



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

Tuesday 29 November 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/URcg-JOqHxY>

Backup - <https://youtu.be/V2ltce9ieKU>

Members of the Sub-Committee:

Councillor Anya Sizer, Councillor Gilbert Smyth (substitute) and
Councillor Penny Wrout.

Mark Carroll
Chief Executive
Monday 21 November 2022
www.hackney.gov.uk

Contact: Peter Gray
Governance Officer
peter.gray@hackney.gov.uk

**Licensing Sub-Committee E
Tuesday 29 November 2022
Agenda**

- 1 Election of Chair**
- 2 Apologies for Absence**
- 3 Declarations of Interest - Members to declare as appropriate**
- 4 Licensing Sub-Committee General Information & Hearing Procedure
(Pages 11 - 22)**
- 5 Premises Licence: Bohemia Place Market, 11 Bohemia Place, London, E8
1DU (Pages 23 - 132)**
- 6 Application for Summary Licence Review of Premises: The Dolphin, 165
Mare Street, London E8 4AH (Pages 133 - 166)**
- 7 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.

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

LP1 General Principles

The Council expects applicants to demonstrate:

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

LP2 Licensing Objectives

Prevention of Crime and Disorder

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

Public Safety

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

Prevention of Public Nuisance

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

Protection of Children from Harm

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

LP3 Core Hours

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

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

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

Later hours may be considered where the applicant has identified any risk that may undermine the promotion of the licensing objectives and has put in place robust

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

LP4 Off' Sales of Alcohol

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

LP5 Planning Status

Licence applications should normally be from premises where:

(a) The activity to be authorised by the licence is a lawful planning use or is a deemed permitted development pursuant to the General Permitted Development Order (1995) as amended.

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

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

LP6 External Areas and Outdoor Events

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

LP7 Minor Variations

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

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

LP8 Temporary Event Notices

When considering an objection to a TEN the Council will:

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

LP9 Personal Licences

(a) The Council will consider whether a refusal of the licence is appropriate for the promotion of the crime prevention objective and will consider the:

- (i) Seriousness and relevance of any conviction(s)
- (ii) The period that has elapsed since committing the offence(s)
- (iii) Any mitigating circumstances that assist in demonstrating that the crime prevention objective will not be undermined.

LP10 Special Policy Areas – Dalston and Shoreditch

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

It should also be noted that the;

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

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

LP11 Cumulative Impact – General

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

Licensing Sub-Committee Hearings

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

A Licensing Sub-Committee will be held if:

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

Prior to your item being heard:

- The Licensing team upon receiving representations will form a view as to whether the representations are irrelevant, frivolous, vexatious or for review applications; repetitious.
- The Licensing team would have provided written notice to all parties in advance of the hearing and would have responded to any request relating to personal details being removed from the agenda.
- If you do not believe this to have happened, please contact the Licensing Service on 020 8356 4970 or email licensing@hackney.gov.uk as soon as possible. For further information on the application process, please see the guidance notes at www.hackney.gov.uk/licensing.

Making decisions on the items being heard:

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

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

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

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

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

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

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

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

Before the meeting starts:

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

- the appointment for any substitutes if required
- the appointment of the chair
- any procedural issues

- obtain the list of attendees
- late documents delivered prior to the meeting and to ensure all the paperwork is in order

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

Attending the hearing that concerns you:

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

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

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

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

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

Timings

In most cases the application will last no longer than 1 hour, and the times to be allocated to each section are shown on the relevant hearing procedure. If you think that your evidence is likely to exceed this time period, please let the Licensing Service know **within 4 working days of the date on the notice letter** and the Sub-Committee will be advised. If your request is agreed, all parties will also be granted the same extension of time.

Rights of Press and Public to Report on Meetings

Where a meeting of the Council and its committees are open to the public, the press and public are welcome to report on meetings of the Council and its committees, through any audio, visual

or written methods and may use digital and social media providing they do not disturb the conduct of the meeting and providing that the person reporting or providing the commentary is present at the meeting.

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

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

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

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

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

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

Providing oral commentary during a meeting is not permitted.

Lobbying of Councillors

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

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

Reports

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

Appeals

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

Withdrawal of an Item or Cancellation of a Hearing

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

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

Facilities

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

Contacts

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

Governance Services
2nd Floor Room 118
Hackney Town Hall
Mare Street E8 1EA
Telephone: 020 8356 1266
Email: governance@hackney.gov.uk

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

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

Telephone: 020 8356 4970
Fax: 020 8356 4974 E-mail: licensing@hackney.gov.uk

Relevant Extracts from Hackney's Statement of Licensing Policy

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

LP1 General Principles

The Council expects applicants to demonstrate:

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

LP2 Licensing Objectives

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

Public Safety

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

Prevention of Public Nuisance

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

Protection of Children from Harm

Whether the applicant has identified and addressed any risks with the aim of

protecting children from harm when on the premises or in close proximity to the premises.

LP3 Core Hours

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

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

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

Later hours may be considered where the applicant has identified any risk that may undermine the promotion of the licensing objectives and has put in place robust measures to mitigate those risks. *It should be noted that this policy does not apply to those who are making an application within a special policy area (see section 3) unless they have been able to demonstrate that the proposed activity or operation of the premises will not add to the cumulative impact that is already being experienced.*

LP4 Off' Sales of Alcohol

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

LP5 Planning Status

Licence applications should normally be from premises where:

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

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

LP6 External Areas and Outdoor Events

The Licensing Authority will normally restrict external areas and outdoor activity to

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

LP7 Minor Variations

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

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

LP8 Temporary Event Notices

When considering an objection to a TEN the Council will:

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

LP9 Personal Licences

(a) The Council will consider whether a refusal of the licence is appropriate for the promotion of the crime prevention objective and will consider the:

- (i) Seriousness and relevance of any conviction(s)
- (ii) The period that has elapsed since committing the offence(s)
- (iii) Any mitigating circumstances that assist in demonstrating that the crime prevention objective will not be undermined.

LP10 Special Policy Areas – Dalston and Shoreditch

It is the Council's policy that where a relevant representation is made to any application within the area of the Dalston SPA or Shoreditch SPA, the applicant will need to demonstrate that the proposed activity and the operation of the premises will

not add to the cumulative impact that is currently being experienced in these areas. This policy is to be strictly applied.

It should also be noted that the;

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

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

LP11 Cumulative Impact – General

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

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

<p>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>

This page is intentionally left blank



For Consideration By	Licensing Sub-Committee
Meeting Date	29 November 2022
Type of Application	Premises Licence
Address of Premises	Bohemia Place Market, 11 Bohemia Place, London, E8 1DU
Classification	Decision
Ward(s) Affected	Hackney Central
Group Director	Rickardo Hyatt

1. **Summary**

- 1.1. This is an application for a premises licence to allow authorisation for regulated entertainment, late night refreshment and supply of alcohol for consumption on and off the premises from Monday to Sunday.

2. **Application**

- 2.1. Bars for Days Limited has made an application for a premises licence under section 17 of the Licensing Act 2003.
- 2.2. The premises is not located within special policy area.
- 2.3. The applicant is seeking authorisation for the following licensable activities and times:

Plays	Standard Hours: Mon 10:00-23:30 Tue 10:00-23:30 Wed 10:00-23:30 Thu 10:00-00:00 Fri 10:00-01:30 Sat 10:00-01:30 Sun 10:00-23:30
Films	Standard Hours: Mon 10:00-23:30

	<p>Tue 10:00-23:30 Wed 10:00-23:30 Thu 10:00-00:00 Fri 10:00-01:30 Sat 10:00-01:30 Sun 10:00-23:30</p>
Live Music	<p>Standard Hours:</p> <p>Mon 10:00-23:30 Tue 10:00-23:30 Wed 10:00-23:30 Thu 10:00-00:00 Fri 10:00-01:30 Sat 10:00-01:30 Sun 10:00-23:30</p>
Recorded Music	<p>Standard Hours:</p> <p>Mon 10:00-23:30 Tue 10:00-23:30 Wed 10:00-23:30 Thu 10:00-00:00 Fri 10:00-01:30 Sat 10:00-01:30 Sun 10:00-23:30</p>
Performances of Dance	<p>Standard Hours:</p> <p>Mon 10:00-23:30 Tue 10:00-23:30 Wed 10:00-23:30 Thu 10:00-00:00 Fri 10:00-01:30 Sat 10:00-01:30 Sun 10:00-23:30</p>
Late Night Refreshment	<p>Standard Hours:</p> <p>Mon 23:00-00:00 Tue 23:00-00:00 Wed 23:00-00:00 Thu 23:00-00:30 Fri 23:00-02:00 Sat 23:00-02:00 Sun 23:00-00:00</p>

Supply of Alcohol (On and Off Sales)	Standard Hours: Mon 10:00-23:30 Tue 10:00-23:30 Wed 10:00-23:30 Thu 10:00-00:00 Fri 10:00-01:30 Sat 10:00-01:30 Sun 10:00-23:30
The opening hours of the premises	Standard Hours: Mon 10:00-00:00 Tue 10:00-00:00 Wed 10:00-00:00 Thu 10:00-00:30 Fri 10:00-02:00 Sat 10:00-02:00 Sun 10:00-00:00

2.4. 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. There is a time-limited licence in effect at this premises until 31 July 2023. The licence document is attached as Appendix C.

3.2. Below is the list of temporary event notices given by the premises for this premises in this calendar year.

Dates of the event(s)	Hours
15/04/2022 to 17/04/2022	20:00 to 01:30am
29/04/2022 to 01/05/2022	20:00 to 01:30am
06/05/2022 to 08/05/2022	20:00 to 01:30am
13/05/2022 to 15/05/2022	20:00 to 01:30am
20/05/2022 to 22/05/2022	20:00 to 01:30am
10/06/2022 to 11/06/2022	20:00 to 01:30am
24/06/2022 to 26/06/2022	20:00 to 01:30am
23/07/2022 to 24/07/2022	18:30 to 01:30am
30/07/2022 to 31/07/2022	18:30 to 01:30am

4. **Representations: Responsible Authorities**

From	Details
Environmental Health Authority (Environmental Protection)	No representation received
Environmental Health Authority (Environmental Enforcement) (Appendix B1)	Representation received on the grounds of The Prevention of Public Nuisance
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	No representation received
Police (Appendix B2)	Representation received on the grounds of The Prevention of Crime and Disorder and The Prevention of Public Nuisance
Licensing Authority (Appendix B3)	Representation received on the grounds of The Prevention of Public Nuisance
Health Authority	No representation received

5. **Representations: Other Persons**

From	Details
Representation received from and on behalf of local residents	No representation received

6. **Guidance Considerations**

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

7. **Policy Considerations**

- 7.1. Licensing Sub-Committee is required to have regard to the London Borough of Hackney's Statement of Licensing Policy ("the Policy) adopted by the Licensing Authority.
- 7.2. The Policy applies to applications where relevant representations have been made. With regard to this application, policies, LP1 (General Principles), LP2 (Licensing Objectives), LP3 (Core Hours) and LP10 (Special Policy Areas-Dalston and Shoreditch) are relevant.

8. **Officer Observations**

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

Supply of Alcohol(On/Both)

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

(2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises -
 - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to:
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
 - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
 - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
 - (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner.

- (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).
4. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
 5. 5.1. The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sales or supply of alcohol.
5.2 The designated premises supervisor in relation to the premises licences must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
5.3. The policy must require individuals who appear to the responsible person to be under 18 years if 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 shall 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
 - a. these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
 - b. 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 amount 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
(c) 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;

(d) "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;

(e) "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

(f) "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 8.2(b) above would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

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

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

Exhibition of Films

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

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

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

Door Supervision

9. Each individual who is to carry out a security activity at the premises must Be licensed by the Security Industry Authority.

Conditions derived from operating schedule

10. The premises shall maintain a comprehensive CCTV system as per the minimum requirements of a Metropolitan Police Crime Prevention Officer. All public areas, entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Recordings shall be made available immediately upon the request of Police or authorised officer.
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 an authorised Council officer recent data or footage when requested.
12. Signs will be prominently displayed at all entrance and exit points reminding customers to leave quietly and respect local residents.
13. 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.
14. Premises to operate zero tolerance policy to drugs and comply with Hackney Police Drugs and Weapons policy where appropriate.
15. All instances of crime or disorder to be reported by the designated premises supervisor or responsible member of staff to an agreed police contact point, as agreed with the Police.
16. There shall be no glass taken outside the premises at any time.
17. 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.
18. 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.

19. The capacity inside the venue shall be limited to 60 persons (this does not include staff members).
20. 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 officer upon request.
21. Use of the external area shall be limited to 18 persons and shall cease at 2000 hours. Save for a maximum of 6 smokers.
22. 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.
23. When the market is not in operation off sales of alcohol shall be in sealed containers for consumption away from the premises.
24. All containers of alcohol sold from the premises shall be clearly marked with the trading name of the premises.

Conditions derived from Responsible Authority representations

25. 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. 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.
26. 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.

27. 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.

28. 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.

29. 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.

30. 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 Bohemia Place Market. 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 10 to 24 are derived from the applicant's operating schedule. Conditions 25 to 30 have been proposed by 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 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 Premises Licence
- Appendix D: Location map

Background documents

- Licensing Act 2003
- LBH Statement of Licensing Policy

Report Author	Name: Suba Sriramana Title: Principal Licensing Officer Email: Suba.Sriramana@hackney.gov.uk Tel: 020 8356 4915
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

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 Bars for Days Limited

(Insert name(s) of applicant)

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

Part 1 – Premises details

Postal address of premises or, if none, ordnance survey map reference or description Bohemia Place Market 11 Bohemia Place London			
Post town	London	Postcode	E8 1DU

Telephone number at premises (if any)	
Non-domestic rateable value of premises	£19,250

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)	
Surname			First names		
Date of birth		I am 18 years old or over <input type="checkbox"/> Please tick yes			
Nationality					
Current residential address if different from premises address					
Post town				Postcode	

Daytime contact telephone number	
E-mail address (optional)	
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)	
Surname			First names		
Date of birth		I am 18 years old or over <input type="checkbox"/> Please tick yes			
Nationality					
Current postal address if different from premises address					
Post town				Postcode	
Daytime contact telephone number					
E-mail address (optional)					
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.

Name Bars for Days Limited

Address Lynton House, 7-12 Tavistock Square, London WC1H 9BQ
Registered number (where applicable) 12942899
Description of applicant (for example, partnership, company, unincorporated association etc.) Limited liability company
Telephone number (if any)
E-mail address (optional)

Part 3 Operating Schedule

When do you want the premises licence to start?

DD	MM	YYYY
09	09	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)

Arch under mainline railway. The premises will be multi-functional with restaurant and bar along with performance space and area for display of artworks. The venue is and will be host to local cultural events working alongside Hackney council in several respects. The company has recently had a contract with Hackney LBC in respect of the following Hello Again Hackney focusing on recovery of arts venues after the pandemic lockdowns:

"The purpose of the Service Contract is for the Organisation (Bars For Days Limited) to use the allocated funding of £5000 for the proposed activity:, as outlined in their original application to the Hello Again Hackney: Round 1 of Cultural Venues Reopening Fund 2021.

ACTIVITY DESCRIPTION:

We propose to produce 12 music events that will be of interest to local Hackney residents on Friday evenings from October 2021 - January 2022. These events will be a broad spectrum of traditional Black music genres such as soul, jazz, hip hop, afrobeats, reggae, reggaeton. We will use the funding to subsidise the cost of allowing Hackney residents discounted entry to the events. We will make 40 tickets per event available to Hackney residents. This means 480 local residents will benefit from this funding. This works out to £10 subsidised spend per person.

This will allow us to provide a solid music offering to a demographic in the borough who have felt largely squeezed out by a lot of the regeneration in Hackney.

ACTIVITY LOCATION:

The Hackney Social

TARGET GROUPS:

We tend to attract audiences between the ages 21 - 40. We programme a lot of traditional Black music and art so we have very diverse audiences and significant representation from the African and Caribbean communities."

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

Plays Standard days and timings (please read guidance note 7)			Will the performance of a play take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 4)		
Mon	10:00	23:30			
Tue	10:00	23:30			
Wed	10:00	23:30	State any seasonal variations for performing plays (please read guidance note 5)		
Thur	10:00	00:00			
Fri					

	10:00	00:00	Non-standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list (please read guidance note 6)
Sat	00:00	01:30	
	10:00	00:00	
Sun	00:00	01:30	
	10:00	23:30	

B

Films Standard days and timings (please read guidance note 7)			Will the exhibition of films take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 4)		
Mon	10:00	23:30			
			State any seasonal variations for the exhibition of films (please read guidance note 5)		
Tue	10:00	23:30			
			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 6)		
Wed	10:00	23:30			
			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 6)		
Thur	10:00	00:00			
			Non-standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list (please read guidance note 6)		
Fri	10:00	00:00			
			Non-standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list (please read guidance note 6)		
Sat	00:00	01:30			
	10:00	00:00			
			Non-standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list (please read guidance note 6)		
Sun	00:00	01:30			
	10:00	23:30			

C

Indoor sporting events Standard days and timings (please read guidance note 7)			Please give further details (please read guidance note 4)
Day	Start	Finish	
Mon			State any seasonal variations for indoor sporting events (please read guidance note 5)
Tue			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 6)
Wed			
Thur			
Fri			
Sat			
Sun			

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 7)			Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			Please give further details here (please read guidance note 4)		
Tue					
Wed			State any seasonal variations for boxing or wrestling entertainment (please read guidance note 5)		
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 6)		
Sat					
Sun					

E

Live music Standard days and timings (please read guidance note 7)			Will the performance of live music take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 4)		
Mon	10:00	23:30			
Tue	10:00	23:30			
			State any seasonal variations for the performance of live music (please read guidance note 5)		
Wed	10:00	23:30			
Thur	10:00	00:00			
			Non-standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list (please read guidance note 6)		
Fri	10:00	00:00			
Sat	00:00	01:30			
	10:00	00:00			
Sun	00:00	01:30			
	10:00	23:30			

F

Recorded music Standard days and timings (please read guidance note 7)			Will the playing of recorded music take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 4)		
Mon	10:00	23:30			
			State any seasonal variations for the playing of recorded music (please read guidance note 5)		
Tue	10:00	23:30			
			Non-standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list (please read guidance note 6)		
Wed	10:00	23:30			
Thur	10:00	00:00			
Fri	10:00	00:00			
Sat	00:00	01:30			
	10:00	00:00			
Sun	00:00	01:30			
	10:00	23:30			

G

Performances of dance Standard days and timings (please read guidance note 7)			Will the performance of dance take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
Day	Start	Finish		Both	<input type="checkbox"/>
Mon	10:00	23:30	Please give further details here (please read guidance note 4)		
Tue	10:00	23:30			
Wed	10:00	23:30	State any seasonal variations for the performance of dance (please read guidance note 5)		
Thur	10:00	00:00			
Fri	10:00	00:00	Non-standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list (please read guidance note 6)		
Sat	00:00	01:30			
	10:00	00:00			
Sun	00:00	01:30			
	10:00	23:30			

H

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 7)			Please give a description of the type of entertainment you will be providing		
Day	Start	Finish	Will this entertainment take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			Please give further details here (please read guidance note 4)		
Wed					
Thur			State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g) (please read guidance note 5)		
Fri					
Sat			Non-standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list (please read guidance note 6)		
Sun					

I

Late night refreshment Standard days and timings (please read guidance note 7)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 4)		
Mon	23:00	00:00			
Tue	23:00	00:00			
Wed	23:00	00:00	State any seasonal variations for the provision of late night refreshment (please read guidance note 5)		
Thur	23:00	00:00			
Fri	00:00	00:30	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 6)		
	23:00	00:00			
Sat	00:00	02:00			
	23:00	00:00			
Sun	00:00	02:00			
	23:00	00:00			

J

Supply of alcohol Standard days and timings (please read guidance note 7)			Will the supply of alcohol be for consumption – please tick (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	State any seasonal variations for the supply of alcohol (please read guidance note 5)		
Mon	10:00	23:30			
Tue	10:00	23:30			
Wed	10:00	23:30			
Thur	10:00	00:00			
Fri	10:00	00:00			
Sat	00:00	01:30			
	10:00	00:00			
Sun	00:00	01:30			
	10:00	23:30			
			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 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):

Name Julien Le Meilleur	
Date of birth [REDACTED]	
Address [REDACTED] [REDACTED]	
Postcode	[REDACTED]
Personal licence number (if known) [REDACTED]	
Issuing licensing authority (if known) [REDACTED]	

K

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

none

L

Hours premises are open to the public Standard days and timings (please read guidance note 7)			State any seasonal variations (please read guidance note 5)
Day	Start	Finish	
Mon	10:00	00:00	Non-standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list (please read guidance note 6)
Tue	10:00	00:00	
Wed	10:00	00:00	
Thur	10:00	00:00	
Fri	00:00	00:30	
	10:00	00:00	
Sat	00:00	02:00	
	10:00	00:00	
Sun	00:00	02:00	
	10:00	00:00	

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 current premises licence contains 15 conditions in addition to the mandatory conditions and we propose that these conditions are attached to any new licence which is granted. The premises has operated its events successfully to date with these conditions in effect but the applicant is happy to discuss any further conditions with officers should this be felt appropriate.

The list of proposed conditions is attached in the annex attached to this application

b) The prevention of crime and disorder

see above

c) Public safety

see above

d) The prevention of public nuisance

see above

e) The protection of children from harm

see above

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.**

Declaration	<ul style="list-style-type: none"> [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). 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)
Signature	
Date	9th September 2022
Capacity	Lawyer for applicant

For joint applications, signature of 2nd applicant or 2nd 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) Gareth Hughes - Partner [REDACTED] [REDACTED]			
Post town	[REDACTED]	Postcode	[REDACTED]

19 MIL

Drawn: George Mein
 Date: 10.08.2022
 Client: Pack London/
 Hackney Social
 Scale: 1-7
 Drawing: Floor Plan
 Building: Rail Arch.

License areas.



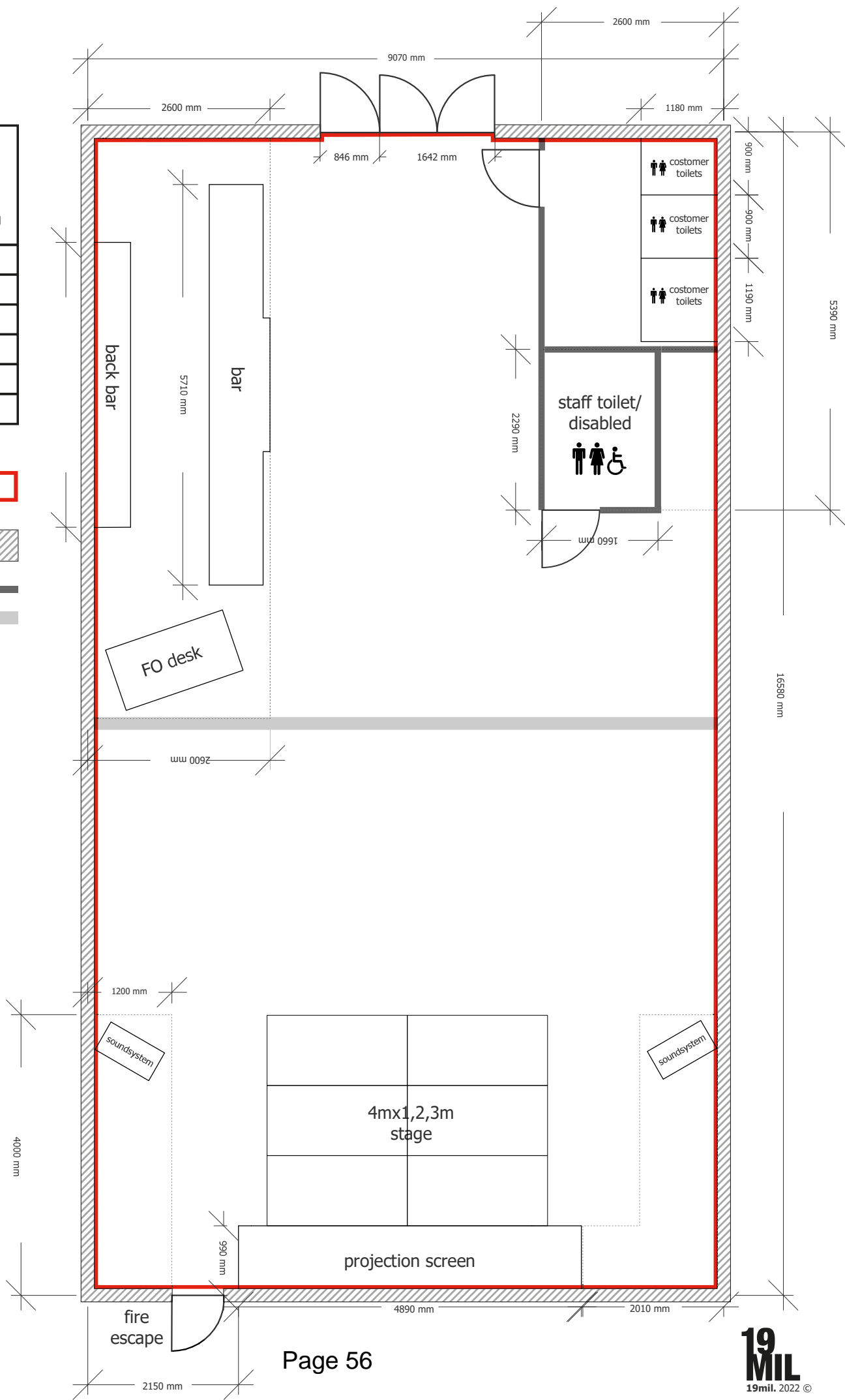
External walls



Internal walls.



Arch.



BOHEMIA PLACE MARKET
11 BOHEMIA PLACE, LONDON, E8 1DU
PREMISES LICENCE APPLICATION – SEPTEMBER 2022
PROPOSED CONDITIONS

1. 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 immediately upon the request of Police or authorised officer.

2. 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.

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

4. 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.
5. Premises to operate zero tolerance policy to drugs and comply with Hackney Police Drugs and Weapons policy where appropriate.
6. All instances of crime and disorder to be reported by the Designated Premises Supervisor or responsible member of staff to an agreed police contact point, as agreed with the police.
7. There shall be no glass taken outside the premises at any time.
8. 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.
9. 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.
10. The capacity inside the venue shall be limited to 60 persons (this does not include staff members)
11. 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 officer upon request

12. Use of the external area shall be limited to 18 persons and shall cease at 2000hours. Save for a maximum of 6 smokers.

13. 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.

14. When the market is not in operation off sales of alcohol shall be in sealed containers for consumption away from the premises.

15. All containers of alcohol sold from the premises shall be clearly marked with the trading name of the premises.



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

RESPONSIBLE AUTHORITY DETAILS

NAME OF AUTHORITY	London Borough of Hackney
ADDRESS OF AUTHORITY	Community Safety & Enforcement Service First Floor Hackney Service Centre 1 Hillman Street London E8 1DY
CONTACT NAME	Jacey Frewin
TELEPHONE NUMBER	020 8356 4567
E-MAIL ADDRESS	jacey.frewin@hackney.gov.uk

APPLICATION PREMISES

NAME & ADDRESS OF PREMISES	Bohemia Place Market 11 Bohemia Place E8 1DU
NAME OF APPLICANT	Bars for Days Limited

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 **x**
- 4) the protection of children from harm •

Representation in relation to:

ENVIRONMENTAL LICENCE CONDITIONS IN RESPECT OF

Bohemia Place Market, 11 Bohemia Place, London E8 1DU

1. 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. 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.
2. 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.
3. 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.
- 4 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.
5. The Licensee shall provide a safe receptacle for cigarette ends to be placed outside for the use of customers, such receptacles being carefully placed so as not to cause an obstruction or trip.
6. 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 Bohemia Place Market. 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

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

We have received complaints in the past regarding littering and build-up of waste in the area. There have been instances in the past where Enforcement Officers have found evidence of the illegal disposal of waste from businesses in this area. Experience has also shown that there is the probability that there will be cigarette litter outside these premises due to the smoking ban.

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

contact Jacey Frewin by email

Name: Jacey Frewin

Date: 22/09/2022

**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	Bohemia Place Market 11 Bohemia Place London E8 1DU
NAME OF PREMISES USER	Bars for Days Ltd

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 | ◆ |
| 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 for a Premises Licence at Bohemia Market, 11 Bohemia Place, London, E8 1DU for the following reason(s);

This application appears to try and suggest that the funding for this project has come from Hackney Council, whereas it has in fact come from the Arts Council, Hackney council have merely facilitated its distribution. The application states that the venue is working alongside Hackney Council in several respects – Police would like to know to what extent this is and any events that are proposed.

The application then goes on to state that the venue proposes to produce 12 music events from October 2021-January 2022 – these dates have already passed!

The events will use funding to allow 40 hackney residents discounted tickets to each event. Police would like to know the pricing for these events and the proposed discounted amount of a ticket.

What events will be taking place other than the 12 mentioned in the application?

Bohemia place has become a busy night time hub in recent years with this space being used for events in the past. Historically this venue has attracted complaints from local residents, mainly concerning the noise. Police would like to know what measures have been taken to address these issues.

The application asks for off sales. Given the description of the nature of the premises and the type of events taking place, police would like to know why off sales have been requested. Police do not want people being able to leave a venue at 0130hrs with additional alcohol.

The application requests hours that exceed Core hours as stipulated in the Councils Licensing Policy under LP3. The application has not identified any risks that may undermine the Licensing Objectives nor demonstrated robust measures to mitigate any of these.

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.

Meeting at the venue and discussions around the operation. Consideration given to reducing hours to be in line with the Core hours in the Councils Licensing Policy.

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

**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	11 Bohemia Place London E8 1DU
Applicant	Bars for Days 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:

A time-limited licence is in effect at this site until 31 July 2023. This application seeks a premises licence without an expiry date and for extended hours of activity.

The Licensing Authority are aware of noise complaints being received in relation to the numerous licensed premises located within this series or railway arches and is concerned that the additional hours could lead to the Prevention of Public Nuisance licensing objective being undermined.

The applicant's attention is drawn to the LP3 (Core Hours) within the Council's Licensing Statement as it is noted that the proposed hours are in excess of these:

LP3 Core Hours

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

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

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

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

It is also noted that the application seeks to authorise the sale of alcohol (off-sales) throughout the proposed hours. The applicants attention is therefore drawn to the Council's Licensing Statement. This states the following:

LP4 'Off' Sales of Alcohol

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

The application makes reference to "the market" in proposed condition 14.

14. When the market is not in operation off sales of alcohol shall be in sealed containers for consumption away from the premises.

This is ambiguous as it is currently written and should clearly state which market this relates to.

Lastly, the application makes reference to funding received from the Council. We understand this to have been part of the Governments 'Cultural Recovery Fund' which was distributed by local authorities on behalf of the Arts Council. Further detail on this from the applicant would be useful.

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.

The Licensing Authority is happy to discuss the application with the applicant. However, at this stage the Licensing Authority feels that the applicant should supply information on noise mitigation measures given the proposed increase in hours and the history of noise complaints in this area.

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

7 October 2022



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

RE: Bohemia Place

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

18 October 2022 at 17:19

To: Gareth Hughes [REDACTED]

Cc: "Sanaria.Hussain@Hackney.gov.uk" <sanaria.hussain@hackney.gov.uk>, "HackneyLicensingUnit-GN@met.police.uk" <HackneyLicensingUnit-GN@met.police.uk>

Dear Gareth,

Please accept my apologies for the delay in getting back to you.

I remain concerned about the proposed extension to the hours at the premises. There is an ongoing issue of general noise disturbance from the premises in and around Bohemia Place. I can see that the most recent noise complaint in relation to Bohemia Place was received just 3 days ago.

I am very grateful for the additional submissions made. However, I noted that the risk assessment mentions a maximum capacity of 150. However the application states 60. The RA also talks of 20 outside where the application says 18. These are discrepancies which need to be clarified. The discrepancy re the max capacity is particularly significant. Also the noise assessment (9.0 Remedial Works) appears to set out recommendations. It is not clear if these mitigations are already in place. However, I can understand it if your client wishes to know the outcome of this application before investing into physical works to the building.

So overall given the proposed hours and the ongoing noise issues in the area generally, I don't feel this is an application that can be agreed at officer level.

I hope this assists. Let me know if you have any further queries.

Kind Regards,

--

David Tuitt**Business Regulation Team Leader**

Licensing | Technical Support

Direct Tel: 020 8356 4942

Tel: 020 8356 2431

[Quoted text hidden]

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



Subangini Sriramana <subangini.sriramana@hackney.gov.uk>

----- Forwarded message -----

From: **Gareth Hughes** [REDACTED]
Date: Mon, 10 Oct 2022 at 19:26
Subject: Bohemia Place
To: david.tuitt@hackney.gov.uk <david.tuitt@hackney.gov.uk>

Dear David

We refer to your rep on this matter dated 7th October. It's a shame that we did not have this beforehand as we had a very productive meeting with Amanda Griggs of Hackney Police on site this morning and as always you would have been very welcome to attend that meeting. Happy to set up another meeting with the team if you think it helpful. I will address the points you have raised.

1 The time limited current premises licence – this was time limited on the basis that our clients at the time when application was made in 2020 were not clear on the precise nature of the legal agreement to occupy which they were to be given by the landlord. There has been a change of landlord under the freehold owner in 2019. The Arch Company now has a long 150 year lease of all the arches in Bohemia Place under Network rail Infrastructure. They are now keen to grant our clients a longer lease once a premises licence is in place. The current licence is set to expire in July 2023 for these reasons and so we have made an application for a new premises licence to replace the old one.

2. Noise complaints – we would ask you to note that these complaints do not relate to our client in operating Arch 11 – these complaints may have been raised in respect of other operators. There was complaint about the operation of Night Tails in the next arch and they occupy the rear area of our client premises. Our client has no right to occupy the area to the rear of its premises and so there will be no external noise relating to its customers at the rear. Further, the area at the front in Bohemia Place is small and only houses a small number of people.

3. In relation to noise issues the client has procured the services of [REDACTED] of Sky Acoustics and he has compiled a comprehensive report in respect of the unit. It contains a dispersal policy and a detailed noise management policy for your consideration. We attach [REDACTED] report herewith and refer to his conclusion as follows: “ Given this location, the style of operation, proposed controls and willingness to take on board further controls if necessary, it is my professional opinion that the normal operation of The Hackney Social until 02:00hrs, as outlined in this document and supporting documents for the application, would not result in an increase in average noise levels or have a detrimental impact on residents in the surrounding area.”

4. Furthermore, we would also ask you to note that there have been 26 TENs used at the premises all with a 01:30 cessation for supply of alcohol and all have been run successfully and without incident. Mr Vivian has referred to these TENs in his report. Amanda Griggs of police noted this morning that there had been no incidents or crime or noise relating to the unit operating at the later hours and police had been content to support further TEN. There are also no reps from any local residents.

5. We have also included herewith a copy of the premises Comprehensive Risk Assessment document which addresses the later hours of operation.

6. We are of course guided by the policy on core hours but would submit that this be viewed in the light of the 26 TENs which have operated there, no incidents in the years of operation and the comprehensive documentation that the client has drawn together from his acoustic expert and supporting documentation. We would submit that this is an instant when an exception should be granted. Further, the current hours on the time limited premises licence are very restricted and we suspect that this arose out of the pandemic and the restrictions which were in place at the time. The premises is simply not viable with a 21:30 cut off. People arrive in the evenings at say 18:00 and are then having to leave just a few hours later. They will then go to the neighbouring units or into Mare Street

7. your point on LP4 relating to off sales is accepted

8. The "market" referred to in proposed condition 14 refers to the market which is regularly held in Bohemia Place at weekends as here - [Bohemia Place Market — Bohemia Place Market](#) . This market usually runs from 6pm to 10pm on Fridays evenings and from 12pm to 6pm on Saturdays and Sundays. Our clients organise this market and it is very family friendly.

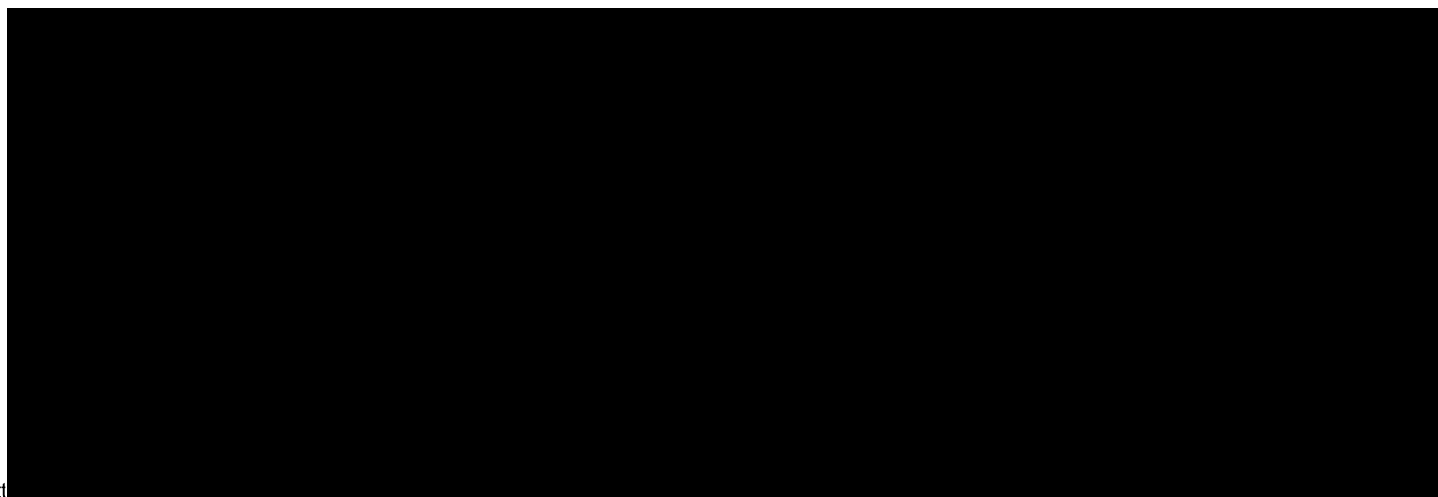
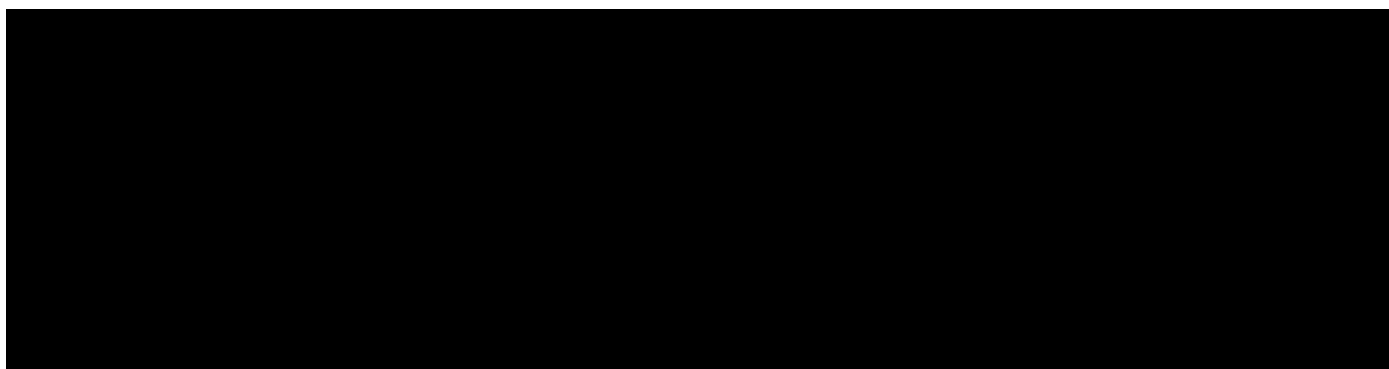
9. I have asked my client for more information regarding the funding for some events but this was included mainly to demonstrate the kinds of events which will continue to happen at the venue should the new licence be granted.

10. In your last paragraph you refer to more information with regard to noise and we have included this within this email.

We remain happy to meet on site if this would assist.

Kind regards

Gareth





The Hackney Social
Arch 11 Bohemia Place, London, E8 1DU
Noise Impact Assessment

Prepared by: [REDACTED] Big Sky Acoustics Ltd
On behalf of: Bars for Days Ltd

[REDACTED]
Date: 4th August 2022

Big Sky Acoustics document control sheet

Project title:	The Hackney Social Arch 11 Bohemia Place, London, E8 1DU Noise Impact Assessment
Technical report number:	██████████
Submitted to:	Gareth Hughes ████████████████████ ████████████████████ ██████████ ██████████
Submitted by:	██████████ Big Sky Acoustics Ltd ████████████████████ ██████████ ██████████ ████████████████████ ████████████████████
Prepared by:	██ Principal Acoustic Consultant

Document status and approval schedule

Revision	Description	Date	Approved
0	Approved for issue	08/09/22	RV

DISCLAIMER

This report was completed by Big Sky Acoustics Ltd on the basis of a defined programme of work and terms and conditions agreed with the Client. The report has been prepared with all reasonable skill, care and diligence within the terms of the contract with the Client and taking into account the project objectives, the agreed scope of works, prevailing site conditions and the degree of manpower and resources allocated to the project. Big Sky Acoustics Ltd accepts no responsibility whatsoever, following the issue of the report, for any matters arising outside the agreed scope of the works. This report is issued in confidence to the Client and Big Sky Acoustics Ltd has no responsibility of whatsoever nature to third parties to whom this report or any part thereof is made known. Any such party relies upon the report at their own risk. Unless specifically assigned or transferred within the terms of the agreement, Big Sky Acoustics Ltd retains all copyright and other intellectual property rights, on and over the report and its contents.

© Big Sky Acoustics Ltd, 2022

Executive summary

An assessment of the impact of noise from an existing multi-function arts venue with performance space and a bar at Arch 11 of Bohemia Place has been carried out.

It is evident, even to the casual observer visiting the area, that the application site is located in a position away from residential properties. The site is sandwiched between two large 24-hour operations: the Tesco superstore to the south and the Clapton Bus Garage to the north. In controlling patron dispersal so that it is west towards Mare Street all patrons are directed towards a major road that is well served by public transport including night buses. Operational procedures have been proposed to further improve the management of noise and the controlled dispersal of patrons at the end of the evening.

The building is formed out of a railway arch which is a substantial structure. The sound system consists of professional equipment with digital signal processing configured to limit the maximum sound level of amplified music.

The premises currently operate until 22:00hrs, and have successfully operated under Temporary Event Notices on 26 occasions, with some events extending to midnight and some until 01:30hrs. In that respect the application has already undergone a real-world test of later operation.

The controlled use of the application site, and the well managed dispersal of patrons towards Mare Street at the end of the evening, will ensure that the operation of a multi-function arts venue with performance space and a bar is unlikely to impact on residential amenity or adversely impact on the licensing objectives as activity inside is contained by the building envelope, and patron departure is controlled into an area with high pre-existing noise levels and good transport accessibility.

Contents

Executive summary	3
1.0 Qualifications and experience	5
2.0 Introduction	5
3.0 Site and surrounding area	5
4.0 Criteria	7
5.0 Balancing planning and licensing noise conditions	14
6.0 Noise measurement procedure	15
7.0 Noise measurement analysis	16
8.0 Predicted noise of patrons leaving the site	18
9.0 Mitigation strategy - remedial works to building	20
10.0 Mitigation strategy - sound system configuration	21
11.0 Mitigation strategy - operational controls	21
12.0 Conclusions	21
Appendix A - Terminology	23
Appendix B - Application site location	24
Appendix C - Instrumentation	25
Appendix D - Meteorology	25
Appendix E - Noise Management Policy	26
Appendix F - Dispersal Policy	28

1.0 Qualifications and experience

- 1.1 My name is [REDACTED]. I am the founder and director of Big Sky Acoustics Ltd. Big Sky Acoustics is an independent acoustic consultancy that is engaged by local authorities, private companies, public companies, residents' groups and individuals to provide advice on the assessment and control of noise.
- 1.2 I have a [REDACTED], I am a Member of the Institution of Engineering & Technology, the Institute of Acoustics, and the Institute of Licensing.
- 1.3 I have over thirty years of experience in the acoustics industry and have been involved in acoustic measurement and assessment throughout my career. My professional experience has included the assessment of noise in connection with planning, licensing and environmental protection relating to sites throughout the UK. I have given expert evidence in the courts, in licensing hearings, in planning hearings and inquiries on many occasions.

2.0 Introduction

- 2.1 Big Sky Acoustics Ltd was instructed by Mr Jack Robinson of Bars for Days Ltd to carry out an assessment of the impact of noise from the proposed additional hours of operation of a multi-function arts venue with performance space and a bar known as The Hackney Social on Bohemia Place.
- 2.2 The proposal seeks to allow the use until midnight Sunday to Wednesday, and until 02:00hrs Thursday to Saturday.
- 2.3 A glossary of acoustical terms used in this report is provided in Appendix A.
- 2.4 All sound pressure levels in this report are given in dB re: 20µPa.

3.0 Site and surrounding area

- 3.1 The location of the site is shown at Appendix B.
- 3.2 I am familiar with the area, the location of existing noise sources, and general activity in the area during the day and night. I have carried out noise measurement surveys and observations in the vicinity of the site.
- 3.3 Bohemia Place is the service road providing access to 21 railway arches. There are no residential properties on Bohemia Place.
- 3.4 The primary access is from the west via the junction with Mare Street and Amhurst Road. There is also access from Nursery Road at the eastern end of Bohemia Place which then joins Morning Lane. However the road is currently gated at the eastern end preventing use as a through route to Nursery Road.



Figure 1: Arch 11 on Bohemia Place



Figure 2: Internal layout of Arch 11

- 3.5 Nursery Road is the location of the nearest residential property and this is opposite the delivery entrance to Tesco.

- 3.6 The Tesco superstore site is immediately to the south of the application site and, as well as 24-hour activity, there is a large quantity of mechanical plant located on the north of that site and this contributes to the noise levels in the immediate area.
- 3.7 To the north of the application site is Clapton Bus Garage and this operates 24-hours.
- 3.8 The application site has excellent access to public transport and the highest possible PTAL¹ rating of 6b. Mare Street and Hackney Central Station is 150 metres to the west of the site and this area is served by 20 bus routes including three 24-hour services (236, 242 and 277) and three night buses (N38, N55 and N253).
- 3.9 Pre-existing noise levels, due to road traffic on Mare Street, activity at the bus garage including vehicle reversing, activity at Tesco, and rail freight services through the night on the railway lines above, are high at this location.
- 3.10 Adjacent to Hackney Central Station is Oslo which is a bar and live music venue which operates until 03:00hrs. On Bohemia Place is The Brew Club (Arches 7 & 8) which closes at midnight, Agua de Madre (Arch 12) 22:00hrs, Night Tales (Arch 14) 03:00hrs, Hackney Church Brew Co (Arch 17) midnight, The Hackney Funhouse/ABQ (Arch 18) 01:30hrs and Pressure Drop X Verdant The Experiment (Arch 19) 01:00hrs.
- 3.11 It is important when assessing the impact of noise from the additional hours of use in an area that the concept of *additional* noise associated with the new activity is taken into account. The incremental change to noise levels caused by the proposed additional hours of operation of this premises in an area where other premises are also open and trade to later hours is, on balance, not going to impact on residential amenity if effective controls are in place to contain all noise generating activity within the building envelope, and to ensure there is a managed dispersal from the premises as patrons leave the area.
- 3.12 It is also a consideration that a bona-fide commercial premises can reduce street drinkers, rough sleeping, crime, litter and anti-social behaviour as the commercial operation seeks to eliminate this type of activity from the immediate area outside the premises for the benefit and safety of their own patrons and employees. This is achieved through good lighting, CCTV coverage, litter removal and a presence of professional personnel who will be able to observe, record and respond to activity in the immediate area around the premises.

4.0 Criteria

NPPF

- 4.1 The revised National Planning Policy Framework (NPPF) was published by the Ministry of Housing, Communities and Local Government on 20 July 2021 and sets out the government's planning policies for England and how these are expected to

¹ The public transport accessibility level (PTAL) is a method used to assess the access level of geographical areas to public transport. The result is a grade from 1–6 (including sub-divisions 1a, 1b, 6a and 6b), where a PTAL of 1a indicates extremely poor access to the location by public transport, and a PTAL of 6b indicates excellent access by public transport.

be applied. This revised Framework replaces replaces the previous National Planning Policy Framework published in March 2012, revised in July 2018 and updated in February 2019.

- 4.2 Paragraph 81 of the NPPF requires that significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.
- 4.3 References to noise can be found in Section 15 titled "Conserving and enhancing the natural environment". The NPPF states at Paragraph 174 sub-paragraph (e) *"Planning policies and decisions should contribute to and enhance the natural and local environment by preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans"*.
- 4.4 The NPPF states at Paragraph 185 that *"Planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should: a) mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development - and avoid noise giving rise to significant adverse impacts on health and the quality of life; b) identify and protect tranquil areas which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason"*.
- 4.5 The comments about *adverse impacts on health and quality of life* are referenced² to the Noise Policy Statement for England (NPSE) published by the Department for Environment, Food & Rural Affairs in 2010. The NPSE is intended to apply to all forms of noise, including environmental noise, neighbour noise and neighbourhood noise.
- 4.6 The NPSE sets out the Government's long-term vision to *'promote good health and a good quality of life through the effective management of noise within the context of Government policy on sustainable development'* which is supported by the following aims:
- *Avoid significant adverse impacts on health and quality of life;*
 - *Mitigate and minimise adverse impacts on health and quality of life.*
- 4.7 The NPSE defines the concept of 'significant observed adverse effect level' (SOAEL) as *'the level above which significant adverse effects on health and quality of life occur'*. The following guidance is provided within the NPSE: *'It is not possible to have a single objective noise-based measure that defines SOAEL that is applicable to all sources of noise in all situations. Consequently, the SOAEL is likely to be different for different noise sources, for different receptors and at different times.*

² NPPF at footnote 65

It is acknowledged that further research is required to increase our understanding of what may constitute a significant adverse impact on health and quality of life from noise. However, not having specific SOAEL values in the NPSE provides the necessary policy flexibility until further evidence and suitable guidance is available.'

- 4.8 The Planning Practice Guidance (PPG) on Noise published by Ministry of Housing, Communities & Local Government in March 2014 (last revised on 22 July 2019) is written to support the NPPF with more specific planning guidance on how planning can manage potential noise impacts in new development.
- 4.9 The PPG reflects the NPSE and states at Paragraph 001 that noise needs to be considered when development may create additional noise, or would be sensitive to the prevailing acoustic environment (including any anticipated changes to that environment from activities that are permitted but not yet commenced). The PPG clarifies at Paragraph 002 that it is important to look at noise in the context of the wider characteristics of a development proposal, its likely users and its surroundings, as these can have an important effect on whether noise is likely to pose a concern.
- 4.10 The PPG expands upon the concept of SOAEL (together with Lowest Observed Adverse Effect Level, LOAEL and No Observed Effect Level, NOEL) as introduced in the NPSE and provides a table of noise exposure hierarchy for use in noise impact assessments in the planning system.
- 4.11 Figure 3 is reproduced from PPG Paragraph 005 and summarises the noise exposure hierarchy, based on the likely average response.
- 4.12 The PPG at Paragraph 005 considers that a noise impact with an effects level which is lower than SOAEL is acceptable but that consideration needs to be given to mitigating and minimising those effects (taking account of the economic and social benefits being derived from the activity causing the noise).
- 4.13 When the significant observed adverse effect level boundary is crossed noise causes a material change in behaviour such as keeping windows closed for most of the time or avoiding certain activities during periods when the noise is present. If the exposure is predicted to be above this level the planning process should be used to avoid this effect occurring, for example through the choice of sites at the plan-making stage, or by use of appropriate mitigation such as by altering the design and layout. While such decisions must be made taking account of the economic and social benefit of the activity causing or affected by the noise, it is undesirable for such exposure to be caused.
- 4.14 At the highest extreme, noise exposure would cause extensive and sustained adverse changes in behaviour and/or health without an ability to mitigate the effect of the noise. The impacts on health and quality of life are such that, regardless of the benefits of the activity causing the noise, this situation should be avoided.

Perception	Examples of Outcomes	Increasing Effect Level	Action
No Observed Effect Level (NOEL)			
Not present	No Effect	No Observed Effect	No specific measures required
No Observed Adverse Effect Level (NOAEL)			
Present and not intrusive	Noise can be heard, but does not cause any change in behaviour, attitude or other physiological response. Can slightly affect the acoustic character of the area but not such that there is a change in the quality of life	No Observed Adverse Effect	No specific measures required
Lowest Observed Adverse Effect Level (LOAEL)			
Present and intrusive	Noise can be heard and causes small changes in behaviour, attitude or other physiological response, e.g. turning up volume of television; speaking more loudly; where there is no alternative ventilation, having to close windows for some of the time because of the noise. Potential for some reported sleep disturbance. Affects the acoustic character of the area such that there is a small actual or perceived change in the quality of life	Observed Adverse Effect	Mitigate and reduce to a minimum
Significant Observed Adverse Effect Level (SOAEL)			
Present and disruptive	The noise causes a material change in behaviour, attitude or other physiological response, e.g. avoiding certain activities during periods of intrusion; where there is no alternative ventilation, having to keep windows closed most of the time because of the noise. Potential for sleep disturbance resulting in difficulty in getting to sleep, premature awakening and difficulty in getting back to sleep. Quality of life diminished due to change in acoustic character of the area	Significant Observed Adverse Effect	Avoid
Present and very disruptive	Extensive and regular changes in behaviour, attitude or other physiological response and/or an inability to mitigate effect of noise leading to psychological stress, e.g. regular sleep deprivation/awakening; loss of appetite, significant, medically definable harm, e.g. auditory and non-auditory	Unacceptable Adverse Effect	Prevent

Figure 3: PPG Noise Exposure Hierarchy Table (revision date: 22.07.2019)

The London Plan 2021

4.15 The London Plan 2021 is the Spatial Development Strategy for Greater London. It sets out a framework for how London will develop over the next 20-25 years and is the Mayor's vision for Good Growth.

- 4.16 **Policy HC6** promotes the night-time economy³, where appropriate, particularly in the Central Activities Zone, strategic areas of night-time activity, and town centres where public transport such as the Night Tube and Night Buses are available. It protects and supports evening and night-time cultural venues such as pubs, night clubs, theatres, cinemas, music and other arts venues, and encourages the management of the night-time economy through an integrated approach to planning and licensing.
- 4.17 **Policy D14** addresses the reduction, management and mitigation of noise. It encourages good acoustic design and notes that the management of noise should be an integral part of development proposals and considered as early as possible. It recognises that consideration of existing noise sensitivity within an area is important to minimise potential conflicts of uses or activities, for example in relation to internationally important nature conservation sites which contain noise sensitive wildlife species, or parks and green spaces affected by traffic noise and pollution.

Hackney Local Plan 2033

- 4.18 **Policy LP2** (Development and Amenity) requires that new development must be appropriate to its location and should be designed to ensure there are no significant adverse impacts on the amenity of occupiers and neighbours. The individual and cumulative impacts of development proposals on amenity will be considered in assessing their acceptability. Consideration of the merits of development proposals will be balanced against the impact on amenity.
- 4.19 **Policy LP38** (Evening and Night Time Economy) states that proposals for uses that would result in the diversification of the evening and night time economy will be supported.

Licensing Act 2003

- 4.20 The Licensing Act 2003 requires the Hackney Council, in its role as Licensing Authority, to carry out its various licensing functions so as to promote the following four licensing objectives:
- The prevention of crime and disorder
 - Public safety
 - The prevention of public nuisance
 - The protection of children from harm

³ The night-time economy refers to all economic activity taking place between the hours of 6pm and 6am, and includes evening uses. Night-time economic activities include eating, drinking, entertainment, shopping and spectator sports, as well as hospitality, cleaning, wholesale and distribution, transport and medical services, which employ a large number of night-time workers - paragraph 7.6.1 The London Plan.

- 4.21 Each objective is of equal importance. It is important to note that there are no other licensing objectives, therefore these four are of paramount importance at all times. The Licensing Authority must base its decisions in relation to determining applications and attaching any conditions to licences on the promotion of these four licensing objectives.
- 4.22 The Licensing Act 2003 further requires this Licensing Authority to publish a Statement of Licensing Policy (SLP) that sets out the policies the Licensing Authority will apply to promote the licensing objectives when making decisions on applications made under the Act. The current SLP covers the period 2018-2023.
- 4.23 When it comes to the evaluation of noise under the Licensing Act an understanding of the concept of public nuisance is essential. Public nuisance is not narrowly defined in the 2003 Act and retains its broad common law meaning. It may include, in appropriate circumstances, the reduction of the living and working amenity and environment of other persons living and working in the area of the licensed premises.
- 4.24 Once those involved in making licensing decisions are satisfied of the existence of a public nuisance, or its potential to exist, the question is how to address it. Home Office Guidance⁴ is useful in this regard and explains that in the context of noise nuisance then conditions might be a simple measure such as ensuring that doors and windows are kept closed after a particular time, or persons are not permitted in garden areas of the premises after a certain time, noting that conditions in relation to live or recorded music may not be enforceable in circumstances where the entertainment activity itself is not licensable.
- 4.25 The guidance is clear that any conditions appropriate to promote the prevention of public nuisance should be tailored to the type, nature and characteristics of the specific premises and its licensable activities. Licensing authorities should avoid inappropriate or disproportionate measures that could deter events that are valuable to the community.
- 4.26 The guidance also states that any appropriate conditions should normally focus on the most sensitive periods. For example, the most sensitive period for people being disturbed by unreasonably loud music is at night and into the early morning when residents in adjacent properties may be attempting to go to sleep or are sleeping. (This is why there is still a need for a licence for performances of live music between 11 pm and 8 am even though it is deregulated at other times).
- 4.27 As with all conditions, those relating to noise nuisance may not be appropriate in circumstances where provisions in other legislation adequately protect those living in the area of the premises.
- 4.28 The application site is licensed under the Licensing Act 2003 and the premises licence dictates the hours for all licensable activities and the times when the premises are open to the public. The current premises licence (108719), granted in

⁴ Revised guidance issued under section 182 of the Licensing Act 2003 (April 2018)

September 2020 permits the premises to be open from 10:30-22:00hrs seven days a week, although in what appears to be a drafting error also permits licensable activities until 22:45 seven days a week.

Other relevant legislation

- 4.29 In addition to the protection afforded under planning controls, and the Licensing Act 2003, members of the public are protected from noise that is a nuisance.
- 4.30 The Environmental Protection Act 1990 part III deals with statutory nuisance which includes noise. This Act allows steps to be taken to investigate any complaints which may then result in the issuing of an abatement notice and a subsequent prosecution of any breach of the notice. A statutory nuisance is a material interference that is prejudicial to health or a nuisance.
- 4.31 The Clean Neighbourhoods and Environment Act 2005 deals with many of the problems affecting the quality of the local environment and provides local authorities with powers to tackle poor environmental quality and anti-social behaviour in relation to litter, graffiti, waste and noise. A fixed penalty notice can be issued when noise exceeds the permitted level at night as prescribed under the Noise Act 1996 as amended by the Clean Neighbourhoods and Environment Act 2005. The permitted noise level using A-weighted decibels (the unit environmental noise is usually measured in) is 34dBA if the underlying level of noise is no more than 24dBA, or 10dBA above the underlying level of noise if this is more than 24dBA.
- 4.32 The Anti-Social Behaviour, Crime and Policing Act 2014 defines anti-social behaviour as "*conduct that has caused, or is likely to cause, harassment, alarm or distress to any person*"; "*conduct capable of causing nuisance or annoyance to a person in relation to that person's occupation of residential premises*"; or "*conduct capable of causing housing-related nuisance or annoyance to a person*". The Act contains a range of powers intended to support Local Authority and partner bodies deal with anti-social behaviour. These include powers of premises closure in cases of nuisance or disorder which may support primary legislation.

British Standard 8233

- 4.33 BS8233:2014 states that for steady external noise sources, it is desirable that the internal ambient noise level in dwellings does not exceed the guideline values in the table shown below.

Activity	Location	07:00 to 23:00	23:00 to 07:00
Resting	Living room	35 dB LAeq,16hour	-
Dining	Dining room/area	40 dB LAeq,16hour	-
Sleeping (daytime resting)	Bedroom	35 dB LAeq,16hour	30dB LAeq,8hour

Figure 4: Indoor ambient noise levels for dwellings (from BS8233 Table 4)

- 4.34 Annex G of BS8233 informs that windows, and any trickle ventilators, are normally the weakest part of a brick and block façade. Insulating glass units have an insulation of approximately 33 dB R_w and, assuming suitable sound attenuating trickle ventilators are used, the resulting internal noise level ought to be determined by the windows. If partially open windows are relied upon for background ventilation, the insulation would be reduced to approximately 15 dB.

Operational objectives

- 4.35 Bars for Days Ltd are committed to promoting good relationships with their commercial and residential neighbours and therefore, in addition to all statutory obligations, it is a primary operational objective that noise from the normal operation of the premises does not have a detrimental impact on the neighbourhood.
- 4.36 To support this commitment operational procedures to manage noise have been developed and are regularly reviewed. A noise management policy, and a dispersal policy, can be found at Appendix E and Appendix F.

5.0 Balancing planning and licensing noise conditions

- 5.1 The guidance issued under Section 182 of the Licensing Act 2003 is clear in its general principles (Para 1.16) that *"[licence conditions] should not duplicate other statutory requirements or other duties or responsibilities placed on the employer by other legislation"*. Therefore if the objective of the prevention of public nuisance is satisfactorily upheld because there already exist tests of nuisance through The Environmental Protection Act 1990; The Noise Act 1996; and The Clean Neighbourhoods and Environment Act 2005, then additional conditions on a premises licence that merely duplicates these statutory requirements should not be necessary according to Home Office guidance.
- 5.2 Similarly planning guidance has, for a long time, stated that additional planning conditions which duplicate the effect of other legislation should not be imposed, and current planning practice guidance is clear that conditions requiring compliance with other regulatory requirements will not meet the test of necessity and may not be relevant to planning.
- 5.3 It is a material consideration for planning that the application site is already regulated as a licensed premises and is therefore subject to the swift and powerful enforcement regime of Hackney Council in its role as licensing authority. This regulation under the Licensing Act permits the hours of use that are now being applied for in the planning application.

- 5.4 The House of Lords Select Committee in its 2017 post-legislative scrutiny of the Licensing Act⁵ found that *"it is not only permissible but logical to look at licensing as an extension of the planning process"*. In its most recent follow-up report⁶ of 2022 the Committee concluded that it *"is disappointed that no practical progress has been made to address the lack of coordination between the licensing and planning systems. It is clear that issues between the two systems remain and we regret that there has been no initiative from Government to take forward the work undertaken to explore solutions"* (Paragraph 31) and adds *"The Government must consider the coordination between the licensing and planning systems in its ongoing planning reforms in the Levelling-up and Regeneration Bill to ensure new proposals do not further exacerbate tensions between the two systems"* (Paragraph 34).
- 5.5 The Local Government Association Licensing Act 2003 Councillor's handbook⁷ states that *"Whilst there is a clear distinction and separation between licensing and planning in terms of their remit, councillors have a key role in ensuring that these two different services are fully joined-up and aligned. Where this doesn't happen councils can struggle to shape their areas as they would like them to be."*
- 5.6 The pragmatic approach to specifying noise control conditions would be that the more general criteria relating to the principle of the design and use of the site are applied under the planning regime and more specific requirements relating to the operational control of licensable activities such as hours of operation, the requirement for controls on regulated entertainment, or the need for a noise limiter on a sound system, are more effectively implemented and enforced through the licensing process.

6.0 Noise measurement procedure

- 6.1 The noise levels in the area immediately around the application site have previously been assessed. Sound levels were recorded at a static measurement position (position B) on Bohemia Place.
- 6.2 Additional sound measurements were made with a hand-held measurement system at other locations in the immediate area. Analysis shows good correlation between all the attended and unattended recorded noise level data at the logging position.
- 6.3 Noise measurements were made in continuous samples of 1-second intervals. Measurements included the L_{Aeq} , L_{A90} and L_{Amax} indices. Simultaneous octave and third octave frequency spectra were also obtained during the survey. Measurements were taken at 1.5 m above grade level. Measurement duration was

⁵ Select Committee on the Licensing Act 2003, The Licensing Act 2003: post-legislative scrutiny (Report of Session 2016–17, HL Paper 146)

⁶ Liaison Committee on the Licensing Act 2003, The Licensing Act 2003: post-legislative scrutiny follow-up report (2nd Report of Session 2022–23, HL Paper 39)

⁷ Local Government Association, Licensing Act 2003 – Councillor's handbook (England and Wales) (July 2021)

5-minutes per sample. Throughout the course of the survey an outdoor microphone wind-shield was used. For the purposes of this assessment all attended measurements were paused for emergency service sirens, aircraft passes and other significant short-duration noises. The unattended logging equipment operates continuously and therefore all noise incidents are recorded on that trace.

- 6.4 The application site was not operating at this time and there was no activity in any of the arches. All noise measured is attributable to existing sources in the area that are not connected with the proposed use.



Figure 5: Application site and noise measurement positions marked A, B and C

7.0 Noise measurement analysis

- 7.1 Continuously recorded noise measurement data on Bohemia Place are displayed in graphical form in Figure 6.
- 7.2 There was no significant drop in average noise level throughout the survey. At around 01:00hrs there is a small fall in noise levels at the logging position and this correlates with the closing of Perfect Chicken (located at the junction of Bohemia Place and Mare Street). Average noise levels remained relatively high as traffic, plant noise and other activity in the area continue all through the night.
- 7.3 In quiet residential areas, particularly in rural locations away from road traffic and other activity, a more distinctive drop in levels is typical as noise generating activity reduces in the early hours of the morning. But as is shown in the Figure 7 there is no significant drop in levels during the survey period and at the end of the survey background noise levels remain around 46-50dB L_{A90} . It is of note that this is a mid-week survey and indicative of the quietest times in the area.

7.4 It is also important to note the transients in the graph of measurement data. The higher narrow spikes correlate with observations of emergency service sirens in the area. There is also a contribution from freight trains which tend to produce more prolonged (circa 1-2 minute) increases above average levels. These higher peaks occur throughout the survey period.

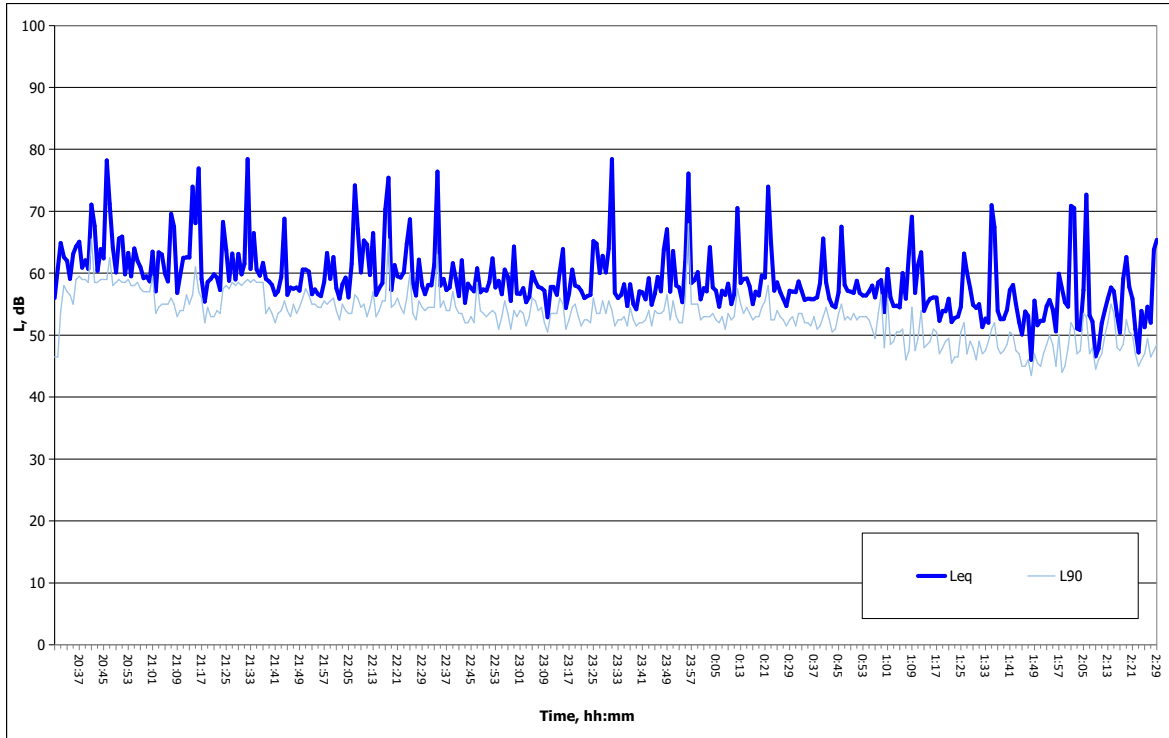


Figure 6: Continuously logged noise in Bohemia Place

Time	Location	LAeq	LZeq	LAFMax	LAF90
20:43	Position A: Gates between Unit 8 & 9	64	78	82	51
20:49	Position B: Logging position)	62	80	72	56
20:55	Position C: Jcn Bohemia Place and Mare Street	65	82	77	61
22:19	Position A	66	75	78	52
22:25	Position B	63	78	77	54
22:31	Position C	71	82	88	59
0:33	Position A	52	79	63	50
0:38	Position B	59	76	78	52
1:11	Position C	64	80	78	55
1:31	Position A	52	74	74	49
1:36	Position B	65	75	76	48
1:42	Position C	62	78	76	51
2:11	Position A	53	76	74	47
2:17	Position B	58	76	71	48
2:22	Position C	62	83	78	49

Figure 7: Noise measurement data, all reported levels in dB

- 7.5 Attended measurement data from the measurement locations shown in Figure 6 are presented in Figure 7. The measurements correlate with logged data and confirm relatively high ambient noise levels in Bohemia Place at all times during the survey. Position A is more distant from Mare Street and therefore slightly lower noise levels are recorded here due to separation and shielding from road traffic noise.
- 7.6 The instrumentation used to carry out the noise measurements is detailed in Appendix C of this report. The calibration of the measuring equipment was checked prior to and immediately following the tests and no signal variation occurred. Calibration of equipment is traceable to national standards.
- 7.7 The weather conditions during the survey are reported in Appendix D.

8.0 Predicted noise of patrons leaving the site

- 8.1 The lowest recorded background levels for the latest time of patron dispersal was 50dB L_{A90} . These data correlate with other noise surveys for the immediate area and a typical for this part of London. It is helpful to compare this existing noise with the predicted noise of a group of patrons in the area immediately outside the premises as they leave at the end of the evening.
- 8.2 In order to assist in the understanding of actual noise levels produced by people outdoors it is important to understand the effects of the noise source (i.e. people talking) and how that noise level increases as the number of people talking increases. Referring to relevant international standards⁸ for human speech sound level, and also data held in our own library, normal conversation is typically in the range of 54-60dBA when measured at 1 metre.
- 8.3 In assessing for a worst-case condition I have considered a larger than expected group of 10 people are talking outside the premises as they leave at the end of the evening.
- 8.4 In normal conversation no more than 50% of them would be talking (there will be at least one listener for each talker). If we now consider people to be talking at the upper end of the normal speaking range, and look at a worst case scenario of half of the people talking concurrently at 60dBA, then in order to calculate the total noise level we logarithmically sum 5 sources of 60dB as follows:

$$\Sigma = 10 \log \left(n \times 10^{\left(\frac{60}{10}\right)} \right)$$

where n is the number of people talking

⁸ ISO 9921:2003 Ergonomics - Assessment of speech communication, Annex A, Table A1 shows the vocal effort of a male speaker and related A-weighted speech level (dB re 20 μ Pa) at 1 m in front of the mouth. The table indicates that relaxed vocal effort is 54dB, and normal vocal effort is 60dB.

- 8.5 The formula above gives a value for total sound pressure level for a group of 10 people to be 67dBA⁹.
- 8.6 It is important to remember that this is a worst-case value, when 50% of the people are talking simultaneously and loudly. In reality general lulls in the conversation, smoking, or conversations where there are more than one listener to each talker mean that less than 50% of an average group will be talking simultaneously. I have also observed that groups walking in close proximity to each other will splinter into smaller groups of two, and talk with more hushed voices than static groups of people spread out, for example, in a pub beer garden seated around a large table and surrounded by other talkers.
- 8.7 Sound is attenuated in air and this effect is noticeable as the listener moves away from the source. In a free field for every doubling of distance from a noise source the sound pressure level L_p will be reduced by 6 decibels.

$$\begin{aligned} L_{p2} - L_{p1} &= 10 \log (R_2 / R_1)^2 \\ &= 20 \log (R_2 / R_1) \end{aligned}$$

where

L_{p1} = sound pressure level at location 1 (dB)

L_{p2} = sound pressure level at location 2 (dB)

R_1 = distance from source to location 1

R_2 = distance from source to location 2

A "free field" is defined as a flat surface without obstructions.

- 8.8 In calculating distance attenuation, the noise of people talking is assumed to be a number of discrete point sources so if the noise source is 67dBA at 1 metre, then at 2 metres it is attenuated to 61dBA, at 4 metres 55dBA, and so on.
- 8.9 Attenuation due to distance means that a separation distance of 8 metres renders the sound of 10 people talking in normal conversation to be below the typical lowest background noise level at night for the area and this equates to being subjectively inaudible. A further attenuation of the noise source is achieved by the insertion of any physical barrier that obscures direct *line-of-sight* from the receptor position to the source position.
- 8.10 Another consideration for patrons leaving premises later at night is the use of cars or taxis. Only a significant increase to traffic flow (i.e. doubling the rate of vehicle passes per hour) would give rise to a significant increase in noise level above that already established.
- 8.11 When assessing noise from cars or taxis collecting people maximum noise levels may arise from a car door being closed. Data from similar sites (measured by ourselves and held at our office) indicates that values from 65dB L_{Amax} (Mercedes C-Class, normal close) to 70dB L_{Amax} (slam) as measured at 5 metres are typical.

⁹ Alternative calculation method according to Growcott, D (Consideration of Patron Noise from Entertainment Venues, Australian Association of Acoustical Consultants Guideline, Australia, 2009) using $L_{Aeq} = 21 * \log(N) + 43$ gives 64dBA and therefore indicates crowd noise to be lower than predicted

- 8.12 The predicted internal noise level from a car door being closed when extrapolated to a first floor window immediately above would be approximately 59dB L_{Amax} . This value is below the highly stringent WHO guidance value¹⁰ of 60dB L_{Amax} outside a bedroom window.
- 8.13 To summarise, the noise arising from car doors are not likely to generate any loss of amenity even at a first floor flat window directly above the car door being slammed with clear line of sight and with a window open. The reality is also that this noise source is subsumed by the existing noise levels in the area.
- 8.14 Any new residential developments in the area will be required to take into account the existing noise climate due to road traffic and other noisy activity and will therefore have to provide suitable internal noise levels for normal living. This is typically achieved with modern glazing and ventilation systems.
- 8.15 The average person wishing to rest or sleep in an urban location would protect themselves from the sounds of traffic, emergency service sirens, delivery lorries, refuse collections, street cleaning, noise from commercial businesses and other activity. This may be achieved by sleeping in rooms away from roads, avoiding sleeping near open windows, or closing windows and using alternative means of ventilation.
- 8.16 Inside a residential property all external noise sources are attenuated by the glazing, by the distance from the noise source to the window, and by any physical obstruction of clear line of sight to the noise source.

9.0 Mitigation strategy - remedial works to building

- 9.1 The building envelope provides a continuous, and nominally airtight, barrier to contain sound. The existing building is formed out of a railway arch which is a substantial structure.

Windows

- 9.2 Any windows to the front or rear façade of the building should be high specification laminated glass. Specific acoustic specification glass types are not required where thicker laminated glass types are used as these will have acceptable acoustic attenuation characteristics for this application at this location.
- 9.3 The glazing design scheme should be tailored to the specific requirements of the site and further advice should be requested once the door and entrance configurations are agreed.
- 9.4 The glazing should provide a continuous and airtight seal to the building with the exception of louvres and ventilation panels associated with the air handling system.

Doors

- 9.5 Doors should be of high quality heavy construction with suitable seals and closers. Doors should not be propped open when there are high sound levels in the

¹⁰ World Health Organisation. Guidelines for Community Noise, 2000.

building. Solid-core one-hour fire doors on a frame system with good perimeter seals are generally acceptable.

10.0 Mitigation strategy - sound system configuration

- 10.1 A high quality sound system that is optimally configured will sound dynamic and more involving to customers than a low quality system that is poorly set up. Low grade music systems tend to be operated at a higher level in an attempt by operators to make the system sound more involving. The result is poor quality sound and a higher risk of music noise breakout.
- 10.2 The ultimate safety net in any premises where the primary source of noise is a professional sound system is that the sound system limiters are set at a level that cannot be exceeded by unauthorised users. This level will be set at the point where there is no disturbance at nearby noise sensitive properties, then locked so that the system is tamper-proof. The maximum operating level can then be agreed with an Environmental Health Officer from Hackney Council.
- 10.3 The sound system consists of professional and a tamperproof loudspeaker management system (XTA 448 on main system and Linear Research ASC48 on monitors. This allows the setting of a maximum level which on the sound system which can then be locked away behind a password. The limiter setting can be revisited at any time at the request of an Environmental Health Officer and checked/re-set in their presence if required.

11.0 Mitigation strategy - operational controls

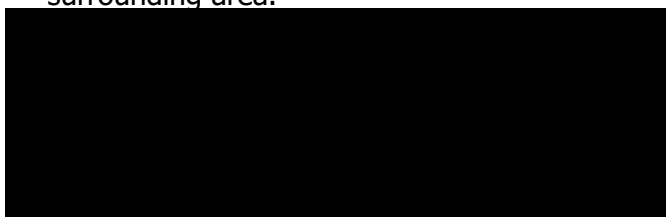
- 11.1 In addition to specific requirements for operational controls enforced by conditions on the premises licence, operational procedures to manage noise have been developed and are regularly reviewed. These are presented at Appendix E and Appendix F at the end of this document. These procedures will be regularly reviewed and updated.
- 11.2 Noise management procedures will be an integral part of all employee training.

12.0 Conclusions

- 12.1 Big Sky Acoustics Ltd was instructed by Mr Jack Robinson of Bars for Days Ltd to carry out an assessment of the impact of noise from the proposed additional hours of operation of a multi-function arts venue with performance space and a bar known as The Hackney Social on Bohemia Place.
- 12.2 This assessment makes reference to the National Planning Policy Framework, the Noise Policy Statement for England, Planning Practice Guidance on Noise, Local Planning Policy, the Environmental Protection Act 1990, the Clean Neighbourhoods and Environment Act 2005, the Noise Act 1996, the Licensing Act 2003, the local

SLP, British Standard 8233, relevant guidance and the operational objectives of the applicant.

- 12.3 All noise from activity inside the premises will be contained by the building envelope. Calculations indicate that noise from patrons outside will be substantially below the existing background noise level for the area during the proposed operating hours and therefore below the Lowest Observed Adverse Effect Level (LOAEL) at the nearest noise sensitive properties and so will be comfortably in compliance with local and national planning policy and the licensing objective of the prevention of public nuisance.
- 12.4 The premises currently operate until 22:00hrs, and have successfully operated under Temporary Event Notices on 26 occasions, with some events extending to midnight and some until 01:30hrs. In that respect the application has already undergone a real-world test.
- 12.5 Given this location, the style of operation, proposed controls and willingness to take on board further controls if necessary, it is my professional opinion that the normal operation of The Hackney Social until 02:00hrs, as outlined in this document and supporting documents for the application, would not result in an increase in average noise levels or have a detrimental impact on residents in the surrounding area.



Big Sky Acoustics Ltd

Appendix A - Terminology

Sound Pressure Level and the decibel (dB)

A sound wave is a small fluctuation of atmospheric pressure. The human ear responds to these variations in pressure, producing the sensation of hearing. The ear can detect a very wide range of pressure variations. In order to cope with this wide range of pressure variations, a logarithmic scale is used to convert the values into manageable numbers. Although it might seem unusual to use a logarithmic scale to measure a physical phenomenon, it has been found that human hearing also responds to sound in an approximately logarithmic fashion. The dB (decibel) is the logarithmic unit used to describe sound (or noise) levels. The usual range of sound pressure levels is from 0 dB (threshold of hearing) to 140 dB (threshold of pain).

Frequency and Hertz (Hz)

As well as the loudness of a sound, the frequency content of a sound is also very important. Frequency is a measure of the rate of fluctuation of a sound wave. The unit used is cycles per second, or hertz (Hz). Sometimes large frequency values are written as kilohertz (kHz), where 1 kHz = 1000 Hz. Young people with normal hearing can hear frequencies in the range 20 Hz to 20,000 Hz. However, the upper frequency limit gradually reduces as a person gets older.

A-weighting

The ear does not respond equally to sound at all frequencies. It is less sensitive to sound at low and very high frequencies, compared with the frequencies in between. Therefore, when measuring a sound made up of different frequencies, it is often useful to 'weight' each frequency appropriately, so that the measurement correlates better with what a person would actually hear. This is usually achieved by using an electronic filter called the 'A' weighting, which is built into sound level meters. Noise levels measured using the 'A' weighting are denoted dBA. A change of 3dBA is the minimum perceptible under normal everyday conditions, and a change of 10dBA corresponds roughly to doubling or halving the loudness of sound.

C-weighting

The C-weighting curve has a broader spectrum than the A-weighting curve and includes low frequencies (bass) so it can be a more useful indicator of changes to bass levels in amplified music systems.

Noise Indices

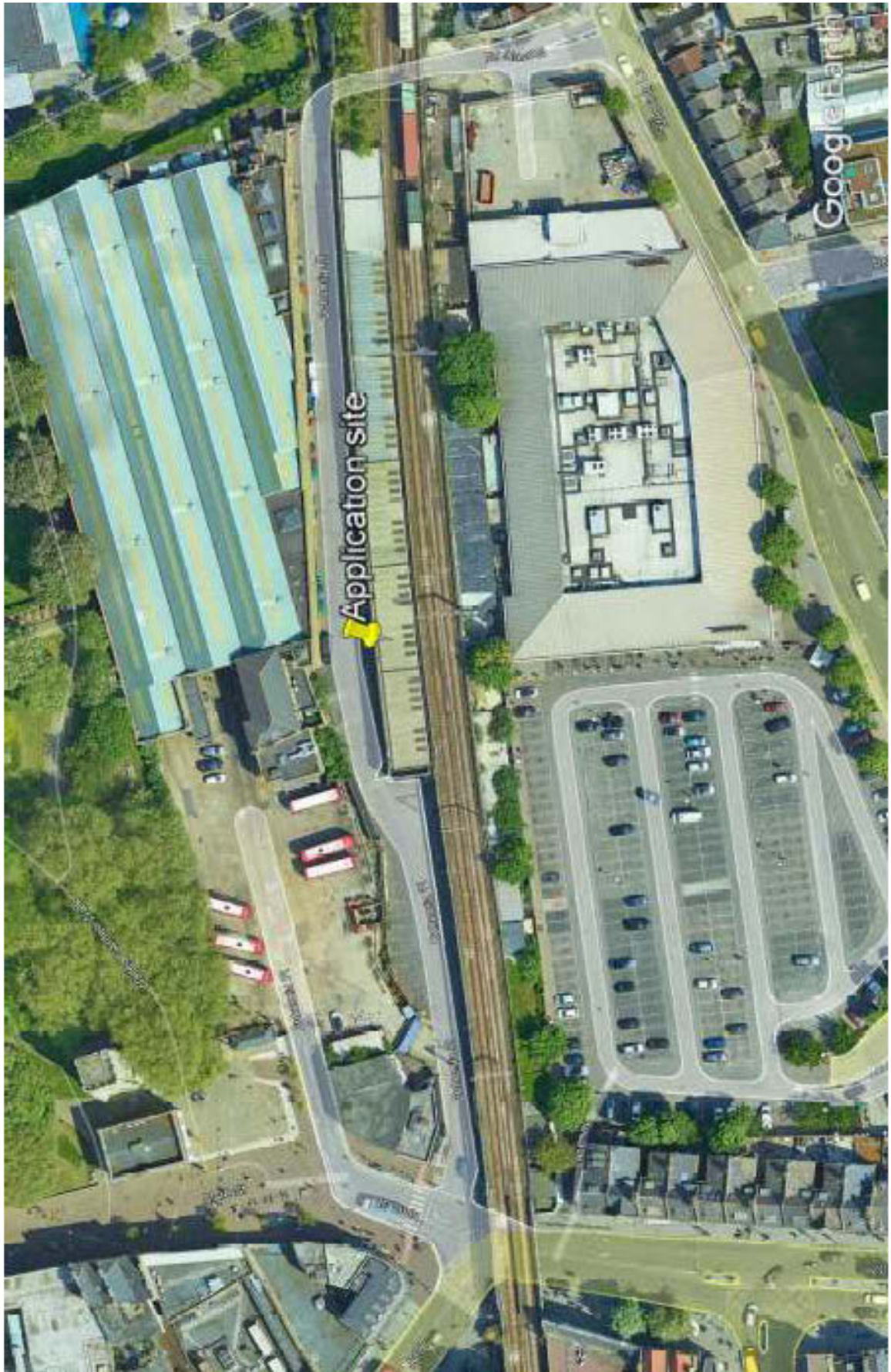
When a noise level is constant and does not fluctuate over time, it can be described adequately by measuring the dB level. However, when the noise level varies with time, the measured dB level will vary as well. In this case it is therefore not possible to represent the noise level with a simple dB value. In order to describe noise where the level is continuously varying, a number of other indices are used. The indices used in this report are described below.

- L_{eq}** The equivalent continuous sound pressure level which is normally used to measure intermittent noise. It is defined as the equivalent steady noise level that would contain the same acoustic energy as the varying noise. Because the averaging process used is logarithmic the L_{eq} is dominated by the higher noise levels measured.
- L_{Aeq}** The A-weighted equivalent continuous sound pressure level. This is increasingly being used as the preferred parameter for all forms of environmental noise.
- L_{Ceq}** The C-weighted equivalent continuous sound pressure level includes low frequencies and is used for assessment of amplified music systems.
- L_{Amax}** is the maximum A-weighted sound pressure level during the monitoring period. If fast-weighted it is averaged over 125 ms, and if slow-weighted it is averaged over 1 second. Fast weighted measurements are therefore higher for typical time-varying sources than slow-weighted measurements.
- L_{A90}** is the A-weighted sound pressure level exceeded for 90% of the time period. The L_{A90} is used as a measure of background noise.

Example noise levels:

Source/Activity	Indicative noise level dBA
Threshold of pain	140
Police siren at 1m	130
Chainsaw at 1m	110
Live music	96-108
Symphony orchestra, 3m	102
Nightclub	94-104
Lawnmower	90
Heavy traffic	82
Vacuum cleaner	75
Ordinary conversation	60
Car at 40 mph at 100m	55
Rural ambient	35
Quiet bedroom	30
Watch ticking	20

Appendix B - Application site location



Appendix C - Instrumentation

All attended measurements were carried out using a Cirrus type CR:171B integrating-averaging sound level meter with real-time 1:1 & 1:3 Octave band filters and audio recording conforming to the following standards: IEC 61672-1:2002 Class 1, IEC 60651:2001 Type 1 I, IEC 60804:2000 Type 1, IEC 61252:1993 Personal Sound Exposure Meters, ANSI S1.4-1983 (R2006), ANSI S1.43-1997 (R2007), ANSI S1.25:1991. 1:1 & 1:3 Octave Band Filters to IEC 61260 & ANSI S1.11-2004.

Unattended measurements were carried out using a Svan type 971 integrating-averaging sound level meter with real-time 1:1 & 1:3 Octave band filters conforming to the following standards: IEC 61672-1:2002 Class 1. 1:1 & 1:3 Octave Band Filters to IEC 61260.

The calibration of the measuring equipment was checked prior to and immediately following the tests and no signal variation occurred. Calibration of equipment is traceable to national standards. The following instrumentation was used during the survey:

Description	
Cirrus sound level meter	type CR:171B
Cirrus pre-polarized free-field microphone	type MK:224
Cirrus microphone pre-amplifier	type MV:200E
Cirrus class 1 acoustic calibrator	type CR:515
Svan sound level meter	type 971
ACO pre-polarized free-field microphone	type 7052E
Svan microphone pre-amplifier	type SV18

Appendix D - Meteorology

	Temperature	Wind speed	Precipitation
At start	9°C	1-3ms ⁻¹	None
During assessment	9°C	2-3ms ⁻¹	Shower, 10 mins
At finish	9°C	2-6ms ⁻¹	None
Additional comments: Brief shower after midnight lasting approx 10 minutes. Wind picking up towards end of survey. Cloud cover throughout.			

Appendix E - Noise Management Policy



NOISE POLICY

We operate a considerate business. We aim to manage all noise from our premises so we do not disturb people resting and sleeping in their homes. We have a comprehensive approach to managing noise from our premises. The following points are critical to our Noise Management Policy and are used in conjunction with our end of night Dispersal Policy:

- We will ensure that noise emanating from our premises will not cause a nuisance at any residential property.
- Arrangements are in place to ensure that deliveries will only take place between the hours of 07:00 - 23:00hrs, Monday-Friday except where access at other times is unavoidable and specific procedures are in place to limit disturbance.
- Glass recycling can make noise. No empty bottles are to be tipped or thrown into outside storage receptacles between 23:00 - 07:00hrs.
- Refuse collections are made at the times allocated for the area. We will ensure that waste is correctly packaged and that refuse can be removed quickly and efficiently.
- We do not leave waste on the pavement.
- Our sound systems include a limiter which is set and locked so that the sound system cannot operate beyond a preset maximum level. This will be periodically checked for effective operation.
- Any glass or bottles in the immediate vicinity of the premises will be cleared from street furniture, walls, pavements and gutters then safely disposed of. Bottles and glasses will not originate from our premises because we do not allow them outside the premises, but we still make an effort to keep the public areas tidy and safe.
- The entrance door is supervised. The external door on Bohemia Place is kept closed **at night** except for access and egress.
- Patrons will be supervised in the areas around the entrance. Any queue will be processed quickly and efficiently. Excessively loud behaviour in the queue will result in refused entry to the premises.
- We are proud of the area we work in. We will endeavour to keep the area clean and attractive for our customers and our neighbours. This means dealing with debris outside

**THE
HACKNEY
SOCIAL**

Unit 11 Bohemia Place, E8 1DU

that may have nothing to do with us but in the interests of making this a better area we will still clear it up.

We will constantly review our Noise Management Policy and respond quickly to the needs of our neighbours.

Appendix F - Dispersal Policy

**THE
HACKNEY
SOCIAL**
Unit 11 Bohemia Place, E8 1DU
DISPERSAL POLICY

GENERAL

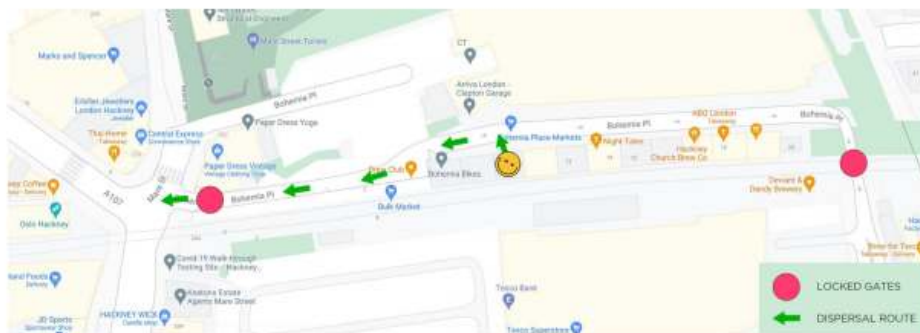
- Main egress will be directed away from Bohemia Place Market towards Amhurst Road and Mare Street, so as to avoid the main and immediate residential dwellings in the area.
- A reasonable drinking up time will be allowed for the even dispersal of customers within the venue (maximum of thirty minutes).
- Clear signage relating to 'Respecting the Neighbourhood' and 'Keeping Noise Levels to a Minimum' are to be displayed at all main exit points.
- All patrons are to be directed away from the area and advised that the closest transport hubs are located on Amhurst Road and around Hackney Central Station
- Taxi and transport information will be readily available at the bar. All customers waiting for taxis will be asked to wait inside the premises
- A comprehensive and obvious CCTV system is in place to discourage antisocial behaviour; signage is also in place warning customers of this presence.
- The volume of music would be reduced for the last half hour prior to the bar closing; this can be done gradually so that by the time the bar closes, the music volume is reduced to background levels.
- From the time the bar closes for sales and drinking-up time end, the lighting will be gradually increased so that by the time the drinking-up is over, the lighting has been brought up to full beam. Background music levels will continue while people are drinking-up.
- Management will be actively involved with seeing customers off the premises, the venue manager shall stand by the door as people are leaving and wish them goodnight and ask them to be considerate to neighbours as they leave. Managers will supervise the Door Supervisors (when employed) during dispersal. Door supervisors will remain outside and engage with customers until they have all left

the immediate vicinity of the premises.

- Customers will be proactively monitored for excessive shouting and noise outside the venue and a "three strike" rule will be implemented where if loud or troublesome customers outside (and inside) will not quieten down, they are warned about their behaviour. If the behaviour continues they should be warned a further one time and then if there is still no improvement they should be barred from the premises.
- A direct mobile phone number will be made available to residents to report any issues during dispersal.
- Temperature levels will be reduced during the final 30 minutes before the terminal hour.

FRIDAY & SATURDAY

- 1 SIA registered door supervisor will be positioned on the door of the venue from 6pm - close.
- Upon closing, security staff will be patrolling streets outside within the radius defined in the map below, wearing high visibility vests, reminding people about noise levels and respecting neighbours.
- Security staff and the venue management will regularly check alleyways and recesses within the defined radius to ensure customers aren't gathering or stopping their dispersal.
- Security Controls to Bohemia Place will be locked from Friday Night at Midnight through to Sunday morning at 7am. Entrance and egress gates will be shut once every business on the street ceases trading to prevent any public gaining access to the area.



THE HACKNEY SOCIAL

Unit 11 Bohemia Place E8 1DU

Risk Assessment

Pertaining to 12am closing hours Sunday to Wednesday, 12.30 Thursday, 2.00am Friday to Saturday, we will stop serving alcohol 30 minutes before closing times

increased 150 capacity inside the venue and 20 outside people outside the venue.

Risk assessment has been carried out with a view to reduce operational risk, emanating from later closing times and increased venue capacity. Risk assessment has been carried out with a view to upholding the four licensing objectives:

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

Risks identified are mainly in the medium to high category, focusing around crowd control, venue management & training, underage drinking, violence and illegal drugs.

Robust measures will be put in place to ensure that operational risk is minimised and the four licensing objectives are upheld.

Key Points

- **Security Controls to Bohemia Place will be locked from Friday Night through to Sunday morning. Entrance and egress gates will be shut once every business on the street ceases trading to prevent any public gaining access to the area.**
- **We will employ a SIA registered security staff member from 6pm - close every Friday and Saturday Night.**
- **A fire risk assessment will be carried out separately in view of the increased capacity.**

- **Risk management will be reviewed and updated and updated every 12 months to make sure it is current with any new risks or changing risk levels.**

Contents

P3	Control Of Outside Area
P4	Assault
P5	Control of Drugs
P6	Crowd Management
P7	Private Functions
P8	Violence To Staff
P9	Glass Collecting - Customer
P10	Crime & Disorder/Outside Drinking
P11	Public Safety & Site Layout
P12	CCTV
P13	Closing Procedure
P14	Underage Drinking
P15	Violence
P16	Queue Management
P17	Vulnerable Customers
P18	Capacity Control

The Hackney Social
Assessment Number: P2-001

Assessment Date: 01/06/2021 by [REDACTED]

Subject Of Assessment: Control Of Outside Area **Area:** All

At Risk: Customers/Employees **Risk Type:** Standard **Risk Level:** High

Likelihood: Medium

.....
.....
Significant Risk(s) Identified:

Involvement of Door Staff in physical violence either inside or outside the premises.

.....
.....
Measures Required To Control or Reduce Risk(s):

1. Door staff to all hold current SIA Badges in date.
2. Door staff on site on any event Thursday – Saturday Finishing later than 11pm
3. Dispersal policy available and reviewed with security staff
4. Gates at entry to ‘market place’ staffed by door staff Friday and Saturday

.....
.....
Further Action Required: Ongoing Awareness of new starter induction

Reviewed By:

Date:

The Hackney Social
Assessment Number: P2-001
Assessment Date: 01/06/2021 by [REDACTED]
Subject Of Assessment: Assault **Area:** All
At Risk: Customers/Employees **Risk Type:** Standard **Risk Level:** High
Likelihood: Medium

.....

.....

Significant Risk(s) Identified:

Involvement of Door Staff in physical violence either inside or outside the premises.

.....

.....

Measures Required To Control or Reduce Risk(s):

5. Door staff to all hold current SIA Badges in date.
 6. All contract door security must have received suitable training in the effective management of violent situations and aggressive behaviour.
 7. Adequate number of door staff for specific events in line with licensing requirements. (1:100)
 8. Extra security for high risk events.
 9. All door staff given instruction in any in any unit specific arrangements. i.e. communication, CCTV, Incident log book usage, etc.
 10. All new door staff are given a 1-1 induction and venue tour by Head of Security.
 11. Door staff on duty from the time venue doors open every night the venue is open.
-
-

Further Action Required: Ongoing Awareness of new starter induction

.....

.....

Reviewed By:

Date:

The Hackney Social
Assessment Number: P2-006
Assessment Date: 01/06/2021 by [REDACTED]
Subject Of Assessment: Control of Drugs **Area:** Entire Venue
At Risk: Customers **Risk Type:** Licensing **Risk Level:** High
Likelihood: Medium

Significant Risk(s) Identified:

Ill health effects from customers taking controlled substances outside areas under our control.

Measures Required To Control or Reduce Risk(s):

1. Zero tolerance to drugs.
 2. Drugs policy displayed at entrance and in Foyer of venue.
 3. All instances of potential drug use recorded as an incident report.
 4. Random customer searches conducted throughout the night.
 5. Toilet checks completed by staff members every 30min.
 6. Bar staff trained on signs of possible drug use and inform security when applicable.
 7. Any drug confiscation reported to police
-
-

Further Action Required: n/a

.....
.....
Reviewed By:

Date:

The Hackney Social

Assessment Number: P2-011

Assessment Date: 01/06/2021 [REDACTED]

Subject Of Assessment: Crowd Management

Area: Entire Venue

At Risk: Customers

Risk Type: Licensing

Risk Level: High

Likelihood: High

.....
.....
Significant Risk(s) Identified:

Crushing injuries

Trampling injuries

.....
.....
Measures Required To Control or Reduce Risk(s):

1. Site specific assessment completed detailing high risk areas and the action taken to control crowds within that area.
2. Employees appointed responsible for the safe evacuation of customers in an emergency.
3. All staff know emergency evacuation procedure.

4. Procedures in place to ensure that the venue does not exceed maximum capacity.
5. Door Staff to keep a log and report the number of customers to the Manager every half an hour.
6. Emergency exits kept clear and available in case of emergency.

.....
.....
Further Action Required: weekly testing on staff to be carried out / new starter inductions
.....
.....

Reviewed By:

Date:

The Hackney Social
Assessment Number: P2-012
Assessment Date: 01/06/2021 by [REDACTED]
Subject Of Assessment: Private Functions **Area:** Entire Venue
At Risk: Customers **Risk Type:** Standard **Risk Level:** Medium
Likelihood: Low

.....
.....
Significant Risk(s) Identified:

Use of club or equipment in club by a third party – unfamiliarity with club equipment or procedures
.....
.....

Measures Required To Control or Reduce Risk(s):

1. All necessary information and instruction is given to the third party.
2. Specific assessments are carried out for hazardous activities (see P2-010 and P2-011) and where appropriate, information supplied to private hirer.
3. Member of managerial staff on duty throughout evening and in full control of all aspects of the event.
4. Venue's regular security company used throughout the event and in full control of entrance.

.....
.....

Further Action Required: n/a

.....
.....

Reviewed By:

Date:

The Hackney Social
Assessment Number: P2-013
Assessment Date: 01/06/2021 by [REDACTED]
Subject Of Assessment: Violence to staff **Area:** Entire Venue
At Risk: Employees **Risk Type:** Licensing **Risk Level:** High
Likelihood: High

.....
.....

Significant Risk(s) Identified:

Physical Assault
Verbal Abuse

.....
.....

Measures Required To Control or Reduce Risk(s):

1. Trained registered door security employed to monitor customer behaviour.
2. Zero tolerance policy with regards to aggressive/abusive customers.
3. CCTV system provided.
4. Cameras located to cover high-risk areas for both internal and external areas. Video records are maintained for at least 31 days.
5. All bar staff trained on what to do if they get an aggressive customer, as part of on-boarding training. Logs kept at site

.....
.....

Further Action Required:

.....
.....

Reviewed By:

Date:

Assessment Number: P2-015

Assessment Date: 01/06/2021 by [REDACTED]

Subject Of Assessment: Glass Collecting- Customers **Area:** Public Areas

At Risk: Customers **Risk Type:** Licensing **Risk Level:** Medium

Likelihood: High

.....
.....
Significant Risk(s) Identified:

Slips or trips on bottles and glasses
Cut and lacerations from broken glass

.....
.....
Measures Required To Control or Reduce Risk(s):

1. Procedure in place to minimise glass / bottle build up.
2. Patrol routes / areas established for bar support staff.
3. Person designated responsible for maintaining glass collection.
4. Shelving, bottle bins etc. provided at high traffic points and at exits.
5. All employees, including management instructed to clear up glass / bottle waste when it is observed.

.....
.....
Further Action Required:

.....
.....

Reviewed By:

Date:

The Hackney Social

Assessment Number: P2-033

Assessment Date: 01/06/2021 by [REDACTED]

Subject Of Assessment: Crime & Disorder/Outside Drinking **Area:** Entire Venue

At Risk: Employees/Customers **Risk Type:** Standard **Risk Level:** Low

Likelihood: Medium

.....
.....
Significant Risk(s) Identified:

Noise and Abusive Behaviour

.....
.....
Measures Required To Control or Reduce Risk(s):

1. Security and staff training on controlling unruly customers.
2. Staff aware of specific licensing requirements for outside area.
3. Outside area to regularly checked and maintained.
4. No drinks to be taken outside of the venue, except where permitted by licence or to be consumed in licensable area.

.....
.....
Further Action Required: n/a

Reviewed By:

Date:

The Hackney Social
Assessment Number: P2-034
Assessment Date: 01/06/2021 by [REDACTED]
Subject Of Assessment: Public Safety and Site Layout **Area:** Entire Venue
At Risk: Employees/Customers **Risk Type:** Standard **Risk Level:** Low
Likelihood: Low

.....
.....
Significant Risk(s) Identified:

Customers tripping on broken flooring, congestion and customer frustration

.....
.....
Measures Required To Control or Reduce Risk(s):

1. Adequate lighting throughout the venue.
2. Adequate number of tables and chairs throughout the venue.
3. Floor staff on duty keeping walkways clear of debris. (Glasses, bottles, etc.)
4. Any repairs to flooring made immediately.
5. Weekly venue checks on any maintenance issues.

.....
.....
Further Action Required: n/a

Reviewed By:

Date:

The Hackney Social

Assessment Number: P2-035

Assessment Date: 01/06/2021 by [REDACTED]

Subject Of Assessment: CCTV **Area:** Entire Venue

At Risk: Employees/Customers **Risk Type:** Licensing **Risk Level:** Low

Likelihood: Low

.....
.....
Significant Risk(s) Identified:

Protection of the venue and the persons in and around the premises.
.....
.....

Measures Required To Control or Reduce Risk(s):

1. CCTV cameras to record 24 hours a day
2. Disclaimers in place for customers to comply with data protection.
3. CCTV to cover all entrances and exits.
4. Only authorised persons to use CCTV equipment.
5. CCTV to be maintained and serviced regularly.

- 6. CCTV training provided to management and supervisory staff, regularly refreshed. Log kept at site

.....
.....
Further Action Required: n/a

Reviewed By:

Date:

The Hackney Social
Assessment Number: P2-037
Assessment Date: 01/06/2021 by [REDACTED]
Subject Of Assessment: Closing Procedures **Area:** Entire Venue
At Risk: Employees/Customers **Risk Type:** Standard **Risk Level:** Low
Likelihood: Medium

.....
.....
Significant Risk(s) Identified:

Violence due to over crowding

Measures Required To Control or Reduce Risk(s):

1. Security on the main entrance during dispersal.
2. Security preventing drinks being taken out of the venue.
3. Security ensuring fire exits are kept clear.
4. Specific closing procedures in place to move customers out of the venue over a period of time. (Air conditioning turned up, lights brightened 30min before close, etc.)

.....
.....
Further Action Required: n/a
.....
.....

Reviewed By:

Date:

The Hackney Social

Assessment Number: P2-038

Assessment Date: 01/06/2021 by [REDACTED]

Subject Of Assessment: Underage Drinking **Area:** Entire Venue

At Risk: Employees/Customers **Risk Type:** Licensing **Risk Level:** High

Likelihood: High

.....
.....
Significant Risk(s) Identified:

Harm to young persons, loss of license or closure of premises
.....
.....

Measures Required To Control or Reduce Risk(s):

1. Strict over 18's policy.
 2. Challenge 25 policy in place, signs by entrance.
 3. All staff and management trained on all accepted forms of identification and security features as part of new starter induction process. All training recorded and kept in venue
 4. Staff trained on the importance of stopping underage drinking.
 5. Regular refresher training
-
.....

Further Action Required: n/a
.....
.....

Reviewed By:

Date:

The Hackney Social

Assessment Number: P2-039

Assessment Date: 01/06/2021 by [REDACTED]

Subject Of Assessment: Violence **Area:** Entire Venue

At Risk: Employees/Customers **Risk Type:** Licensing **Risk Level:** Low

Likelihood: Medium

.....
.....
Significant Risk(s) Identified:

Personal injury or damage to the venue
.....
.....

Measures Required To Control or Reduce Risk(s):

1. Staff trained in responsible service of alcohol
 2. Staff/Management and door staff trained in dealing with violent and aggressive customers.
 3. Management and door supervisors trained in first aid.
 4. Regular checks of premises for intoxicated customers.
 5. Drinking water made available for intoxicated customers.
 6. Refusal of entry or service to any customer who may become aggressive or violent.
 7. Security on duty for all events 1-100 customers.
-
.....

Further Action Required: n/a
.....
.....

Reviewed By:

Date:

The Hackney Social
Assessment Number: P2-040
Assessment Date: 01/06/2021 by [REDACTED]
Subject Of Assessment: Queue Management **Area:** Outside
At Risk: Customers **Risk Type:** Licensing **Risk Level:** Low
Likelihood: Low

.....
.....
Significant Risk(s) Identified:

Blocking of public walkways or injuries due to poor queue management.

.....
.....
Measures Required To Control or Reduce Risk(s):

1. Queue systems set-up to limit blocking of any public areas.
2. Door policies stated on website and on all tickets for events.

.....
.....
Further Action Required: n/a

Reviewed By:

Date:

The Hackney Social
Assessment Number: P2-042

Assessment Date: 01/06/2021 by [REDACTED]

Subject Of Assessment: Vulnerable Customers

Area: Entire Venue

At Risk: Employees/Customers **Risk Type:** Standard

Risk Level: Medium

Likelihood: Medium

Significant Risk(s) Identified:

Drink spiking or sexual assault

Measures Required To Control or Reduce Risk(s):

1. Random searches and toilet checks by door supervisors.
 2. Staff and management to be trained on the effects of drink spiking and to stay vigilant.
 3. Staff trained on calming and dealing with vulnerable customers.
 4. All high risk areas covered by CCTV and are well lit.
-

Further Action Required: n/a

.....
.....
Reviewed By:

Date:

The Hackney Social

Assessment Number: P2-044

Assessment Date: 01/06/2021 by [REDACTED]

Subject Of Assessment: Capacity Control **Area:** Entire Venue

At Risk: Employees/Customers **Risk Type:** Licensing **Risk Level:** High

Likelihood: High
.....
.....

Significant Risk(s) Identified:

Over Crowding

Evacuation of the areas
.....
.....

1. Clickers used on front door to monitor capacity.
2. Door numbers recorded every 30min by security.
3. Security and management trained on capacity of venue

.....
.....

Further Action Required: n/a

.....
.....

Reviewed By:

Date:



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

Premises licence number

108719

Part 1 - Premises Details

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

Bohemia Place Market
 11 Bohemia Place

Post town	London	Postcode	E8 1DU
------------------	--------	-----------------	--------

Telephone number	07551888484
-------------------------	-------------

Where the licence is time limited the dates

From 08/09/2020 End: 31/07/2023

Licensable activities authorised by the licence

Supply of Alcohol
 Plays
 Films
 Live Music
 Recorded Music
 Performance of Dance
 Other Entertainment Similar to Live or Recorded Music or Dance Performance

The times the licence authorises the carrying out of licensable activities

Plays

Standard Hours:

Mon 10:00-22:45
 Tue 10:00-22:45
 Wed 10:00-22:45
 Thu 10:00-22:45
 Fri 10:00-22:45
 Sat 10:00-22:45
 Sun 10:00-22:45

Films

Standard Hours:

Mon 10:00-22:45
Tue 10:00-22:45
Wed 10:00-22:45
Thu 10:00-22:45
Fri 10:00-22:45
Sat 10:00-22:45
Sun 10:00-22:45

Live Music

Standard Hours:

Mon 10:00-22:45
Tue 10:00-22:45
Wed 10:00-22:45
Thu 10:00-22:45
Fri 10:00-22:45
Sat 10:00-22:45
Sun 10:00-22:45

Recorded Music

Standard Hours:

Mon 10:00-22:45
Tue 10:00-22:45
Wed 10:00-22:45
Thu 10:00-22:45
Fri 10:00-22:45
Sat 10:00-22:45
Sun 10:00-22:45

Performance of Dance

Standard Hours:

Mon 10:00-22:45
Tue 10:00-22:45
Wed 10:00-22:45
Thu 10:00-22:45
Fri 10:00-22:45
Sat 10:00-22:45
Sun 10:00-22:45

Other Entertainment Similar to Live or Recorded Music or Dance Standard Hours:

Performance

Mon 10:00-22:45
Tue 10:00-22:45
Wed 10:00-22:45
Thu 10:00-22:45
Fri 10:00-22:45
Sat 10:00-22:45
Sun 10:00-22:45

Supply of Alcohol

Standard Hours:

Mon 10:00-21:30
Tue 10:00-21:30
Wed 10:00-21:30
Thu 10:00-21:30
Fri 10:00-21:30
Sat 10:00-21:30
Sun 10:00-21:30

The opening hours of the premises

Standard Hours:

Standard Hours:
Mon 10:00-22:00
Tue 10:00-22:00
Wed 10:00-22:00
Thu 10:00-22:00
Fri 10:00-22:00
Sat 10:00-22:00
Sun 10:00-22:00

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

Jack Robinson
31 Ronalds Road
Islington
London
N5 1XF

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

N/A

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

Mr Stuart Glen

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

Date of grant: 09/09/2020

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.

Door Supervision

8. Each individual who is to carry out a security activity at the premises must be licensed by the Security Industry Authority.

Exhibition Of Films

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

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

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

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

Annex 2 - Conditions consistent with the Operating Schedule

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 immediately upon the request of a 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. Signs will be prominently displayed at all entrance and exit points reminding customers to leave quietly and respect local residents.

13. 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.

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

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

16. There shall be no glass taken outside the premises at any time.

17. 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.

18. 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.

19. The capacity inside the venue shall be limited to 60 persons (this does not include staff members)

20. 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 officer upon request

21. Use of the external area shall be limited to 18 persons and shall cease at 2000hours. Save for a maximum of 6 smokers.

22. 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.

23. When the market is not in operation off sales of alcohol shall be in sealed containers for consumption away from the premises.

24. All containers of alcohol sold from the premises shall be clearly marked with the trading name of the premises.

Conditions derived from Responsible Authority representations

None

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

Not Applicable

Web Page

Web Page

Web Page

Web Page

Annex 4 - Plans

PLAN/108719/09092020

Web Page



Web Page

Web Page

Web Page



• Mailing addresses


Scale: 1:1250 at A4


Bohemia Place Market, 11 Bohemia Place, E8 1DU

Page 133

Ref: Friday, November 18, 2022

Produced by: unspecified

email: please specify copyright statement

This page is intentionally left blank



For Consideration By	Licensing Sub-Committee
Meeting Date	29 November 2022
Type of Application	Application for Summary Licence Review of Premises Licence
Address of Premises	The Dolphin, 165 Mare Street, London E8 4AH
Classification	Decision
Ward(s) Affected	London Fields
Group Director	Rickardo Hyatt

1. **Summary**

- 1.1. Application for an expedited review on the basis of prevention of crime and disorder following an incident of serious crime/disorder which occurred on 15th October 2021.

2. **Background**

- 2.1. The Metropolitan Police applied on 15th October 2021 for a summary review under 53(a) of the Licensing Act 2003 of the premises licences licence issued in respect of The Dolphin, 165 Mare Street, E8 4AH (Licence No: LBH-PRE-T-0669).
- 2.2. The expedited/summary review application are attached at Appendix A.

3. **Current Status/History**

- 3.1. The Dolphin has been in possession of a premises licence since 24th November 2005. The premises licensee is Mr Yasar Yildiz and Mrs Nuvit Yildiz and Designated Premises Supervisor is named as Mr Yasar Yildiz.
- 3.2. The current premises licence is attached as Appendix B.
- 3.3. At a meeting on 15th October 2021 to consider interim steps, a decision was made to suspend the premises licence pending the full review. At the full review hearing on 11th November 2021, the Licensing Sub-Committee decided to maintain the interim steps and revoke the premises licence.

- 3.4. Mrs Nuvit Yildiz subsequently appealed against the decision to the Magistrate's on 30th November 2021. Following a series of court hearings, the Magistrates decided (with an agreement from all parties) to dispose of the matter and remit the case back to the Licensing Sub-Committee.

4. **Representations: Responsible Authorities**

From	Details
Environmental Health Authority (Environmental Protection) (Appendix C)	Representation received on the basis of the prevention of public nuisance
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	N/A
Licensing Authority	Have confirmed no representation on this application
Health Authority	No representation received

5. **Representations: Other Persons**

From	Details
Representation received from and on behalf of local residents. (Appendix D)	Representation received in support of the review.

6. **REPRESENTATIONS: LICENSEE**

- 6.1 None

7. **Policy Considerations**

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

- 7.2. Extracts from Licensing Policies are reproduced at the front of the agenda for this meeting.
- 7.3. The Policy applies to applications where relevant representations have been made. With regard to this application, policies, LP1 (General Principles) and LP2 (Licensing Objectives) are relevant.
8. **Guidance Considerations**
- 8.1. The Licensing Authority is required to have regard to any guidance issued by the Secretary of State under the Licensing Act 2003.
9. **Officer Observations**
- 9.1. The Police are seeking the revocation of the licence.
10. **Reasons for Officer Observations**
- 10.1. N/A
11. **Legal Implications**
- 11.1. A legal representative will be in attendance to advise Members.
12. **Legal Comments**
- 12.1. 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
- 12.2. 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.
13. **Human Rights Act 1998 Implications**
- 13.1. There are implications on Article 6, Article 8, Article 14 and the First Protocol of Article 1.
14. **Members Decision Making**
- 14.1. **Option 1**
- Take no action

- 14.2. **Option 2**
Modify the conditions on the premises licence
- 14.3. **Option 3**
Exclude a licensable activity from the scope of the licence
- 14.4. **Option 4**
Remove the designated premises supervisor
- 14.5. **Option 5**
Suspend the premises licence for a period not exceeding three months.
- 14.6. **Option 6**
Revoke the licence
15. **Conclusion**
- 15.1. That Members decide on the application for the expedited/summary review of the premises licence.

Appendices:

- Appendix A: Application for summary review of premise licence and supporting documents
 Appendix B: Current Premises Licence
 Appendix C: Representation from Responsible Authority
 Appendix D: Representation from other persons
 Appendix E: Licensing Sub-Committee D Decision dated 11th November 2021
 Appendix F: Location map

Background documents

- Licensing Act 2003
 LBH Statement of Licensing Policy

Report Author	Suba Sriramana Principal Licensing Officer Suba.Sriramana@hackney.gov.uk Tel: 020 8356 4915
----------------------	--



**METROPOLITAN
POLICE**

TOTAL POLICING

Form for Applying for a Summary Licence Review

Application for the review of a premises licence under section 53A of the Licensing Act 2003
(premises associated with serious crime, serious disorder or both)

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 the 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.

Insert name and address of relevant licensing authority and its reference number:

Name: Metropolitan Police Service

Address:

Stoke Newington Police Station

Post town: Hackney

Post code: N16 8DS

Ref. No.:

I PC Sian Giles

on behalf of the chief officer of police for the Metropolitan Police area apply for the review of a premises licence under section 53A of the Licensing Act 2003.

1. Premises details

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

The Dolphin Public House, 165 Mare Street

Post town: Hackney

Post code: E8 3RH
(if known)

2. Premises licence details

Name of premises licence holder or club holding club premises certificate (if known):

Mr Yasar Yildiz and Mrs Nuvit Yildiz

Number of premises licence or club premises certificate (if known):

LBH-PRE-T-0669

3. Certificate under section 53A(1)(b) of the Licensing Act 2003 (Please read guidance note 1)

I confirm that a certificate has been given by a senior member of the police force for the police area above that in his opinion the above premises are associated with serious crime or serious disorder or both, and the certificate accompanies this application.

Please tick the box to confirm:

PROTECTIVE MARKING

4. Details of association of the above premises with serious crime, serious disorder or both

(Please read guidance note 2)

In the early hours of 15/10/2021 a GBH occurred inside the venue whereby the victim was seriously injured with a glass by another customer who is believed to be a regular at the venue. The London Ambulance Service were called some 10 minutes after the incident. The staff did not call police, they then cleaned up the crime scene before Police attendance and did not detain the suspect. The PLH Mr Yasar was present at the time. Due to the venues actions vital evidence has been lost and the suspect still at large.

The premises is already under a review which was submitted on 5th Oct 2021 due to concerns over its running and management. Serious crime and disorder has now occurred inside the venue meaning both the prevention of crime and disorder as well as the public safety objective are both seriously at risk. We have no confidence in the management of this venue and are therefore requesting an immediate suspension of this licence in order to protect the public and to can investigate the matter in hand.

Signature of applicant

Signature:	[Redacted]	Date:	15/10/2021
Capacity:	CE Licensing		

Contact details for matters concerning this application

Surname:	Giles	First Names:	SIAN
Address:	STOKE NEWINGTON POLICE STN		
Post town:	Hackney	Post code:	N16 8 0J
Tel. No.:		Email:	Sian.giles@met.police.uk

Notes for guidance

- A certificate of the kind mentioned in the form must accompany the application in order for it to be valid under the terms of the Licensing Act 2003. The certificate must explicitly state the senior officer's opinion that the premises in question are associated with serious crime, serious disorder or both.

Serious crime is defined by reference to section 81 of the Regulation of Investigatory Powers Act 2000. In summary, it means:

 - conduct that amounts to one or more criminal offences for which a person who has attained the age of eighteen and has no previous convictions could reasonably be expected to be sentenced to imprisonment for a term of three years or more; or
 - conduct that amounts to one or more criminal offences and involves the use of violence, results in substantial financial gain or is conduct by a large number of persons in pursuit of a common purpose.

Serious disorder is not defined in legislation, and so bears its ordinary English meaning.
- Briefly describe the circumstances giving rise to the opinion that the above premises are associated with serious crime, serious disorder, or both.

Retention Period: 7 years
MP 146/12



**METROPOLITAN
POLICE**

TOTAL POLICING

Certificate under Section 53A(1)(b) of the Licensing Act 2003

Metropolitan Police Service | New Scotland | Yard 8-10 Broadway | London | SW1H 0BG

**I hereby certify that in my opinion the premises described below are associated with:
both serious crime and serious disorder**

Premises (Include business name and address and any other relevant identifying details):

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

The Dolphin Public House 165 Mare Street

Post town:

Hackney

**Post code:
(if known)**

E8 3RH

Premises licence number (if known):

LBH- PRE-T0669 ^{sa.}

Name of premises supervisor (if known):

Mr Yasar Yildiz and Mrs Nuvit Yildiz

I am a *SUP* * in the Metropolitan Police Service.

*Insert rank of officer giving the certificate, which must be superintendent or above.

**I am giving this certificate because I am of the opinion that other procedures under the
Licensing Act are inappropriate in this case because:**

(Give a brief description of why other procedures such as a standard review process are thought to be inappropriate, e.g. the degree of seriousness of the crime and/or disorder, the past history of compliance in relation to the premises concerned)

This address is already under review of its licence due to concerns over the running and management of the venue. These papers were submitted by CE Licensing on 5th October 2021 After this incident on the early hours of the 15th October 2021 Police are concerned that due to the serious nature of the events that have taken place at the venue an immediate review of the premises licence is necessary to prevent the licensing objectives from being undermined, namely crime and disorder and public safety.

We are requesting an immediate suspension of the licence with interim steps, this is in order to protect the public and to investigate the matter.

Signature

Signature:



PK8070

Date:

15th 2021



This premises licence has been issued by:

Licensing Service
2 Hillman Street
London E8 1FB

PART A – PREMISES LICENCE

Premises Licence Number

LBH-PRE-T-0669

Part 1 – Premises details

The Dolphin
165 Mare Street
London E8 3RH

020 8985 3727

Where the licence is time limited the dates

Not Applicable

Licensable activities authorised by the licence

Indoor Sporting Events
Live Music
Recorded Music
Other Entertainment Similar to Live or Recorded Music or Dance Performance
Supply of Alcohol

The times the licence authorises the carrying out of Licensable activities

**Indoor Sporting
Events**

Standard Hours:

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

Premises:

Live Music

Standard Hours:

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

Premises:

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

Other **Standard Hours:**
Entertainment Mon 11:00-23:30
Similar to Live or Tue 11:00-23:30
Recorded Music or Wed 11:00-23:30
Dance Thu 11:00-23:30
Performance Fri 11:00-23:30
Sat 11:00-23:30
Premises: Sun 11:00-23:30

Supply of Alcohol **Standard Hours:**
Mon 11:00-01:00
Premises: Tue 11:00-01:00
Wed 11:00-01:00
Thu 11:00-01:30
Fri 11:00-03:30
Sat 11:00-03:30
Sun 11:00-01:00

The opening hours of the premises
Premises **Standard Hours:**
Mon 11:00-01:30
Tue 11:00-01:30
Wed 11:00-01:30
Thu 11:00-02:00
Fri 11:00-04:00
Sat 11:00-04:00
Sun 11:00-01:30

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

On Premises

Part 2 –

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

Mr Yasar Yildiz
The Dolphin
165 Mare Street
Hackney
London
E8 3RH

Mrs Nuvit Yildiz
The Dolphin
165 Mare Street
Hackney
London
E8 3RH

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

N/A

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

Mr Yasar Yildiz

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

Date of Grant: 24 November 2005

Signed:

**David Tuitt
Team Leader - Licensing**

Annex 1 - Mandatory Conditions

Supply of Alcohol

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. The responsible person shall take all reasonable steps to ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
4. The responsible person shall ensure that no alcohol is dispensed 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).
5. The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available.
- 6.1. The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sales or supply of alcohol.
- 6.2. 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 a holographic mark.
7. The responsible person shall 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) customers are made aware of the availability of these measures.

Door Supervision

8. Each individual who is to carry out a security activity at the premises must be licensed by the Security Industry Authority.

Annex 2 – Conditions consistent with the Operating Schedule

N/A

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

9. The premises shall maintain a comprehensive CCTV system as per the minimum requirements of the Metropolitan Police Crime Prevention Officer. 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 any authorised officer of Hackney Borough Council. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times -when the premises are open to the public. This staff member shall be able to show Police or any authorised officer of Hackney Borough Council recent data or footage with the absolute minimum of delay when requested.

10. An incident log shall be kept at the premises, and made available immediately on request to any authorised officer of the Hackney Borough Council or the Police, which will record the following:

- a. all crimes reported to the venue;
- b. any complaints received;
- c. any incidents of disorder;
- d. any faults in the CCTV system or searching equipment or scanning equipment;
- e. any refusal of the sale of alcohol;
- f. any visit by a relevant authority or emergency service.

11. There shall be "CCTV in Operation" signs prominently displayed.

12. All instances of crime or disorder are to be reported by the Designated Premises Supervisor or a responsible member of staff to an agreed police contact point, as agreed with the Police.

13. There shall be no promotional sales of alcohol at the premises.

14. There shall be a minimum of 6 SIA registered door supervisors employed at the public house and restaurant on a Thursday, Friday and Saturday evenings from 2000 hours. Additional SIA registered door supervisors to be employed on an operational risk assessment basis. 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 time they commence and conclude working. If the door supervisor was 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 any authorised officer of Hackney Borough Council immediately upon request.

15 There shall be no glass, drinks or open containers outside the front of the

premises at any time. Customers shall not be permitted to take glasses, drinks or open containers outside the front of the premises at any time, with the exception of water in plastic vessels.

16. Entry and exit to the premises shall be through the front main entrance directly into the premises and not the access way between the restaurant at 163 Mare Street and the Dolphin Bar at 165 Mare Street, except after 0000hours Sunday to Thursday

17. Where the sale or supply of alcohol is taking place, employees of the premises must request sight of evidence of the age of any person appearing to be under 25 years of age (Challenge 25). Such evidence may include a driving licence or passport.

18. The premises will also, in cooperation with the police, regularly facilitate a premises drug audit using the ion itemiser or similar device

19. The premises will display prominent signage by every entrance and exit, requesting customers to leave the premises quietly and respect local residents.

20. The premises will display and maintain appropriate signage advising customers of the contact details, including telephone contact numbers, of the Designated Premises Supervisor and the manager of the premises.

21. Refuse, including bottles, shall not be taken outside the premises between the hours of 2000 and 0800.

22. All staff should receive training and have an awareness of the four licensing objectives.

23. All emergency exits will remain clearly marked at all times. Emergency escape routes will be kept free of obstruction at all times.

24. There will be no more than 520 patrons within both premises at any one time

25. The Licensee shall ensure that all staff are fully trained and made aware of the legal requirement of businesses to comply with their duty of care 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.

26. 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.

27. 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 unidentifiable refuse sacks or any other unidentifiable or unmarked waste receptacles

28. 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.

29. The Licensee shall erect a sign asking customers to refrain from littering the public highway outside the premises and will also instruct a member of staff to make regular checks of the area immediately outside and within 10 metres either side of the premises and remove any litter, bottles and glasses emanating from the premises. A final check should be made at close of business.

30. 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.

31. 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.

32. All devices capable of playing music in either premises shall be operated through a sound limiting device. The sound limiting device shall be installed within the premises and set at a level determined by and to the satisfaction of an authorised officer of the Noise Pollution Service to allow no more than background music after 2330 hours. The operational panel of the noise limiter shall be secured to the satisfaction of the officer. The keys securing the device shall be held by the Designated Premises Supervisor or another responsible member of staff, and the device shall not be accessed via any other person. The limiter shall not be altered without prior agreement with the Noise Pollution Service

33. The premises will operate an electronic identification scanning system (e.g. ClubScan) after 2100 hrs for customers entering the premises.

34. There shall be at least one male and one female member of staff operating as 'floorwalkers' at the premises on Thursday, Friday and Saturday nights from 2000 hours. The task of the floorwalkers shall to be move around the premises, identifying unattended property and minimising losses and thefts.

35. Door staff shall use "clickers" to monitor capacity at the premises.

36. A free cloakroom service shall be provided, and suitable signage displayed encouraging customers to use it.

37. There will be no more than 150 patrons in the garden area before 0200 hours. There will be no more than 100 patrons in the garden area between 0200 hours and 0300 hours. The garden area is as marked in red on the plan. The garden area is to be empty of patrons from 0300 hours.

Annex 4 – Plans

PLAN/LBH-PRE-T-0669/250705

Web Copy

Web Copy

Web Copy

Web Copy

emanating from the premises in the early hours of the morning and causing disturbance to residents who are trying to sleep.

As the ward Officer for the area, I had a duty to investigate the matter. As soon as we arrived in the street behind the Dolphin, we immediately became aware of the music and voices in the street. Bianca and I parked the car behind the premises and the noise was extremely loud in the street and in my opinion may have been disturbing quite a significant number of close residents. There was a lightweight temporary structure at the back of the premises where customers seemed to be drinking, having loud conversations and music playing at the same time. We waited at this location for approximately 15 minutes and during this time the noise was excessive and unreasonable and in my opinion, the noise was highly likely to be causing a statutory nuisance from within the nearest residential dwellings, even if I had been inside a complainant's property.

We left the location behind the premises at 0205 hours and drove round to the front of the premises where we stopped at the traffic lights directly outside the premises on Mare Street. Whilst waiting for the traffic lights to change, I could clearly hear the heavy bass beat from the music emanating from the premises in the street with the car windows shut and engine running. In my opinion the bass beat of the music was louder at the front of the premises than at the rear. We waited at the lights for a couple of minutes only and the lights changed to green and we drove off.

On Sunday 3rd October 2021 at 0230 hours, Ms Rembrandt and I visited the Dolphin and went to the back of the premises and parked directly at the rear. From street level, I could hear loud music and loud conversations emanating from the temporary light weight structure at the back of the premises. The bass element of the music was extremely loud in the street. I could also clearly hear the loud conversations in the street. As I was recording the noise on my mobile phone, I was approached by

the male Licensee. I explained to him that we have received several noise complaints and were monitoring the noise outbreak, as discussed during a previous visit in September 2021. The Licensee advised me that he wants to carry out sound insulation works to the premises but is in the process of getting quotes and suggested that as soon as he gets the quotes , he should be able to carry out the works around November or December time. I advised him that we have witnessed excessive noise in the street and asked him to lower the volume of the music and I also informed him that I will be writing to him regarding my observations. In my opinion the noise was extremely loud in the street on this occasion and highly likely to be causing a statutory nuisance within the nearest residential dwellings.

Following the visits, a noise abatement notice under section 80 of The Environmental Protection Act 1990 was served on the premises on 29th October 2021 as I am satisfied beyond all reasonable doubt that the nuisance will reoccur.

The only means of abating a nuisance in my opinion is by way of serving a notice and reviewing the premises licence and I would like to support the application to review the premises licence in order to uphold the Public Nuisance objective of the Licensing Act 2003.

Statement of ~~Bianca Rembrandt~~ **GEORGE WOKORACH**

~~Community Safety and Environmental Protection Officer~~

ENVIRONMENTAL PROTECTION OFFICER

SIGNED:

DATE: 29 October 2021

~~Statement of Intent~~

~~Community Safety~~

~~Statement~~

~~Statement~~

Handwritten text, possibly a signature or date.

Handwritten text, possibly a title or subtitle.



**Community Safety, Enforcement and
Business Regulation**

Neighbourhoods & Housing Directorate
London Borough of Hackney

1 Hillman Street

London, E8 1DY

Tel: 020 8356 3403

Email: george. wokorach@hackney.gov.uk

Mr Yasar Yildiz

The Dolphin Public House
163-165 Mare Street
London
E8 3RH

29th October 2021

Dear Mr Yildiz

The Dolphin Public House, 163-165 Mare Street, London E8 3RH
**Environmental Protection Act 1990 Section 80 – Statutory Noise Nuisance from
loud music**

I refer to the enclosed Abatement Notice that has been served on you under the above legislation.

This notice has been served on you following receipt of complaints regarding noise nuisance due to loud music and raised voices from your property. On Saturday 2nd October 2021 at 0149 hours and on Sunday 3rd October at 0230 hours, Noise and Nuisance officers visited the area and witnessed a **statutory nuisance** caused by loud music and loud conversations being emitted from your property at excessive and unreasonable levels.

This department has had previous complaints of loud music emanating from your premises at unreasonable and excessive levels in the last couple of months. I am therefore of the opinion that the nuisance witnessed on 2nd and 3rd of October 2021 at 0149 hours is likely to reoccur.

As the **person responsible for the nuisance**, you should note that the notice requires you to:

“At all times control the levels of amplified music and raised voices emitted from the premises so as not to cause nuisance to the occupiers of neighbouring dwellings”.

This in effect means that you should, from today's date, control noise levels to a suitable level so that your neighbours are no longer disturbed.

If you fail to comply with the notice it is likely to result in prosecution, leading to an unlimited fine plus costs. In addition, if further complaints are received, council officers can seize hi-fi or other equipment and apply for it to be forfeited and sold.

This Department operates an out-of-hours Noise and Nuisance Service, which is able to provide a rapid response to complaints of noise and other nuisances. I therefore trust that this service will not receive further complaints of excessive behaviour or unreasonable activities from or associated with your premises.

Should you wish to discuss the contents of this letter or the conditions of the notice please contact me on 0208 356 3403

Yours sincerely,



George Wokorach
Senior Environmental Protection Officer
The London Borough of Hackney

**LONDON BOROUGH OF HACKNEY
ENVIRONMENTAL PROTECTION ACT 1990 SECTION 80
Abatement Notice in respect of Noise Nuisance**

To: The Dolphin, 163-165 Mare Street, London E8 3RH

TAKE NOTICE that under the provisions of the Environmental Protection Act 1990 the **THE LONDON BOROUGH OF HACKNEY** ("the Council") being satisfied of the likely occurrence of noise amounting to a statutory nuisance under section 79(1)(g) of the Act at the premises known as:

The Dolphin, 163-165 Mare Street, London E8 3RH
(within the district of the said Council) arising from **the playing of amplified music and raised voices on the premises**

HEREBY REQUIRE YOU as the person responsible for the said nuisance at the premises from which the noise is or would be emitted **immediately** from the service of this notice, to **prohibit** the recurrence of the same and for that purpose require you to:

At all times control the levels of amplified music and raised voices emitted from the premises so as not to cause nuisance to the occupiers of neighbouring dwellings.

IN the event of an appeal this Notice shall **NOT** be suspended until the appeal has been abandoned or decided by the Court, as, in the opinion of the Council, the expenditure which would be incurred by any person in carrying out works in compliance with this notice before any appeal has been decided would not be disproportionate to the public benefit to be expected in that period from such compliance.

IF without reasonable excuse you contravene or fail to comply with any requirement of this notice you will be guilty of an offence under Section 80(4) of the Environmental Protection Act 1990 and on summary conviction will be liable to an unlimited fine, together with a further fine of an amount equal to one-tenth of that level for each day on which the offence continues after conviction.

If you fail to comply with this notice the Council may abate the nuisance and do whatever is required to achieve compliance. The Council may also take proceedings in the High Court for securing the abatement, prohibition or restriction of the nuisance.

Environmental Protection Team – Environmental Health Department
Hackney Service Centre, 1 Hillman Street, London E8 1DY

Officer dealing with it is: George Wokorach
Telephone: 020 8 356 3403
Email: george.wokorach@hackney.gov.uk

NB: The person served with this notice may appeal against the notice to a Magistrates' Court within 21 days from the date of service of the notice. (See notes overleaf)

The Statutory Nuisance (Appeals) Regulations 1995 provide as follows:

2. Appeals under section 80(3) of the ENVIRONMENTAL PROTECTION ACT 1990 ("The 1990 Act")

(1) The provisions of this regulation apply in relation to an appeal brought by any person under section 80(3) of the 1990 Act (appeals to magistrates) against an abatement notice served upon him by a local authority.

(2) The grounds on which a person served with such a notice may appeal under section 80(3) are any one or more of the following grounds that are appropriate in the circumstances of the particular case:

that the abatement notice is not justified by section 80 of the 1990 Act (summary proceedings for statutory nuisances);

that there has been some informality, defect or error in, or in connection with, the abatement notice, or in, or in connection with, any copy of the abatement notice served under section 80A(3) (certain notices in respect of vehicles, machinery or equipment);

that the authority have refused unreasonably to accept compliance with alternative requirements, or that the requirements of the abatement notice are otherwise unreasonable in character or extent, or are unnecessary;

that the time, or where more than one time is specified, any of the times, within which the requirements of the abatement notice are to be complied with is not reasonably sufficient for the purpose;

(e) where the nuisance to which the notice relates-

(i) is a nuisance falling within section 79(1)(a), (d), (e), (f), (fa) or (g) of the 1990 Act and arises on industrial, trade, or business premises, or

(ii) is a nuisance falling within section 79(1)(b), of the 1990 Act and the smoke is emitted from a chimney, or

(iii) is a nuisance falling within section 79(1)(ga) of the 1990 Act and is noise emitted from or caused by a vehicle, machinery or equipment being used for industrial, trade or business purposes, that the best practicable means were used to prevent, or to counteract the effects of, the nuisance;

(f) that, in the case of a nuisance under section 79(1)(g) or (ga) of the 1990 Act (noise emitted from premises), the requirements imposed by the abatement notice by virtue of section 80(1)(a) of the Act are more onerous than the requirements for the time being in force, in relation to the noise to which the notice relates, of-

(i) any notice served under section 60 or 66 of the 1974 Act (control of noise on construction sites and from certain premises), or

(ii) any consent given under section 61 or 65 of the 1974 Act (consent for work on construction sites and consent for noise to exceed registered level in a noise abatement zone), or

(iii) any determination made under section 67 of the 1974 Act (noise control of new buildings), or

(iv) is a nuisance falling within section 79(1)(fb) of the 1990 Act and—

(aa) the artificial light is emitted from industrial, trade or business premises, or

(bb) the artificial light (not being light to which sub-paragraph (aa) applies) is emitted by lights used for the purpose only of illuminating an outdoor relevant sports facility (within the meaning given by section 80(8A) of the 1990 Act),

(g) that, in the case of a nuisance under section 79(1)(ga) of the 1990 Act (noise emitted from or caused by vehicles, machinery or equipment), the requirements imposed by the abatement notice by virtue of section 80(1)(a) of the Act are more onerous than the requirements for the time being in force, in relation to the noise to which the notice relates, of any condition of a consent given under paragraph 1 of Schedule 2 to the 1993 Act (loudspeakers in streets or roads);

(h) that the abatement notice should have been served on some person instead of the appellant, being-

(i) the person responsible for the nuisance, or

(ii) the person responsible for the vehicle, machinery or equipment, or

(iii) in the case of a nuisance arising from any defect of a structural character, the owner of the premises, or

(iv) in the case where the person responsible for the nuisance cannot be found or the nuisance has not yet occurred, the owner or occupier of the premises;

(i) that the abatement notice might lawfully have been served on some person instead of the appellant being-

(i) in the case where the appellant is the owner of the premises, the occupier of the premises, or

(ii) in the case where the appellant is the occupier of the premises, the owner of the premises,

and that it would have been equitable for it to have been so served;

(j) that the abatement notice might lawfully have been served on some person in addition to the appellant, being-

(i) a person also responsible for the nuisance, or

(ii) a person who is also owner of the premises, or

(iii) a person who is also an occupier of the premises, or

(iv) a person who is also the person responsible for the vehicle, machinery or equipment,

and that it would have been equitable for it to have been so served.

(3) If and so far as an appeal is based on the ground of some informality, defect or error in, or in connection with, the abatement notice, or in, or in connection with, any copy of the notice served under section 80A(3), the court shall dismiss the appeal if it is satisfied that the informality, defect or error was not a material one.

(4) Where the grounds upon which an appeal is brought include a ground specified in paragraph (2)(f) or (j) above, the appellant shall serve a copy of his notice of appeal on any other person referred to, and in the case of any appeal to which these regulations apply he may serve a copy of his notice of appeal on any other person having an estate or interest in the premises,

vehicle, machinery or equipment in question.

(5) On the hearing of the appeal the court may:

(a) quash the abatement notice to which the appeal relates, or

(b) vary the abatement notice in favour of the appellant in such manner as it thinks fit, or

(c) dismiss the appeal;

and an abatement notice that is varied under sub-paragraph (b) above shall be final and shall otherwise have effect, as so varied, as if it had been so made by the local authority.

- (6) Subject to paragraph (7) below, on the hearing of an appeal the court may make such order as it thinks fit-
- (a) with respect to the person by whom any work is to be executed and the contribution to be made by any person towards the cost of the work, or
 - (b) as to the proportions in which any expenses which may become recoverable by the authority under Part III of the 1990 Act are to be borne by the appellant and by any other person.
- (7) In exercising its powers under paragraph (6) above the court-
- (a) shall have regard, as between an owner and an occupier, to the terms and conditions, whether contractual or statutory, of any relevant tenancy and to the nature of the works required, and
 - (b) shall be satisfied before it imposes any requirement thereunder on any person other than the appellant, that that person has received a copy of the notice of appeal in pursuance of paragraph (4) above.

3. Suspension of notice

(1) Where-

- (a) an appeal is brought against an abatement notice served under section 80 or section 80A of the 1990 Act, and-
- (b) either-
 - (i) compliance with the abatement notice would involve any person in expenditure on the carrying out of works before the hearing of the appeal, or
 - (ii) in the case of a nuisance under section 79(1)(g) or (ga) of the 1990 Act, the noise to which the abatement notice relates is noise necessarily caused in the course of the performance of some duty imposed by law on the appellant, and
- (c) either paragraph (2) does not apply, or it does apply but the requirements of paragraph (3) have not been met, the abatement notice shall be suspended until the appeal has been abandoned or decided by the court.

(2) This paragraph applies where-

- (a) the nuisance to which the abatement notice relates-
 - (i) is injurious to health, or
 - (ii) is likely to be of a limited duration such that suspension of the notice would render it of no practical effect, or
- (b) the expenditure which would be incurred by any person in the carrying out of works in compliance with the abatement notice before any appeal has been decided would not be disproportionate to the public benefit to be expected in that period from such compliance.

(3) Where paragraph (2) applies the abatement notice-

- (a) shall include a statement that paragraph (2) applies, and that as a consequence it shall have effect notwithstanding any appeal to a magistrates' court which has not been decided by the court, and

- (b) shall include a statement as to which of the grounds set out in paragraph (2) apply.

STATEMENT OF WITNESS

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

STATEMENT OF	Bianca Rembrandt	
AGE OF WITNESS	OVER 18	
OCCUPATION OF WITNESS	Community Safety and Principal Enforcement	
Officer		
	ADDRESS	London
	Borough of Hackney	
TELEPHONE		

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

DATE: 06 October 2021

1. I am the person named above and I am employed as a Community Safety and Principal Enforcement Officer for the London Borough of Hackney. I have been employed by the Borough of Hackney since March 2009. In my role I resolve issues that relate to anti-social behaviour, community safety and environmental enforcement within the Borough of Hackney. The facts and matters stated herein are true to the best of my knowledge, information and belief, except where they are within my own personal knowledge, in which case they are true.
2. On Saturday 2 October 2021 at approx 0149 hours I attended a site visit with George Wokorach, Environmental Protection Officer to the Dolphin Public House. The weather conditions were good and clear and I was driving. We drove to the street behind the Dolphin called Elizabeth Fry Road and parked up behind the rear of the Dolphin where they appear to have the beer garden. See picture with the spot marked with a red cross - see exhibit marked **[BR01]**. Loud noise could be heard at the rear from a lot of people talking. I could also hear this repetitive rhythmic base sound too which was ongoing.

3. We then got in the car and drove around the front of the Dolphin and stopped at the traffic lights see below picture with the blue cross. I exhibit the picture marked [BR01]. Whilst waiting for the lights to turn I could hear loud amplified music and that same rhythmic base beats even louder at the front and also felt the tremors from that base through my right foot on the gas pedal and also on my hands through the steering wheel.

4. The next day on Sunday 3rd October 2021 at approx 0230 hours I attended the Dolphin with Mr Wokorach at the same location behind the Dolphin in Elizabeth Fry Road and again I could hear the same loud noise from people talking in the beer garden along with the rhythmic base beat in the background.

Statement of Bianca Rembrandt

Community Safety and Principal Enforcement Officer

SIGNED:

DATE: 06/10/2021

Exhibit BR01



█ Bayford Street

Hackney

London

E8 █

Licensing Service

1 Hillman Street

London

E8 1DY

To whom it may concern,

We are writing to you as residents of █ Bayford Street, a property in proximity to The Dolphin. This venue has caused a great deal of disturbance, both because of the extremely loud music emanating from the property and loud noise coming from the terrace at the rear of the property. The late hours in particular are distressing to residents, making it difficult to sleep and causing general stress – this is a major problem for the █ who █ in the building, all of which are young and a number of which are under the █.

We would like to express our strong support for the reduction of The Dolphin's operating hours, the sound as well as the vibrations which can be felt in the █ of the property would be unacceptable during waking hours but are of even more serious concern because of the late-night hours in which the venue primarily operates. Additionally, there is a large amount of waste at the back of the property, causing flies to enter our apartments and attracting vermin.

Sincerely,

The Residents of █ Bayford Street



EXPEDITED SUMMARY REVIEW: THE DOLPHIN WINE BAR and RESTAURANT, 163 MARE STREET, LONDON, E8 4AH and THE DOLPHIN, 165 MARE STREET, HACKNEY, LONDON, E8 4AH

The decisions of 11th November 2021

The Licensing Sub-Committee, in considering this decision from the information presented to them within the report and at the Summary Review hearing have determined that having regard to the promotion of the licensing objectives and in particular:

- Prevention of crime and disorder
- Public Safety
- Prevention of Public Nuisance
- The Protection of Children from Harm

(i) Decision on the Expedited Summary Review:

This is a decision on the three premises licences issued in respect of the Dolphin, Wine Bar and Restaurant, 163 and 165 Mare Street, Hackney, London E8 4AH.

The Licensing Sub-Committee after carefully considering the evidence presented to them at the Summary Review by the Metropolitan Police Service and their representative, the Licence holder and their representative, Environmental Protection and Other Persons (local residents) decided to **revoke** the following 3 premises licences. The reasons for this decision are set out below:

- 1. The Dolphin, 165 Mare Street, Hackney, London E8 4AH - Licence No: LBH-PRE-T-0669**
- 2. The Dolphin, 165 Mare Street, Hackney, London E8 4AH - Licence No: 104306**
- 3. Dolphin Wine Bar and Restaurant, 163 Mare Street, Hackney, London E8 4AH – Licence No: LBH-PRE-T-0906**

It was agreed by the Metropolitan Police Service that the standard review applications submitted to the Licensing Authority before 15th October 2021 have been dispensed with, and withdrawn.

(ii) Decision on Interim steps for the Dolphin, Wine Bar and Restaurant, 163 and 165 Mare Street, Hackney, London E8 4AH:

After hearing the representations from both the Metropolitan Police Service's representative, and the Licence holder's representative, the Licensing Sub-Committee decided that the interim steps issued on 15th October 2021 shall continue pending any appeal. Given that they did not have confidence in Mr Yildiz's ability as the Licence holder to uphold the licensing objectives, they were not persuaded there were any grounds to suspend the interim steps. They took into consideration the police's ongoing concerns about crime and public safety.

The Reasons for the Decisions: Expedited Summary Review and Interim Steps:

The Licensing sub-committee felt after carefully considering the application from the Metropolitan Police Service ("the police") and hearing submissions from their representative, and the representations from the Licence holder, Mr Yasar Yildiz and their representative, and the supporting evidence presented to them decided that revocation of the premises licence was appropriate, and a necessary course of action, given the repeated failures to comply with the terms and conditions of the premises licence, and the serious incident that occurred on 15th October 2021 which has been taken very seriously.

The sub-committee also considered the other options available to them, as detailed in the report. They were satisfied that none of these would adequately address the likelihood of crime and disorder re-occurring. They felt that the licensing objectives would continue to be undermined.

The sub-committee carefully considered the evidence relating to the serious incident that led to the Summary Review being called by the Metropolitan Police Service. The sub-committee noted that the Licence holder had held the licence for 18 years. However, since 2019 to date the Licence holder demonstrated a pattern of disregard for the conditions on the licence, and the licensing regime which was a concern.

The sub-committee took into account that there was no action plan in place to improve the operation of premises even though the police had meetings with the Licence holder raising their concerns.

The sub-committee heard that the premises were closed for a period following Covid Regulations. However, when the premises were reopened the Licence holder did not take the failures brought to his attention seriously which is a concern. The sub-committee felt that the Licence holder did not engage with the police to overcome their concerns.

The sub-committee took into consideration that the Licence holder, Mr Yildiz allowed the following breaches of the licence to occur, which undermined the licensing objectives:

- i) non-compliances with several conditions on the licence including Issues with the scanner not operating properly, and no training regime in place;
- ii) failing to comply with licensing and Covid-19 regulations and breaches of statutory notices served on the premises,
- iii) failure to comply with warning letters sent and the consequences if they did not comply,
- iv) failure to report the serious incident that took place on 15.10.21, and the incident had been cleaned up before the police arrived.
- v) On 26.09.21, a sexual assault took place at the premises that was reported to the police after the event.
- vi) On 05.09.21, an assault was reported at the premises. The police were not informed by the licence holder.

The sub-committee was concerned that despite a serious incident, evidenced by video footage, that was viewed by the sub-committee, no appropriate follow up action was taken by the Licence holder or the management of the premises.

The sub-committee felt these breaches of the licence, and the incident that took place are completely unacceptable. The sub-committee has very serious concerns about the ability of the Licence holder, Mr Yildiz to uphold the licensing objectives particularly his ability to ensure public safety. The sub-committee recognised that this was poor judgement on the part of the Licence holder. The Licence holder has a duty to promote the four licensing objectives at all times.

While it was noted that the Licence holder had gone through a difficult period personally the failures to comply with the conditions on the licence and to ensure public safety is not acceptable.

The sub-committee heard that prior to the recent incident on 15 October 2021 the police had made an application to the Licensing Authority for a standard review following breaches of the conditions of the premises licence. The Licence holder had more of a track record of non-compliance in spite of working with the police and the Licensing Authority over a period of time and issues relating to the premises being brought to their attention.

The sub-committee had concerns that the licence holder was not taking his duties as licence holder seriously and had no control over what occurred at the premises.

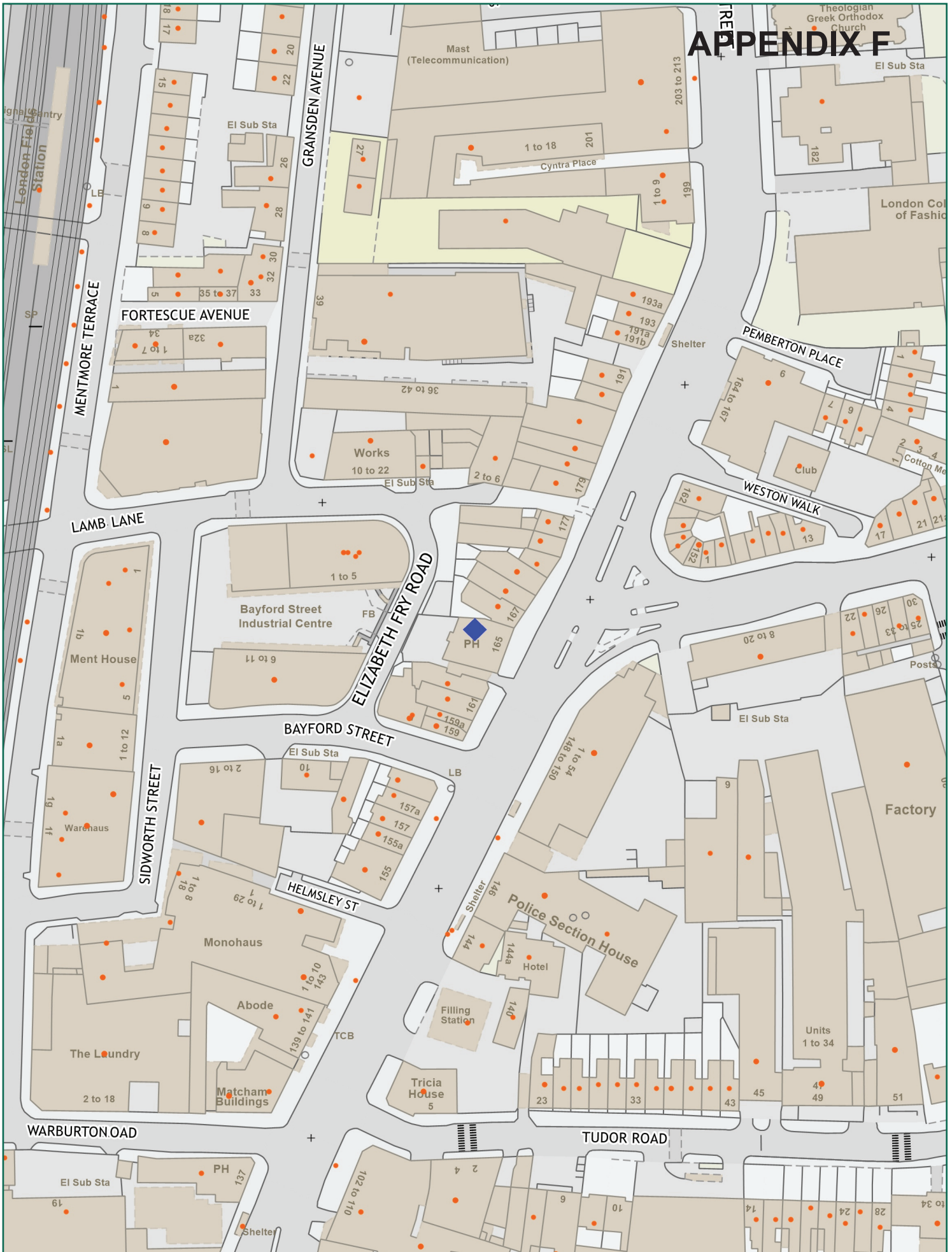
The sub-committee did not hear in evidence from the licence holder anything that addressed their concerns about the history and serious incident that occurred at the premises, and they were not provided with any plans to improve the management and operation of the premises.

The sub-committee took into account that the licence holder jointly owned and held the premises licence with his wife, Nuvit Yildiz who are currently going through a divorce. It was noted that Nuvit Yildiz was not present at the

hearing. The sub-committee heard that Nuvit Yildiz had been sent a notification letter about the review hearing that was sent to the premises, and they heard that there were no other contact details for Nuvit Yildiz.

The sub-committee took into consideration that both Licence holder's were jointly and severally liable for the operation of the premises, however, it was noted that the Licence holder did not provide contact details for Nuvit Yildiz and the licence holder did not ask for an adjournment. The sub-committee were satisfied that it was appropriate to proceed with making their decision on this Summary Review taking into consideration the section 182 Guidance on reviews arising in connection with crime, and that decisions are made for the benefit of the wider community.

The sub-committee when making their decision took into consideration the evidence presented by the Metropolitan Police Service. The evidence relating to this serious incident, together with the breaches of the conditions of the licence, caused the sub-committee to have no confidence in the Licence holder, and the current management of the premises. The sub-committee felt they were not capable of upholding or promoting the licensing objectives given the issues raised. In addition the sub-committee had no confidence that the Licence holder will comply with conditions on the licence given their history of non-compliance with the licence conditions.



NORTH

Scale: 1:1250 at A4

Hackney

The Dolphin, 165 Mare Street, E8 3RH

Ref: **Page 167**

Product: unspecified please specify copyright statement

Friday, November 18, 2022 email:

This page is intentionally left blank