticking yes, fill in box B)
  - c) indoor sporting events (if ticking yes, fill in box C)
  - d) boxing or wrestling entertainment (if ticking yes, fill in box D)
  - e) live music (if ticking yes, fill in box E)
  - f) recorded music (if ticking yes, fill in box F)
  - g) performances of dance (if ticking yes, fill in box G)
  - h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H)
  - Provision of late night refreshment** (if ticking yes, fill in box I)
  - Supply of alcohol** (if ticking yes, fill in box J)
- In all cases complete boxes K, L and M**

**A**

<b>Plays</b> Standard days and timings (please read	<b>Will the performance of a play take place indoors or outdoors or both – please tick</b> (please read guidance note 3)	Indoors	<input type="checkbox"/>
--	--	---------	--------------------------

J

<b>Supply of alcohol</b> Standard days and timings (please read guidance note 7)			<b>Will the supply of alcohol be for consumption – please tick</b> (please read guidance note 8)	On the premises	<input type="checkbox"/>
				Off the premises	<input type="checkbox"/>
				Both	<input checked="" type="checkbox"/>
Day	Start	Finish	<b>State any seasonal variations for the supply of alcohol</b> (please read guidance note 5)		
Mon	0700	2300			
Tue	0700	2300			
Wed	0700	2300			
Thur	0700	2300			
Fri	0700	0200			
Sat	0700	0200			
Sun	0700	2300			
			<b>Non-standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list</b> (please read guidance note 6)		

**State the name and details of the individual whom you wish to specify on the licence as designated premises supervisor (Please see declaration about the entitlement to work in the checklist at the end of the form):**

<b>Name</b> Niyazi Erdogan	
<b>Date of birth</b> [REDACTED]	
Address [REDACTED]	
Postcode	[REDACTED]
Personal licence number (if known) [REDACTED]	
Issuing licensing authority (if known) [REDACTED]	

K

**Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 9).**

None

**L**

<b>Hours premises are open to the public</b> Standard days and timings (please read guidance note 7)			<b>State any seasonal variations</b> (please read guidance note 5)
Day	Start	Finish	
Mon	0700	2300	<b>Non-standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list</b> (please read guidance note 6)
Tue	0700	2300	
Wed	0700	2300	
Thur	0700	2300	
Fri	0700	0200	
Sat	0700	0200	
Sun	0700	2300	

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

**a) General – all four licensing objectives (b, c, d and e)** (please read guidance note 10)

The management is to be to work in a partnership with neighbouring businesses, as well as local authorities such as police, council, fire brigade and all the other relevant ones. The premises is to undertake all necessary fire risk assessments and precautions. The layout of the premises provides users a quick and easy escape to the exit. All the proposed equipment is to be installed by qualified/competent persons. An electrically operated fire alarm system that complies with BS 5839: part 1 is to be installed to warn of any fire at its earliest stage, together with the regulated emergency lighting systems complying with BS52266. The premises will open and shut at its permitted hours and the sale of alcohol or any other permitted licensing activity will not be carried out at any other time than its permitted opening hours.

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

The management will be alert to any crime and disorder, as it is aimed to exercise the best possible management with its trained and experienced staff. The proposal includes coloured, high quality CCTV cameras operating in the entrance of the premises whose recordings will be available for (at least 31 days of recording) to the police at any time.

**c) Public safety**

All necessary fire risk assessments and precautions are to be installed by qualified persons and the management is also to carry out a fire risk assessment and emergency plan to reduce the fire risk/get prepared. All fire fighting equipment to be maintained on a regular basis and all the safety certificates and inspection reports will be kept on site and made available for inspection by relevant statutory bodies. The management will also make sure that any control measures identified or introduced remain effective by testing and maintaining them regularly. An incident log shall be kept at the premises and made available on request to the Police, which will record crimes, complaints and any other type of incidents.

**d) The prevention of public nuisance**

The management aims the followings:

- Whilst there is slight potential for noise nuisance to be caused as patrons leave the premises, particularly later in the evening, the Operating Schedule includes the display of signs at the door requesting that patrons leave the premises quietly.
- If the premises falls within the 'Drinking Control Area' sign shall be displayed to inform the patrons that they are in a 'Drinking Controlled Area'. However, the premises are not able to prevent customers consuming alcohol purchased at the premises in the street.
- Deliveries to the premises shall only be made during normal working hours.
- Bins shall not be emptied outside the premises in the late evening, night or early morning.
- Rubbish from the premises shall be securely stored in a bin in a designated area.

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

The staff of the business is to fully comply with "Challenge25" scheme to make sure no alcohol sold to any under age person. The practice includes asking for appropriate photographic identification. This must be either a passport; photographic driving licenses or an identity card with the P.A.S.S logo (Proof of Age Standards Scheme).

Children under the age of 14 years shall not be allowed to enter the premises after 21:00 hours unless accompanied by a person over the age of 18 years.

A method of documenting refused sales for example a "refusal book or diary" must be kept at the point of sale, or one at each point of sale where necessary, or recorded electronically on the till.

**Checklist:**

**Please tick to indicate agreement**

- I have made or enclosed payment of the fee.
- I have enclosed the plan of the premises.
- I have sent copies of this application and the plan to responsible authorities and others where applicable.
- I have enclosed the consent form completed by the individual I wish to be designated premises supervisor, if applicable.
- I understand that I must now advertise my application.
- I understand that if I do not comply with the above requirements my application will be rejected.
- [Applicable to all individual applicants, including those in a partnership which is not a limited liability partnership, but not companies or limited liability partnerships] I have included documents demonstrating my entitlement to work in the United Kingdom or my share code issued by the Home Office online right to work checking service (please read note 15).

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

**IT IS AN OFFENCE UNDER SECTION 24B OF THE IMMIGRATION ACT 1971 FOR A PERSON TO WORK WHEN THEY KNOW, OR HAVE REASONABLE CAUSE TO BELIEVE, THAT THEY ARE DISQUALIFIED FROM DOING SO BY REASON OF THEIR IMMIGRATION STATUS. THOSE WHO EMPLOY AN ADULT WITHOUT LEAVE OR WHO IS SUBJECT TO CONDITIONS AS TO EMPLOYMENT WILL BE LIABLE TO A CIVIL PENALTY UNDER SECTION 15 OF THE IMMIGRATION, ASYLUM AND NATIONALITY ACT 2006 AND PURSUANT TO SECTION 21 OF THE SAME ACT, WILL BE COMMITTING AN OFFENCE WHERE THEY DO SO IN THE KNOWLEDGE, OR WITH REASONABLE CAUSE TO BELIEVE, THAT THE EMPLOYEE IS DISQUALIFIED.**

**Part 4 – Signatures**(please read guidance note 11)

**Signature of applicant or applicant’s solicitor or other duly authorised agent** (see guidance note 12). **If signing on behalf of the applicant, please state in what capacity.**

<b>Declaration</b>	<ul style="list-style-type: none"> <li>• [Applicable to individual applicants only, including those in a partnership which is not a limited liability partnership] I understand I am not entitled to be issued with a licence if I do not have the entitlement to live and work in the UK (or if I am subject to a condition preventing me from doing work relating to the carrying on of a licensable activity) and that my licence will become invalid if I cease to be entitled to live and work in the UK (please read guidance note 15).</li> <li>• The DPS named in this application form is entitled to work in the UK (and is not subject to conditions preventing him or her from doing work relating to a licensable activity) and I have seen a copy of his or her proof of entitlement to work, or have conducted an online right to work check using the Home Office right to work checking service which confirmed their right to work (please see note 15)</li> </ul>
Signature	
Date	
Capacity	

**For joint applications, signature of 2<sup>nd</sup> applicant or 2<sup>nd</sup> applicant’s solicitor or other authorised agent** (please read guidance note 13). **If signing on behalf of the applicant, please state in what capacity.**

Signature	
Date	
Capacity	

<p>Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 14)</p> <p>Niyazi Erdogan</p> <p>██████████</p> <p>██████████</p>
--



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

### Notes for Guidance

1. Describe the premises, for example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies, you must include a description of where the place will be and its proximity to the premises.
2. In terms of specific regulated entertainments please note that:
  - Plays: no licence is required for performances between 08:00 and 23.00 on any day, provided that the audience does not exceed 500.
  - Films: no licence is required for 'not-for-profit' film exhibition held in community premises between 08.00 and 23.00 on any day provided that the audience does not exceed 500 and the organiser (a) gets consent to the screening from a person who is responsible for the premises; and (b) ensures that each such screening abides by age classification ratings.
  - Indoor sporting events: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000.
  - Boxing or Wrestling Entertainment: no licence is required for a contest, exhibition or display of Greco-Roman wrestling, or freestyle wrestling between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000. Combined fighting sports – defined as a contest, exhibition or display which combines boxing or wrestling with one or more martial arts – are licensable as a boxing or wrestling entertainment rather than an indoor sporting event.
  - Live music: no licence permission is required for:
    - a performance of unamplified live music between 08.00 and 23.00 on any day, on any premises.
    - a performance of amplified live music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
    - a performance of amplified live music between 08.00 and 23.00 on any day, in a workplace that is not licensed to sell alcohol on those premises, provided that the audience does not exceed 500.
    - a performance of amplified live music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
    - a performance of amplified live music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the



KEY	
	SMOKE DETECTOR
	EMERGENCY EXIT LIGHT
	EMERGENCY EXIT SIGN
	FIRE ALARM BUTTON
	CCTV CAMERA
	FIRE EXTINGUISHER
	WATER EXTINGUISHER
	HEAT DETECTOR
	ALCOHOL STORAGE AND DISPLAY

**STUDIO ANARES**  
 110 Clarence Road  
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 +44 783219 8523  
 +44 208510 9572  
 www.anares.co.uk

Project Title  
 2 Chatsworth Road  
 E5 0LP

Date  
 October 2021

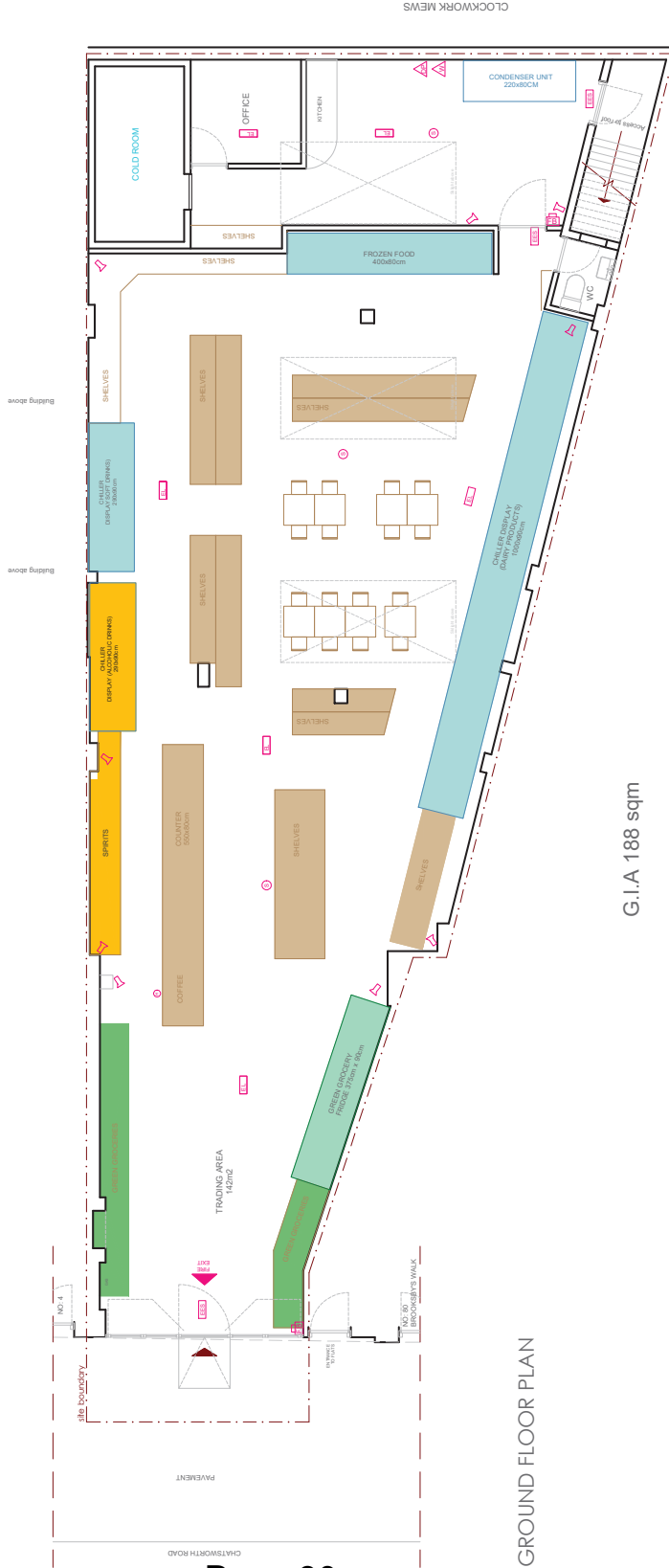
Drawing Title  
 Proposed drawings

Reference  
 Chatsworth012

Revision

This drawing is copyright and may not be copied or altered without express written permission from Studio Anares. All the dimensions on this drawing design intent only and they must be checked by the contractors on site.

Scale  
 1/100 at A3



G.I.A 188 sqm

GROUND FLOOR PLAN

## APPENDIX B

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

#### RESPONSIBLE AUTHORITY DETAILS

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

#### APPLICATION PREMISES

Premises	2 Chatsowrth Road London E5 0LP
Applicant	Niyazi Erdogan

#### COMMENTS

I make the following relevant representations in relation to the above application for a premises licence at the above address.

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

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

I write in relation to the application for a new premises licence.

The proposed hours of operation are excessive given the characteristics of the surrounding area and as a result are likely to have a negative impact on the promotion of the licensing. The applicant should therefore have regard to the following extract from the Council's Licensing Policy:

**LP3 - Core Hours**

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

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

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

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

The premises is described as an organic food store. However, the application seeks to authorise the sale of alcohol for consumption on the premises as well as off the premises. The attached plan also shows tables and chairs within the licensed area. The applicant may wish to provide further background on this particular point.

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

The Licensing Act 2003, guidance issued by the Home Office under s182 of the Licensing Act 2003

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

Further discussion in relation to the points raised above.

Name: **David Tuitt (Business Regulation Team Leader) - Licensing and Technical Support**

7 December 2021

**2 Chatsworth Road E5 0LP**

1 message

**Lynne Troughton (Cllr)** <lynne.troughton@hackney.gov.uk>  
To: "Licensing (Shared Mailbox)" <licensing@hackney.gov.uk>  
Cc: "Rebecca Rennison (Cllr)" <rebecca.rennison@hackney.gov.uk>, "Sharon Patrick (Cllr)" <sharon.patrick@hackney.gov.uk>

5 December 2021 at 19:24

Dear Colleagues

I am a King's Park ward councillor.

I wish to object to the application for a licence until 2am on Fridays and Saturdays and ask the Council to restrict the licence to 11pm, which is Council policy. No licences have been granted beyond 11pm in Chatsworth Road: there are many residential properties nearby and over the shops whose residents' lives could be negatively impacted by the granting of a late night licence, plus once there is one licence there, other establishments may attempt to follow suit and before we know it there will be another unmanageable situation that causes a public nuisance.

I should mention also that the premises is near a controlled parking zone with double-yellow lines along Chatsworth Road. At that point in Chatsworth Road (where it meets Brooksby's Walk) there are repeated parking infringements such as pavement parking, parking on double-yellow lines, car doors being slammed, plus it is a bus route and these inconsiderate motorists parking on double-yellow lines while they stop for a chat to their friends, already causes issues along an already difficult bus route (the 242) on this very narrow street, which is a public safety issue.

I don't know what sort of establishment is proposed for 2 Chatsworth Road but I do know that residents will not appreciate the parking and car door slamming that the area at 2am at night, any day of the week and the 242 night bus will also be carrying home some very tired people who will not appreciate their journeys home being disrupted by inconsiderate vehicles (taxis and the like) picking people up from a late night venue.

So please reject the application. Thank you.

Cllr Lynne Troughton

--

Councillor Lynne Troughton  
King's Park Ward  
Tel 020 8356 2072

Disclaimers apply, for full details see: <https://hackney.gov.uk/email-disclaimer>

**END VIOLENCE AGAINST  
WOMEN AND GIRLS**

 You are in Hackney. Here men and boys should help keep women and girls safe. If you see harassment or violence, get help.  
In an emergency call **999** or report to the police on **101**

Hackney  
Safer  
Neighbourhood  
Board



**Objection to application - 2 Chatsworth Road, London, E5 0LP**

1 message

6 December 2021 at 22:45

To: licensing@hackney.gov.uk

Dear Sir/Madam

I would like to object to the license application for 2 Chatsworth Road [London, E5 0LP](#). I believe that the conditions of the license will result in public nuisance for residents who are in close proximity. Specifically:

1. The premise is located in a dense residential area with a number of flats surrounding the premise. The sale of alcohol late at night, particularly on Friday and Saturday night, is likely to lead to an increase in drunk, disorderly behaviour and noise on the footpath directly outside and below living rooms and bedrooms until very late in the evening.
2. The rear of the premise is directly next to residential gardens and bedrooms, which based on recent building works may have some form of open space or windows leading out to the rear. This means having patrons on premise drinking until 11pm on weeknights and 2am on Friday and Saturday evenings and the associated behaviour and noise will have a negative impact on residents lives, including sleep deprivation. The recent noise from building works at the premise have been extremely loud and provide an example of how much noise travels from the premise and impacts neighbours.

I believe that the conditions of the license should be altered to only cover off sales and should be limited to 10pm on weekdays and 11pm on weekends. This would be more compatible with the residential nature of the surrounding neighbours.

Kind regards

[Brooksby's Walk](#)  
E9

**2 chatsworth road**

1 message

7 December 2021 at 10:43

[REDACTED]  
To: licensing@hackney.gov.uk  
Cc: meghilliermp@parliament.uk

Dear Sir/Madam,

I am writing with regards to the licensing application for :

2 Chatsworth Road  
London E5 0LP  
King's Park  
Mr Erdogan

Application for a premises licence to authorise the supply of alcohol for consumption on and off the premises from 07:00 to 23:00 Sun to Thurs and from 07:00 to 02:00am Fri and Sat.

Please be aware of my opposition to this application for the late licence for the sale of alcohol.

As local residents and neighbours to this address

We as a household and I myself am very concerned with negative health implications this will have on my family, neighbours and the community as a whole.

Health guidelines for the use of alcohol has made us all aware that the problems of alcohol abuse and over consumption can cause and that it is ne of the biggest health risks to Hackney citizens. Health risks including heart & liver disease, mental health issues including anxiety and depression. The increase in antisocial behaviour and accidents that caused by over indulgence due to occasional circumstance and addiction.

The building the application is for, has children living in it and neighbouring flats also have young children who need their sleep.

We have high concerns about the behaviour of customers who may have over consumed alcohol. Evidence of antisocial behaviour due to overconsumption is bountiful putting local residents and their property at risk.

The road has become more residential over the years with more and more young families moving into the area hoping to live healthy lives.

This particular stretch of the road has children and babies living in flats surrounding the property.

We are also deeply concerned with the poss excess noise pollution levels the establishment will create having gained a late license.

Please I request for the application not to be granted.

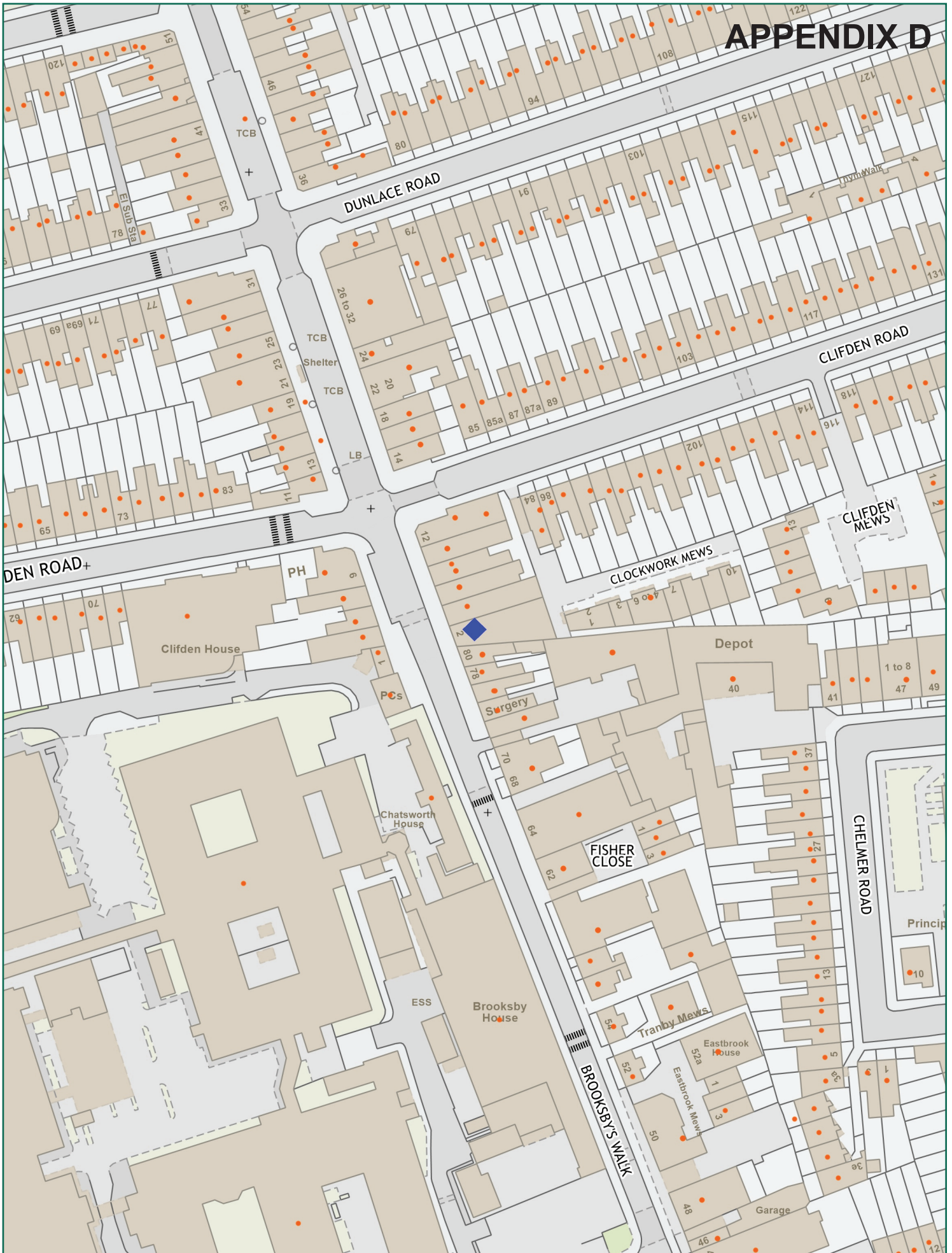
And I speak for my family and immediate neighbours when we ask kindly for the application to be denied.

We love our community and would like to see business thrive, but people's health must come first. Perhaps the business owner could find a more appropriate location for a late license to sell alcohol. Preferably one that doesn't have people and specifically young people in the building or living beside it.

We hope you make the right and best decision for the community.

Yours sincerely,

[REDACTED]



Scale: 1:1250 at A4

2 Chatsworth Road, E5 0LP



Ref:  
Monday, January 24, 2022

Page 96  
From: [unspecified]  
email:

please specify copyright statement