



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

Thursday 6 October 2022
at 2.00 pm

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

The live stream can be viewed here:

Main - <https://youtu.be/zjk0o2kiiY0>

Backup - <https://youtu.be/l68l1iZrBhU>

Members of the Sub-Committee:

Cllr Sheila Suso-Runge, Cllr Anya Sizer and Cllr Penny Wrout

Mark Carroll
Chief Executive
Tuesday 27 September 2022
www.hackney.gov.uk

Contact: Peter Gray
Governance Officer
governance@hackney.gov.uk

Licensing Sub Committee D
Thursday 6 October 2022
Agenda

- 1 Election of Chair**
- 2 Apologies for Absence**
- 3 Declarations of Interest - Members to declare as appropriate**
- 4 Licensing Sub-Committee Hearing Procedure (Pages 11 - 12)**
- 5 Variation of a Premises License: Hackney Tap (Formerly Gyoza Town),
Ground Floor,354 Mare Street, E8 1 HR (Pages 13 - 64)**
- 6 Temporary Event Notices - Standing Item**

Licensing Sub-Committee Hearings

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

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

A Licensing Sub-Committee will be held if:

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

Prior to your item being heard:

- The Licensing team upon receiving representations will form a view as to whether the representations are irrelevant, frivolous, vexatious or for review applications; repetitious.
- The Licensing team would have provided written notice to all parties in advance of the hearing and would have responded to any request relating to personal details being removed from the agenda.

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

Making decisions on the items being heard:

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

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

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

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

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

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

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

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

Before the meeting starts:

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

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

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

Attending the hearing that concerns you:

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

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

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

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

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

Timings

In most cases the application will last no longer than 1 hour, and the times to be allocated to each section are shown on the relevant hearing procedure. If you think that your evidence is likely to exceed this time period, please let the Licensing

Service know **within 4 working days of the date on the notice letter** and the Sub-Committee will be advised. If your request is agreed, all parties will also be granted the same extension of time.

Rights of Press and Public to Report on Meetings

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

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

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

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

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

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

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

Providing oral commentary during a meeting is not permitted.

Lobbying of Councillors

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

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

Reports

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

Appeals

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

Withdrawal of an Item or Cancellation of a Hearing

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

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

Contacts

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

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

Telephone: 020 8356 4970

E-mail: licensing@hackney.gov.uk

Advice to Members on Declaring Interests

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

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

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

Disclosable Pecuniary Interests (DPIs)

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

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

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

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

You **must not**:

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

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

Other Registrable Interests

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

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

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

Disclosure of Other Interests

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

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

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

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Agenda Item 4

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

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

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

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For Consideration By	Licensing Sub-Committee
Meeting Date	6 October 2022
Type of Application	Variation to a Premises Licence
Address of Premises	Hackney Tap (Formerly Gyoza Town), Ground Floor, 354 Mare Street, E8 1 HR
Classification	Decision
Ward(s) Affected	Hackney Central
Group Director	Rickardo Hyatt

1. **Summary**

- 1.1. This is an application to vary a premises licence to vary conditions 39, 40 and 41 and to vary the hours for recorded music , late night refreshment and Supply of Alcohol.

2. **Application**

- 2.1. Bloomsbury Leisure Holdings Limited have made an application to vary a premises licence under section 34 of the Licensing Act 2003.

- 2.2. The applicant is seeking variation of conditions relating to the use of the external area, to allow for additional time and customer numbers and to vary licensable activities and times, as follows:-

1. Condition **39** to be varied as follows:

From: “The external area shall be closed to the public at 22:00 hours daily and shall not reopen until the start of trade the following day, with the exception of smokers immediately outside the front of the premises who will not be permitted to take drinks outside after 22:00 hours”

To: “The external area shall be closed to the public at 23:30 hours from Monday to Thursday, 0000 hours from Friday to Saturday and 22:30 hours on Sundays and shall not reopen until the start of trade the following day, with the exception of smokers immediately outside the front of the premises who will not be permitted to take drinks outside after 23:30 hours from Monday to Thursday, 0000 hours from Friday to Saturday and 22:30 hours on Sundays”

2. Condition **40** to be varied as follows:

From: “The maximum number of persons (excluding staff) allowed in the external area of the premises shall not exceed 30 patrons”.

To: "The maximum number of persons (excluding staff) allowed in the external area of the premises shall not exceed 84 seated patrons".

3. Condition **41** to be varied as follows:

From: "The external area will display notices advising customers that the area is for seated patrons only and customers that are not seated will be asked to leave this external area. Service to this area will include on a Thursday, Friday and Saturday night between 17:00 hours until close, which will be by waiter/ waitress only between the months of April and September"

To: Notices will be displayed in the external area stating that this area is for seated patrons only. Waiter/Waitress services will be available in the external seating area after 17:00 hours on Thursday to Saturday between April 1st and September 30th each year.

4. To extend hours for the following activities:

Recorded Music	Standard Hours: Mon 10:00-00:30 Tue 10:00-00:30 Wed 10:00-00:30 Thu 10:00-01:00 Fri 10:00-01:30 Sat 10:00-01:30 Sun 11:00-23:00
Late Night Refreshment	Standard Hours: Mon 23:00-00:00 Tue 23:00-00:00 Wed 23:00-00:00 Thu 23:00-00:30 Fri 23:00-01:00 Sat 23:00-01:00
Supply of Alcohol	Standard Hours: Mon 10:00-00:00 Tue 10:00-00:00 Wed 10:00-00:00 Thu 10:00-00:30 Fri 10:00-01:00 Sat 10:00-01:00 Sun 11:00 - 22:30
The opening hours of the premises	Standard Hours: Mon 11:00-00:30 Tue 11:00-00:30 Wed 10:00-00:30 Thu 10:00-01:00 Fri 10:00-01:30 Sat 10:00-01:30 Sun 11:00-23:00

2.3. The application is attached as Appendix A.

3. **Current Status/History**

3.1. The current premises licence was granted on 14 April 2020(attached as Appendix C).

3.2. No Temporary Event Notices were submitted for the premises in 2022.

4. **Representations: Responsible Authorities**

From	Details
Environmental Health Authority (Environmental Protection) Appendix B3	Representation received on the grounds of The Prevention of Public Nuisance. See para 8.1 below
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 Appendix B1	Representation on the ground of the Prevention of Crime and Disorder, and The Prevention of Public Nuisance
Licensing Authority Appendix B2	Representation on the ground of The Prevention of Public Nuisance
Health Authority	No representation received

5. **Representations: Other Persons**

From	Details
Representation	None

6. **Guidance Considerations**

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

7. **Policy Considerations**

- 7.1. Licensing Sub-Committee is required to have regard to the London Borough of Hackney's Statement of Licensing Policy ("the Policy) adopted by the Licensing Authority.
- 7.2. The Policy applies to applications where relevant representations have been made. With regard to this application, policies, LP1 (General Principles), LP2 (Licensing Objectives), LP3 (Core Hours) are relevant.

8. **Officer Observations**

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

None.

9. **Reasons for Officer Observations**

- 9.1. Not Applicable

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**

- 12.1. **Option 1**

That the application be refused

12.2. 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.

Appendices:

Appendix A: Application for a premises licence and supporting documents

Appendix B: Representations from Responsible Authorities

Appendix C: Current Licence

Appendix D: Location map

Background documents

Licensing Act 2003

LBH Statement of Licensing Policy

Report Author	Name: Sanaria Hussain Title: Senior Licensing Officer Email: sanaria.hussain@hackney.gov.uk Tel: 02083562431
Comments for the Group Director of Finance and Corporate Resources prepared by	Name Title Email Tel
Comments for the Director of Legal, Democratic and Electoral Services prepared by	Name Title Email Tel

Appendix A

Application to vary a premises licence under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

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

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

I/We Bloomsbury Leisure Holdings Limited

(Insert name(s) of applicant)

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

Premises licence number: 107507

Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description
Hackney Tap (Formerly Gyoza Town)
Ground Floor
354 Mare Street

Post town London

Postcode

E8 1HR

Telephone number at premises (if any)

Non-domestic rateable value of premises

£ 54,500.00 (i.e. Band C)

Part 2 – Applicant details

Daytime contact telephone number

E-mail address (optional)

Current postal address if different from premises address

Bloomsbury Leisure Holdings Limited
Basement of Tavistock Hotel
Bedford Way

Post town London

Postcode

WC1H 9EU

Part 3 - Variation

Please tick as appropriate

Do you want the proposed variation to have effect as soon as possible?

Yes

No

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

ASAP

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

Please describe briefly the nature of the proposed variation (Please see guidance note 2)

This is an application to vary the premises licence in order to vary the opening hours of the premises, hours permitted for sale of alcohol and hours permitted for recorded music as follows:

- Opening Hours – Monday to Wednesday from 1000 hours to 0030 hours, Thursday from 1000 hours to 0100 hours, Friday to Saturday from 1000 hours to 0130 hours, Sunday 1100 hours to 2300 hours (Unchanged) (*Currently Monday to Thursday from 1000 hours to 2330 hours, Friday to Saturday from 1000 hours to 0030 hours and Sunday from 1100 hours to 2300 hours*).
- Hours permitted for Sale of Alcohol – Monday to Wednesday from 1000 hours to 0000 hours, Thursday from 1000 hours to 0030 hours, Friday to Saturday from 1000 hours to 0100 hours, Sunday 1100 hours to 2230 hours (Unchanged) (*Currently Monday to Friday from 1000 hours to 2300 hours, Saturday from 1000 hours to 0000 hours and Sunday from 1100 hours to 2230 hours*).
- Hours permitted for recorded music – Monday to Wednesday from 1000 hours to 0030 hours, Thursday from 1000 hours to 0100 hours, Friday to Saturday from 1000 hours to 0130 hours, Sunday 1100 hours to 2300 hours (*Currently Monday to Thursday from 1000 hours to 2300 hours, Friday to Saturday from 1000 hours to 0000 hours and Sunday from 1100 hours to 2230 hours*).
- Hours permitted for Late Night Refreshment – Monday to Wednesday from 2300 hours to 0000 hours, Thursday from 2300 hours to 0030 hours, Friday to Saturday from 2300 hours to 0100 hours (*Currently Friday and Saturday from 2300 hours to 0000 hours*).

Additionally, the following conditions are to be varied as part of this application:

- Condition 39 to be varied so that it reads, "The external area shall be closed to the public at 23:30 hours from Monday to Thursday, 0000 hours from Friday to Saturday and 22:30 hours on Sundays and shall not re-open until the start of trade the following day, with the exception of smokers immediately outside the front of the premises who will not be permitted to take drinks outside after 23:30 hours from Monday to Thursday, 0000 hours from Friday to Saturday and 22:30 hours on Sundays. This currently reads, "*The external area shall be closed to the public at 22:00 hours and shall not re-open until the start of trade the following day, with the exception of smokers immediately outside the front of the premises who will not be permitted to take drinks outside after 22:00 hours.*"

- Condition 40 to be varied so that it reads, "The maximum number of persons (excluding staff) allowed in the external area of the premises shall not exceed 84 seated patrons" (*Currently 30 Patrons*).
- Condition 41 to be varied so that it reads, "*Notices will be displayed in the external area stating that this area is for seated patrons only. Waiter/Waitress services will be available in the external seating area after 17:00 hours on Thursday to Saturday between April 1st and September 30th each year.*" This currently reads, "*The external area will display notices advising customers that the area is for seated patrons only and customers that are not seated will be asked to leave this external area. Service to this area will include on a Thursday, Friday and Saturday night between 17:00 hours until close, which will be by waiter/waitress only between the months of April and September.*"

Any conditions on the current premises licence that conflict with this variation are to be amended accordingly.

There are no further changes being made as part of this application.

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

Part 4 Operating Schedule

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

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

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

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

In all cases complete boxes K, L and M

A

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

B

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

C

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

D

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

E

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

F

Recorded music Standard days and timings (please read guidance note 8)			Will the playing of recorded music take place <u>indoors or outdoors or both – please tick</u> (please read guidance note 4)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input checked="" type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 5)		
Mon	1100				
Tue		0030	State any seasonal variations for the playing of recorded music (please read guidance note 6)		
	1100				
Wed		0030			
	1000				
Thur		0030			
	1100				
Fri		0100			
	1000				
Sat		0130			
	1000				
Sun		0130			
	1100	2300			

G

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

H

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

1

Late night refreshment Standard days and timings (please read guidance note 8)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 4)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input checked="" type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 5)		
Mon	2300				
Tue		0000			
	2300				
Wed		0000	State any seasonal variations for the provision of late night refreshment (please read guidance note 6)		
	2300				
Thur		0000			
	2300				
Fri		0030	Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list (please read guidance note 7)		
	2300				
Sat		0100			
	2300				
Sun		0100			

J

Supply of alcohol Standard days and timings (please read guidance note 8)			Will the supply of alcohol be for consumption – please tick (please read guidance note 9)	On the premises	<input type="checkbox"/>
				Off the premises	<input type="checkbox"/>
				Both	<input checked="" type="checkbox"/>
Day	Start	Finish	State any seasonal variations for the supply of alcohol (please read guidance note 6)		
Mon	1000				
Tue		0000			
	1000				
Wed		0000			
	1000				
Thur		0000			
	1000				
Fri		0030			
	1000				
Sat		0100			
	1000				
Sun		0100			
	1100	2230			
			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 (please read guidance note 7)		

K

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

L

Hours premises are open to the public Standard days and timings (please read guidance note 8)			State any seasonal variations (please read guidance note 6)
Day	Start	Finish	
Mon	1100		<p><u>Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list</u> (please read guidance note 7)</p>
Tue		0030	
	1100		
Wed		0030	
	1000		
Thur		0030	
	1100		
Fri		0100	
	1000		
Sat		0130	
	1000		
Sun		0130	
	1100	2300	

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

Condition 39 – “The external area shall be closed to the public at 22:00 hours and shall not re-open until the start of trade the following day, with the exception of smokers immediately outside the front of the premises who will not be permitted to take drinks outside after 22:00 hours.”

Condition 40 – “The maximum number of persons (excluding staff) allowed in the external area of the premises shall not exceed 30 Patrons).

Condition 41 – “The external area will display notices advising customers that the area is for seated patrons only and customers that are not seated will be asked to leave this external area. Service to this area will include on a Thursday, Friday and Saturday night between 17:00 hours until close, which will be by waiter/waitress only between the months of April and September.”

Please tick as appropriate

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

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

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

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

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

Condition 39 to be varied so that it reads, “The external area shall be closed to the public at 23:30 hours from Monday to Thursday, 0000 hours from Friday to Saturday and 22:30 hours on Sundays and shall not re-open until the start of trade the following day, with the exception of smokers immediately outside the front of the premises who will not be permitted to take drinks outside after 23:30 hours from Monday to Thursday, 0000 hours from Friday to Saturday and 22:30 hours on Sundays.

Condition 40 to be varied so that it reads, “The maximum number of persons (excluding staff) allowed in the external area of the premises shall not exceed 84 seated patrons”.

Condition 41 to be varied so that it reads, “*Notices will be displayed in the external area stating that this area is for seated patrons only. Waiter/Waitress services will be available in the external seating area after 17:00 hours on Thursday to Saturday between April 1st and September 30th each year.*”

b) The prevention of crime and disorder

As per current licence.

c) Public safety

As per current licence.

d) The prevention of public nuisance

As per current licence.

e) The protection of children from harm

As per current licence.

Checklist:


Please tick to indicate agreement

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

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

Part 5 – Signatures (please read guidance note 12)

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

Signature	
Date	11/07/2022
Capacity	Solicitor to applicant

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

Signature	
Date	
Capacity	

Contact name (where not previously given) and address for correspondence associated with this application (please read guidance note 15) Brad Walker TLT Solicitors One Redcliff Street			
Post town	Bristol	Post code	██████
Telephone number (if any)	██████████		
If you would prefer us to correspond with you by e-mail, your e-mail address (optional) ████████████████████			

Notes for Guidance

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

1. You do not have to pay a fee if the only purpose of the variation for which you are applying is to avoid becoming liable for the late night levy
2. Describe the premises. For example, the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place of consumption of these off-supplies of alcohol, you must include a description of where the place will be and its proximity to the premises.
3. In terms of specific regulated entertainments please note that:
 - Plays: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500.
 - Films: no licence is required for 'not-for-profit' film exhibition held in community premises between 08.00 and 23.00 on any day provided that the audience does not exceed 500 and the organiser (a) gets consent to the screening from a person who is responsible for the premises; and (b) ensures that each such screening abides by age classification ratings.
 - Indoor sporting events: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000.
 - Boxing or Wrestling Entertainment: no licence is required for a contest, exhibition or display of Greco-Roman wrestling, or freestyle wrestling between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000. Combined fighting sports – defined as a contest, exhibition or display which combines boxing or wrestling with one or more martial arts – are licensable as a boxing or wrestling entertainment rather than an indoor sporting event.
 - Live music: no licence permission is required for:
 - 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) the local authority concerned, or (ii) the school or (iii) the health care provider for the hospital.
 - Recorded Music: no licence permission is required for:
 - any playing of recorded 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.
 - any playing of recorded 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.
 - any playing of recorded 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) the local authority concerned, or (ii) the school proprietor or (iii) the health care provider for the hospital.
 - Dance: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500. However, a performance which amounts to adult entertainment remains licensable.
 - Cross activity exemptions: no licence is required between 08.00 and 23.00 on any day, with no limit on audience size for:
 - any entertainment taking place on the premises of the local authority where the entertainment is provided by or on behalf of the local authority;
 - any entertainment taking place on the hospital premises of the health care provider where the entertainment is provided by or on behalf of the health care provider;
 - any entertainment taking place on the premises of the school where the entertainment is provided by or on behalf of the school proprietor; and
 - any entertainment (excluding films and a boxing or wrestling entertainment) taking place at a travelling circus, provided that (a) it takes place within a moveable structure that accommodates the audience, and (b) that the travelling circus has not been located on the same site for more than 28 consecutive days.
4. Where taking place in a building or other structure please tick as appropriate (indoors may include a tent).
 5. For example state type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.
 6. For example (but not exclusively), where the activity will occur on additional days during the summer months.

7. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
8. Please give timings in 24 hour clock (e.g. 16.00) and only give details for the days of the week when you intend the premises to be used for the activity.
9. If you wish people to be able to consume alcohol on the premises, please tick 'on the premises'. If you wish people to be able to purchase alcohol to consume away from the premises, please tick 'off the premises'. If you wish people to be able to do both, please tick 'both'.
10. Please give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups or the presence of gaming machines.
11. Please list here steps you will take to promote all four licensing objectives together.
12. The application form must be signed.
13. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
14. Where there is more than one applicant, each of the applicants or their respective agents must sign the application form.
15. This is the address which we shall use to correspond with you about this application.

Appendix B1

RESPONSIBLE AUTHORITY REPRESENTATION: APPLICATION UNDER THE LICENSING ACT 2003

RESPONSIBLE AUTHORITY DETAILS

NAME OF AUTHORITY	Metropolitan Police service
ADDRESS OF AUTHORITY	Licensing Unit, Stoke Police Station 33 Stoke Newington High Street London N16 8DS
CONTACT NAME	PC 3288CE Amanda GRIGGS
TELEPHONE NUMBER	07796 183078
E-MAIL ADDRESS	hackneylicensing@met.police.uk

APPLICATION PREMISES

NAME & ADDRESS OF PREMISES	Hackney Tap 354 Mare Street London E8 1HR
NAME OF PREMISES USER	Bloomsbury Leisure Holdings Ltd

COMMENTS

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

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

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

Police make the following representations in relation to the application to vary the Premises Licence at Hackney Tap, 354 Mare Street, London, E8 1HR for the following reason(s);

The current premises licence gives the venue hours that are in line with the Council's Licensing Policy. This variation application seeks to extend these hours so that the only day that remains within core hours is Sunday.

The premises is situated in The Narrowway, a busy shopping street that has a long history of issues of ASB and Street drinking, with the SNT still getting numerous calls to deal with aggressive beggars, drug taking, thefts and assaults.

Above the shops are residential flats, an increase in hours, and an increase in capacity of the outside area, will have a negative impact on them.

The proposals for the outside area include the numbers nearly tripling from 30 to 84, as well as the hours the area can be used being extended considerably. Under LP6 of the Council's Licensing Policy, it states that the Local Authority will normally restrict external areas and outdoor activity to between the hours of 0800-2200hrs. Given the nature of the area itself, this would be more than appropriate for this location, therefore police would object to the increase in hours for its use and therefore the changing of conditions in relation to this area.

Should an extension to the licence be granted allowing it to operate until after midnight, then police ask that the following condition be attached;

'SIA door supervisors shall be employed at a ratio of 1 per 100 customers on nights when the venue shuts after midnight. When employed, all SIA staff shall wear a high visibility armband or vest to be easily identifiable. They shall enter their name, address, SIA number and times they begin and finish their shift in a daily register. If employed by an agency all agency contact details shall be recorded also.'

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

Personal knowledge of the local area and issues in the area.

Are there any actions or measures that could be taken to allay concerns or

objections? If so, please explain.

Reduction in hours and capacity of outside area.

Signed
PC 3288CE GRIGGS
(By E-mail)
Name (printed)

Appendix B2

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	Hackney Tap 354 Mare Street London E8 1HR
Applicant	Bloomsbury Leisure Holdings Limited

COMMENTS

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

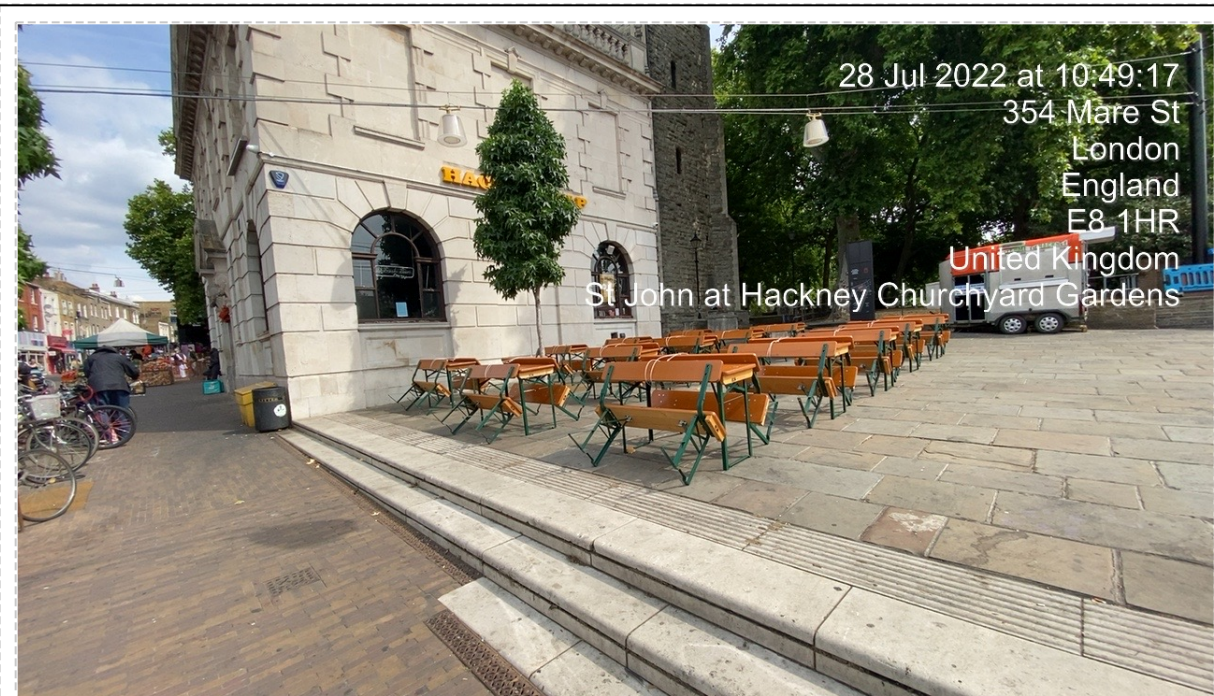
Representations (which include comments and/or objections) in relation to:

I write to make a representation in relation to this application to vary the existing premises licence.

The premises is situated within the “Narrowway” portion of Mare Street. Whilst this area appears predominantly retail led, there are some residential properties above the ground floor shops. The concern is that the extension of hours of activity and the intensification of outdoor activity could cause nuisance to the occupants of the residential properties along this part of Mare Street.

During a visit to the site on 28 July 2022 it could be seen that 14 tables of up to 6 persons had already been positioned outside. Whilst the premises was not in operation at the time of the visit, the furniture had been left out which appears to be contrary to the existing condition (45) which states: *Furniture in the external area cannot be left out at night and must all be put away at the end of each external trading session. This means that barriers, tables and chairs from the external seating area must be packed away and moved to the front of the premises where they will be secured behind barriers once the external area has closed to the public. At the end of trading all furniture and barriers will be stored inside the premises.*





It would also be useful for the applicant to clarify the status of any shop front or pavement licence.

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.

Discussion with the applicant in relation to additional measures to mitigate the issues raised above.

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

9 August 2022

Appendix B3



Sanaria Hussain <sanaria.hussain@hackney.gov.uk>

Re: Licensing Act 2003: Application to vary a Premises Licence Re: Hackney Tap, 354 Mare Street E8 1HR

1 message

Adeshola Awomolo <adeshola.awomolo@hackney.gov.uk>
To: Sanaria Hussain <sanaria.hussain@hackney.gov.uk>

9 August 2022 at 17:02

Dear Sanaria,
Environmental Protection team will be objecting to the licensing application for the above premises as i have concern about a likely noise emanating from the use of the outside space, i am currently working with the applicant representative in agree to conditions to alleviate our concerns, I will consult you in due course.

Regards

--

Adeshola Awomolo
Senior Environmental Protection Officer
Environmental Health Service
Business Regulation
London Borough of Hackney
Hackney Service Centre
1 Hillman Street
London
E8 1DY
Tel : 0208 356 4455
e. Adeshola.Awomolo@hackney.gov.uk

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



This premises licence has been issued by:
 Licensing Service
 1 Hillman Street
 London
 E8 1DY

Premises licence number 107507

Part 1 - Premises Details

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

Gyoza Town
 Ground Floor
 354 Mare Street

Post town	London	Postcode	E8 1HR
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Telephone number	
-------------------------	--

Where the licence is time limited the dates

Not Applicable

Licensable activities authorised by the licence

Recorded Music
 Late Night Refreshment
 Supply of Alcohol

The times the licence authorises the carrying out of licensable activities

Recorded Music	Standard Hours:
	Mon 10:00-23:00
	Tue 10:00-23:00
	Wed 10:00-23:00
	Thu 10:00-23:00
	Fri 10:00-00:00
	Sat 10:00-00:00
	Sun 11:00-22:30

Supply of Alcohol**Standard Hours:**

Mon 10:00-23:00
Tue 10:00-23:00
Wed 10:00-23:00
Thu 10:00-23:00
Fri 10:00-23:00
Sat 10:00-00:00
Sun 11:00-22:30

Late Night Refreshment**Standard Hours:**

Fri 23:00-00:00
Sat 23:00-00:00

The opening hours of the premises**Standard Hours:**

Mon 10:00-23:30
Tue 10:00-23:30
Wed 10:00-23:30
Thu 10:00-23:30
Fri 10:00-00:30
Sat 10:00-00:30
Sun 11:00-23:00

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

On and Off Premises

Part 2

Name, (registered) address, telephone number and email (where relevant) of holder of premises licence

Bloomsbury Leisure Holdings Limited
Basement of Tavistock Hotel
Bedford Way
London
WC1H 9EU

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

07126903

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

Jonathan Charles Dalton

[REDACTED]

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

Personal licence number: [REDACTED]

Issuing Authority: [REDACTED]

Date of grant: 14/04/2020



David Tuitt
Team Leader - Licensing

Annex 1 - Mandatory Conditions

Supply of Alcohol (On and Off Premises)

1. No supply of alcohol may be made under the premises licence:

(a) At a time when there is no designated premises supervisor in respect of the premises licence.

(b) At a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.

2. Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

3. (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.

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

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

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

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

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

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

(d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise

anti-social behaviour or to refer to the effects of drunkenness in any favourable manner.

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

4. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.

5.5.1. The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sales or supply of alcohol.

5.2 The designated premises supervisor in relation to the premises licences must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.

5.3. The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either:-

- (a) a holographic mark or
- (b) an ultraviolet feature

6. The responsible person must ensure that:

a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures:

- beer or cider: 1/2 pint;
- gin, rum, vodka or whisky: 25ml or 35ml; and
- still wine in a glass: 125ml; and

b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and

c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

Minimum Drinks Pricing

7. 7.1 A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

7.2 For the purposes of the condition set out in paragraph 7.1 above -

(a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;

(b) "permitted price" is the price found by applying the formula -

$$P = D + (D \times V)$$

Where -

(i) P is the permitted price,

(ii) D is the rate of duty chargeable in relation to the alcohol as

if the duty were charged on the date of the sale or supply of the alcohol, and

(iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;

(c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence -

(i) the holder of the premises licence,

(ii) the designated premises supervisor (if any) in respect of such a licence, or

(iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;

(d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the

premises in a capacity which enables the member or officer to prevent the supply in question; and

(e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.

7.3 Where the permitted price given by Paragraph 7.2(b) above would (apart from

this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph

rounded up to the nearest penny.

7.4 (1) Sub-paragraph 7.4(2) below applies where the permitted price given by Paragraph 7.2(b) above on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.

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

Annex 2 - Conditions consistent with the Operating Schedule

8. Substantial food and substantial beverages other than alcohol (including drinking water) shall be available in all parts of the premises where alcohol is sold or supplied until 30 minutes prior to closing daily.

9. 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.

10. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of a Metropolitan Police Crime Prevention Officer. 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 to view immediately and copies will be provided with minimum delay upon the request of Police or authorised officer.

11. 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.

12. Premises to operate zero tolerance policy to drugs and comply with Hackney Police Drugs and Weapons policy where appropriate.

13. The premises shall adhere to Hackney Police Theft, Weapons and Drugs Policies and any updates thereof.

14. All instances of crime and disorder witnessed by staff members or reported to staff members to be reported by the Designated Premises Supervisor or responsible member of staff to an agreed police contact point as agreed with the police.

15. 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.

16. Locations of fire safety and other safety equipment subject to change in accordance with the requirements of the responsible authorities or following a risk assessment.

17. The Licensee shall ensure that all relevant staff are fully trained and made aware of the legal requirement of businesses to comply with their responsibility as regards the disposal of waste produced from the business premises.

18. Checks shall be undertaken prior to opening to ensure that all public areas are kept clear and fire exits unlocked and capable of use in an emergency.

19. A complaints log ("the log") will be maintained in either electronic or physical format and any complaints by residents in relation to noise or other potential public nuisance issues, such as odour from cooking etc., will be noted in the log. The log will record the date, time and name of the person making the record, along with the nature of the complaint and any action taken to rectify the complaint. A copy of the log will be made available to the council Licensing or Environment Protection team upon request.

20. During the hours of operation of the premises, the licence holder shall ensure sufficient measures are in place to remove and prevent litter or waste arising or accumulating from customers in the area immediately outside the premises, and that this area shall be swept and or washed, and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements by close of business

21. Signs will be prominently displayed at all entrance and exit points reminding customers to leave quietly and respect local residents.

22. A Challenge 25 policy will be implemented at the premises and all staff shall be trained in the enforcement of the policy prior to being permitted to sell alcohol. Training records to be made available to the licensing authority on request. ID accepted as part of this policy will include a valid passport, photo ID, driving licence, ID cards with Pass Mark or European ID cards or digital ID where a secure form of ID (as detailed above) has been registered with the digital ID provider as proof of age.

23. 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.

24. 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.

If the business is on a Time Banded Street

25. A 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 their waste carrier arrives to collect the refuse.

Or, if the business is not on a Time Banded Street

B. In order to minimise the amount of time any waste remains on the public highway in readiness for collection, the Licensee will ensure the timeframe within which it may expect its waste carrier to collect is adhered to.

Or, if the business is on a street which is being considered for Time Banding

C. In streets or areas where the London Borough of Hackney imposes a requirement that refuse may only be left on the public highway at certain times the Licensee must ensure he complies with any orders or notices served by the Council AND 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 such order or notice, 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).

26. 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.

27. 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.

28. 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 the PREMISES (Gyoza Town). 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

29. The only external areas permitted to be used by customers will be those agreed in conjunction with the landowner and evidenced on a plan that will be provided to the police or licensing authority on request.

30. Any external areas will be substantially enclosed by barriers. Furniture and barriers will be removed and stored in the premises when the area is not being traded.

31. An external area management plan (the 'EAMP') will be drawn up and implemented at the premises and will cover any external area in use. The EAMP will set out the following:

- the areas designated for customer use, with reference to a plan showing the areas
- the numbers permitted to use the external areas
- the management procedures to be put in place to ensure that EAMP is complied with
- the times that any such areas are permitted to be used
- policy for putting out and removing furniture
- policy for dealing with non-customers within the area
- policy for dealing with aggressive begging
- policy for dealing with customer complaints
- policy for cleaning up litter both within and in the vicinity of the external areas
- policy for ensuring customers only use the designated external areas

32. CCTV will cover any external area in use, with recordings made available to the police in the course of any investigation into a criminal offence.

33. The need for door supervisors will be risk assessed by the management to ensure that the licensing objectives are promoted. Such risk assessment will be made available to police and licensing on request.

34. Signage will be displayed at the exits of the premises notifying customers that only the enclosed external spaces can be used and that otherwise, taking drinks or food outside is prohibited.

35. Substantial food will be available to customers until 30 minutes prior to closing daily. Any changes to the operation must be notified to the police in advance of an application being submitted to vary this condition.

36. A minimum of two- thirds of customer floor space will be given over to tables and chairs (including high tables).

37. The premises will draw up and implement a dispersal policy to ensure that as far as practicable customers disperse quickly and quietly at the end of trading. This policy will be made available to the licensing authority or environmental protection officer on request.

38. A complaints log will be kept at the premises where complaints made by local residents will be logged, alongside any action taken to rectify the complaint. This log will be made available to the licensing authority or environmental protection officer on request.

39. The external area shall be closed to the public at 22:00 hours daily and shall not re-open until the start of trade the following day, with the exception of smokers immediately outside the front of the premises who will not be permitted to take drinks outside after 22:00 hours.

40. The maximum number of persons (excluding staff) allowed in the external area of the premises shall not exceed 30 patrons.

41. The external area will display notices advising customers that the area is for seated patrons only and customers that are not seated will be asked to leave this external area. Service to this area will include on a Thursday, Friday and Saturday night between 17:00 hours until close, which will be by waiter/ waitress only between the months of April and September.

42. Patrons will not be permitted to take drinks into any external area not enclosed by barriers. Signs will be displayed to this effect.

43. The external area is the area immediately adjacent to the premises, on the right hand side (when looking at the premises from the front). Alcohol will only be consumed in this area by the outside patrons.

44. The external area will be supervised and managed by staff at all times.

45. Furniture in the external area cannot be left out at night and must all be put away at the end of each external trading session. This means that barriers, tables and chairs from the external seating area must be packed away and moved to the front of the premises where they will be secured behind barriers once the external area has closed to the public. At the end of trading all furniture and barriers will be stored inside the premises.

46. After the external is closed (at 22:00 hours), there shall be no more than 10 patrons smoking outside the premises at any one time. Patrons, smoking after the external area is closed, should only be allowed to smoke at the front of the premises.

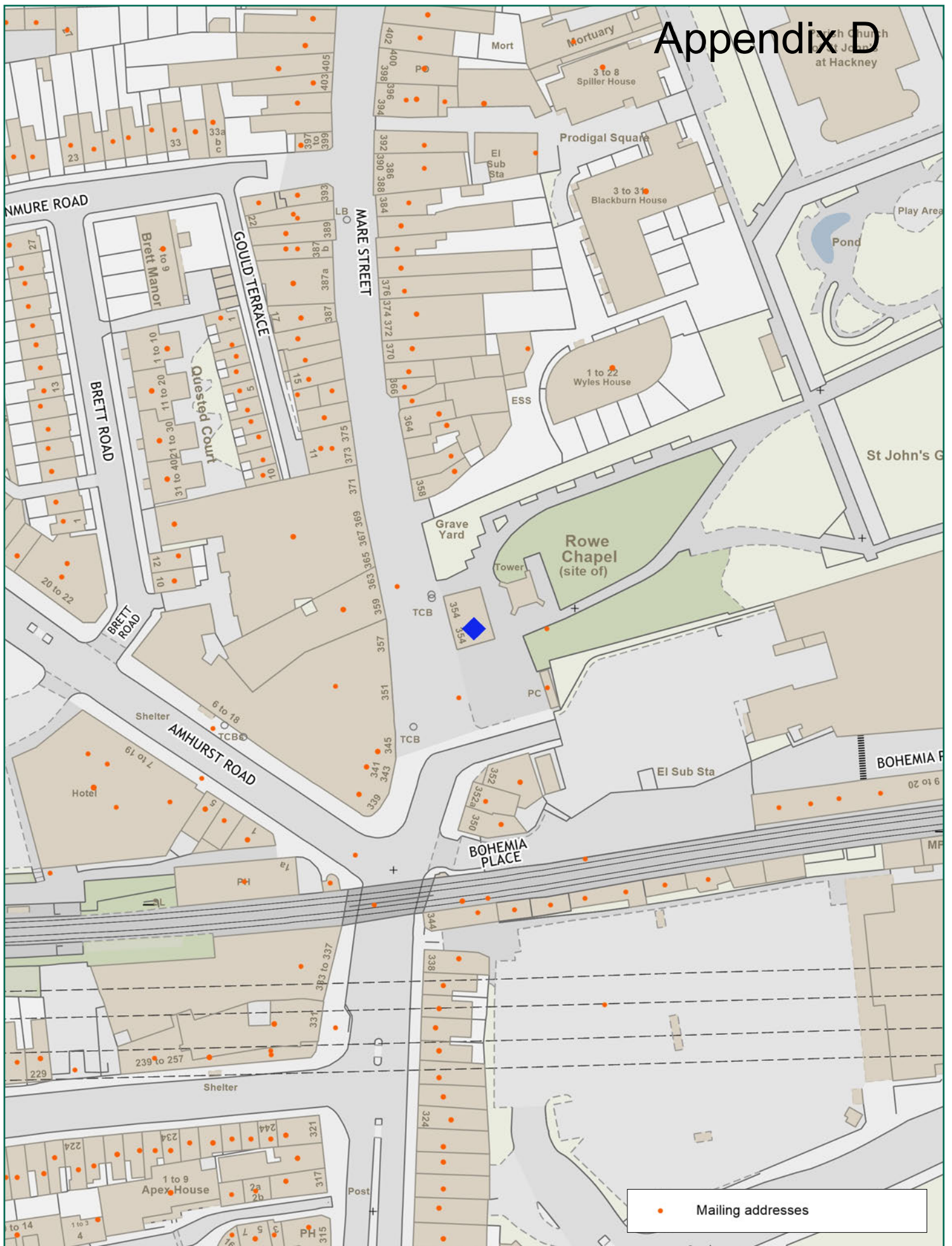
Annex 3 - Conditions attached after a hearing by the licensing authority

None.

Annex 4 - Plans

PLAN/107507/06012021

Appendix D



● Mailing addresses

NORTH

Scale: 1:1250 at A4

Hackney

354 Mare Street, E8 1HR

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Tuesday, September 27, 2022 email: _____

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