



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

Wednesday 28 June 2023
at 7.00 pm

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

Live stream link: <https://youtube.com/live/ZjnvGcz7mEI>

Backup link: <https://youtube.com/live/kZoduNglZkg>

Members of the Sub-Committee:

Cllr Midnight Ross
Cllr Gilbert Smyth
Cllr Joe Walker

Ian Williams
Acting Chief Executive
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www.hackney.gov.uk

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Licensing Sub Committee B

Wednesday 28 June 2023

Order of Business

- 1 Election of Chair**
- 2 Apologies for Absence**
- 3 Declarations of Interest - Members to declare as appropriate**
- 4 Minutes of the Previous Meeting**
- 5 Licensing Sub-Committee Hearing Procedure (Page 13)**
- 6 Application for a Premises License: Heart of Hackney, 255 Mare Street, London, E8 3NS (Pages 15 - 76)**
- 7 Application for a variation to a Premises Licence: The Doner Store, 468 Kingsland Road, Hackney, London, E8 4AE (Pages 77 - 114)**
- 8 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.

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 cannot 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

Relevant Extracts from Hackney's Statement of Licensing Policy

Below are 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 depending 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.

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.

Agenda Item 5

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

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

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

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| | |
|-----------------------------|---|
| For Consideration By | Licensing Sub-Committee |
| Meeting Date | 28 June 2023 |
| Type of Application | Premises Licence |
| Address of Premises | Heart of Hackney, 255 Mare Street, London, E8 3NS |
| Classification | Decision |
| Ward(s) Affected | London Fields |
| Group Director | Rickardo Hyatt |

1. **Summary**

1.1. This is an application for a premises licence to allow authorisation for the provision of regulated entertainment and sale of alcohol on Monday to Sunday.

2. **Application**

2.1. Mr Aziz Ozdemir has made an application for a premises licence under section 17 of the Licensing Act 2003.

2.2. The premises is not located within the Special Policy Area.

2.3. The applicant is seeking authorisation for the following licensable activities and times:

| | |
|---|---|
| Recorded Music | Standard Hours: Mon 11:00-23:00 Tue 11:00-23:00 Wed 11:00-23:00 Thu 11:00-23:00 Fri 11:00-00:00 Sat 11:00-00:00 Sun 11:00-23:00 |
| Supply of Alcohol (On sales) | Standard Hours: Mon 11:00-23:00 |

| | |
|--|---|
| | Tue 11:00-23:00 Wed 11:00-23:00 Thu 11:00-23:00 Fri 11:00-00:00 Sat 11:00-00:00 Sun 11:00-23:00 |
| The opening hours of the premises | Standard Hours: Mon 11:00-23:30 Tue 11:00-23:30 Wed 11:00-23:30 Thu 11:00-23:30 Fri 11:00-00:30 Sat 11:00-00:30 Sun 11:00-23:30 |

2.4. The application is attached as Appendix A. The applicant has proposed some additional measures to address the licensing objectives.

3. **Current Status/History**

3.1. The premises were in possession of a licence since in March 2009, an application for a review of the licence, submitted by the Police, was considered by Licensing Sub-Committee on 6th July 2021, as a result of which the licence was revoked. The premises are not currently licensed for any activity.

3.2. No temporary event notices have given for this premises in current year.

4. **Representations: Responsible Authorities**

| From | Details |
|--|---|
| Environmental Health Authority (Environmental Protection) (Appendix B1) | Representation received on the grounds of The Prevention of Public Nuisance |
| Environmental Health Authority (Environmental Enforcement) (Appendix B2) | 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(Appendix B3) | Informative |
| Area Child Protection Officer | No representation received |
| Fire Authority | No representation received |

| | |
|-------------------------|--|
| Police (Appendix B4) | Representation received on the grounds of The Prevention of Crime and Disorder and Prevention of Public Nuisance |
| Licensing Authority | Have confirmed no representation on this application |
| Health Authority | No representation received |

5. **Representations: Other Persons**

| From | Details |
|--|--|
| 10 representations received from and on behalf of local residents. (Appendices C1-C10) | Representation received on the grounds of The Prevention of Crime and Disorder, Public Safety, Prevention of Public Nuisance and The Protection of Children from Harm. |

6. **Guidance Considerations**

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

7. **Policy Considerations**

- 7.1. Licensing Sub-Committee is required to have regard to the London Borough of Hackney's Statement of Licensing Policy ("the Policy") adopted by the Licensing Authority.
- 7.2. The Policy applies to applications where relevant representations have been made. With regard to this application, policies, LP1 (General Principles), LP2 (Licensing Objectives), LP3 (Core Hours), LP6 (External Areas and Outdoor Events) and LP11 (Cumulative Impact-General) are relevant.

8. **Officer Observations**

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

Supply of Alcohol (On/Both)

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

do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.

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

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

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

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

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

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

(d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner.

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

4. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
5. 5.1. The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sales or supply of alcohol.
5.2 The designated premises supervisor in relation to the premises licences must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
5.3. The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either:-

- A. a holographic mark or
 - B. an ultraviolet feature.
6. The responsible person 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.

Door Supervision

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

Conditions derived from Responsible Authority representations

9. 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.
10. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is holding a licensable event. This staff member shall be able to show Police or an authorised officer of Hackney Borough Council recent data or footage with the absolute minimum of delay when requested.
11. An incident log shall be kept at the premises, and made available immediately to an 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
 - e. any refusal of the sale of alcohol
 - f. any visit by a relevant authority or emergency service.

12. There shall be clear and prominent signage asking all customers to leave quietly and respect local residents.
13. 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.
14. 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.
15. All staff will be given refresher training every six months on the legislation relating to the sales of alcohol to underage persons and drunken persons. Written records of this training shall be kept on the premises and produced to police or other authorised officer upon request. There will also be at least one member of staff that has completed first aid training and any welfare training such as WAVE.
16. A minimum of 1 SIA door supervisor to be employed from 1700hrs until close every day. Others to be employed on a risk assessment basis. When employed, all SIA staff shall wear a high visibility armband or vest to be easily identifiable. They shall enter their name, address, SIA number and times they begin and finish their shift in a daily register. If employed by an agency all agency contact details shall be recorded also.
17. There shall be a personal licence holder on duty at all times.
18. There will be no regulated entertainment in the garden area.
19. The garden area will close at 2100hrs.
20. After 2100hrs XX of smokers will be permitted at the front of the premises at any one time.
21. 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.
22. 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.

23. 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.
24. 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.
25. 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.
26. 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 255 Mare Street. 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 (9) to (20) have been proposed by the Police and conditions (21) to (26) 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 4 licensing objectives;
 - The Prevention of Crime and Disorder
 - Public Safety
 - Prevention of Public Nuisance
 - The Protection of Children from Harm
- 10.2. It should be noted that each of the licensing objectives have equal importance and are the only grounds upon which a relevant representation can be made and for which an application can be refused or terms and conditions attached to a licence.

11. **Human Rights Act 1998 Implications**

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

12. **Members Decision Making**

12.1. **Option 1**

That the application be refused

12.2. **Option 2**

That the application be approved, together with any conditions or restrictions which Members consider necessary for the promotion of the Licensing objectives.

13. **Conclusion**

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

Appendices:

Appendix A: Application for a premises licence and supporting documents
Appendix B: Representations from responsible authorities
Appendix C: Representations from other persons
Appendix D: Location map

Background documents

Licensing Act 2003
LBH Statement of Licensing Policy

| | |
|---|--|
| Report Author | Name: Shan Uthayasangar Title: Licensing Officer Email: Shan.Uthayasangar@hackney.gov.uk Tel: 02083562431 |
| Comments for the Group Director of Finance and Corporate Resources prepared by | Name Title Email Tel |

**Comments for the
Director of Legal,
Democratic and Electoral
Services prepared by**

Name
Title
Email
Tel

↳ 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 AZIZ OZDEMIR

(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 HEART OF HACKNEY 255 MARE STREET HACKNEY | | | |
| Post town | LONDON | Postcode | E8 3NS |

| | |
|---|---------------|
| Telephone number at premises (if any) | - |
| Non-domestic rateable value of premises | £15100 |

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

| | |
|---|--|
| (optional) | |
| <p>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)</p> <p>████████████████████</p> <p>████████████████</p> | |

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) | | | | | |
| <p>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)</p> | | | | | |

(B) OTHER APPLICANTS

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

| |
|------|
| Name |
|------|

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

Part 3 Operating Schedule

When do you want the premises licence to start?

| | | |
|----|----|--------|
| DD | MM | YYYY |
| 2 | 2 | 052023 |

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)
 AN APPLICATION FOR A NEW PREMISES LICENCE FOR A LARGE TRADITIONAL FAMILY FRIENDLY PUB, SERVING FOOD ALL DAY.
 THE APPLICATION IS TO SERVE ALCOHOL FROM 11 AM TO 11 PM SUNDAY TO THURSDAY AND TO 12 MIDNIGHT ON FRIDAY AND SATURDAY EVENINGS,
 AND TO HAVE REGULATED ENTERTAINMENT TILL 11 PM SUNDAY TO THURSDAY AND TO 12 MIDNIGHT FRIDAY AND SATURDAY EVENINGS

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

| |
|---|
| 0 |
|---|

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 type="checkbox"/> |
| | | | | Outdoors | <input type="checkbox"/> |
| Day | Start | Finish | | Both | <input type="checkbox"/> |
| Mon | | | Please give further details here (please read guidance note 4) | | |
| Tue | | | | | |
| Wed | | | State any seasonal variations for performing plays (please read guidance note 5) | | |
| Thur | | | | | |
| Fri | | | 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 | | | | | |
| Sun | | | | | |

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 type="checkbox"/> | | | |
| | | | | Outdoors | <input type="checkbox"/> | | | |
| | | | | Both | <input type="checkbox"/> | | | |
| Day | Start | Finish | Please give further details here (please read guidance note 4) | | | | | |
| Mon | | | | | | | | |
| Tue | | | | | | | | |
| Wed | | | | | | State any seasonal variations for the exhibition of films (please read guidance note 5) | | |
| Thur | | | | | | | | |
| Fri | | | | | | | | |
| Sat | | | | | | 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 | | | | | | | | |

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 | | | |
| Wed | | | Non-standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list (please read guidance note 6) |
| | | | |
| 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 | Please give further details here (please read guidance note 4) | |
| Mon | | | | |
| Tue | | | | |
| Wed | | | State any seasonal variations for boxing or wrestling entertainment (please read guidance note 5) | |
| Thur | | | | |
| Fri | | | | |
| Sat | | | 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) | |
| 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 type="checkbox"/> |
| | | | | Outdoors | <input type="checkbox"/> |
| | | | | Both | <input type="checkbox"/> |
| Day | Start | Finish | Please give further details here (please read guidance note 4) | | |
| Mon | | | | | |
| Tue | | | State any seasonal variations for the performance of live music (please read guidance note 5) | | |
| Wed | | | | | |
| Thur | | | 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 | | | | | |
| Sat | | | | | |
| Sun | | | | | |

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 | | | |
| Mon | 11.00 | 23.00 | Please give further details here (please read guidance note 4) | | |
| | | | | | |
| Tue | 11.00 | 23.00 | | | |
| | | | | | |
| Wed | 11.00 | 23.00 | State any seasonal variations for the playing of recorded music (please read guidance note 5) | | |
| | | | | | |
| Thur | 11.00 | 23.00 | | | |
| | | | | | |
| Fri | 11.00 | 24.00 | Non-standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list (please read guidance note 6) | | |
| | | | | | |
| Sat | 11.00 | 24.00 | | | |
| | | | | | |
| Sun | 11.00 | 23.00 | | | |
| | | | | | |

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"/> |
| | | | | Both | <input type="checkbox"/> |
| Day | Start | Finish | Please give further details here (please read guidance note 4) | | |
| Mon | | | | | |
| Tue | | | | | |
| Wed | | | State any seasonal variations for the performance of dance (please read guidance note 5) | | |
| Thur | | | | | |
| Fri | | | | | |
| Sat | | | 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) | | |
| Sun | | | | | |
| | | | | | |

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 | | | | | |
| | | | | | |
| Tue | | | | | |
| | | | | | |
| Wed | | | | | |
| | | | | | |
| | | | State any seasonal variations for the provision of late night refreshment (please read guidance note 5) | | |
| Thur | | | 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) | | |
| | | | | | |
| Fri | | | | | |
| | | | | | |
| Sat | | | | | |
| | | | | | |
| Sun | | | | | |

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 checked="" type="checkbox"/> |
| | | | | Off the premises | <input type="checkbox"/> |
| | | | | Both | <input type="checkbox"/> |
| Day | Start | Finish | State any seasonal variations for the supply of alcohol (please read guidance note 5) | | |
| Mon | 11.00 | 23.00 | | | |
| Tue | 11.00 | 23.00 | | | |
| Wed | 11.00 | 23.00 | | | |
| Thur | 11.00 | 23.00 | | | |
| Fri | 11.00 | 24.00 | | | |
| Sat | 11.00 | 24.00 | | | |
| Sun | 11.00 | 23.00 | | | |
| | | | 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 TURAC KAYA | |
| Date of birth [REDACTED] | |
| Address [REDACTED] [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 | 11.00 | 23.30 | Non-standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list (please read guidance note 6) |
| | | | |
| Tue | 11.00 | 23.30 | |
| | | | |
| Wed | 11.00 | 23.30 | |
| | | | |
| Thur | 11.00 | 23.30 | |
| | | | |
| Fri | 11.00 | 00.30 | |
| | | | |
| Sat | 11.00 | 00.30 | |
| | | | |
| Sun | 11.00 | 23.30 | |
| | | | |

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)

- Well designed and approved, safe premises with good ventilation and safe access.
- Well trained staff and positive attitude to promoting the safe use of premises to the public, for sale of alcohol and food.
- Management policy to ensure staff are well supervised and working to achieve licensing objectives: eg no underage drinking, no use of drugs, no violent behaviour tolerated.
- Use of proof of age ID., Challenge 25 in use; staff to protect children from harm, at all times.

b) The prevention of crime and disorder

- Staff trained and aware of issues; effectively observing customers throughout hours of operation; participation in Challenge 25.
- CCTV installed in liaison with local police guidance.
- Sufficient registered SIA door supervisors as necessary, every day from 17.00 to close.
- No happy hours or special drink prices.
- Management policy of on-going training in effectively dealing with customers and preventing crime, senior management are to be members of the local 'Pub Watch' scheme.

c) Public safety

- Well signed entrances and fire exits.; well lit exits and entrances. SIA door supervision.
- Building and services complies to all building regulations and fire safety.
- Staff well trained and aware of public safety.
- No overcrowding.
- Drinking water available.
- Good public transport route.
- Adoption of best practices.
- Only appropriate plastic drinking containers in use in outside garden area

d) The prevention of public nuisance

- Well trained and aware staff to prevent noise and disturbance to any resident.
- Regular visits by management to all parts of premises; Responsible management.
- Notices asking customers to leave quietly.
- Dispersal and exit policy in place and well supervised.
- Good licenced taxi firm in use.
- Obviously inebriated people not served, or allowed into the premises
- No sound system or music or regulated entertainment outside in garden, which closes at 9pm.
- Sound system fitted with a sound limiter and calibrated every year.

e) The protection of children from harm

- Children admitted only when accompanied by an adult, and to 8 pm only.
- Staff trained and aware of specific needs of children, and child protection requirements.
- Staff trained and aware of how to report concerns about the welfare of a child.
- Children must be accompanied by an adult.
- Children under 18 not served alcohol.
- Well ventilated premises.
- No gambling or drugs on premises. Proof of age ID required, Challenge 25 in operation.

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 | 11/4/2023 |
| Capacity | LICENSING AGENT |

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) | | | |
| ████████████████████ | | | |
| ████████████████████ | | | |
| ██ | | | |
| ████████████████████ | | | |
| ████████████████████ | | | |
| Post town | ██████████ | Postcode | ██████████ |
| Telephone number (if any) | ████████████████████ | | |

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

Notes for Guidance

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

Background Information, and supporting Document to accompany premises licence variation

On Heart of Hackney, 255 Mare Street, Hackney E8 3NS, for a new licence . 5th April 2023

1. This document is an outline of the proposal for a new licence for the Heart of Hackney, 255 Mare street, with background information to support the application. The premises had been trading as a licensed premises for many years, and had a licence extending way back to before 2003 with original "Grandfather rights". It had a premises licence which permits regulated entertainment, and to serve alcohol and late night refreshments.

2 Unfortunately following an incident in May 2021 during the covid period , in June 2021 the Police sought a summary review and to suspend the licence with interim steps, and then to a revocation of the licence. The licensing sub committee suspended the licence "*given the likelihood of serious crime, failure to comply with the conditions of the premises licence and Covid -19 regulations*".

The licence holder stated "*they would take appropriate measures to prevent such a serious incident occurring, and to comply with the requirements of the licence*".

3 At the review hearing in July 2021 the Police sought revocation of the Premises Licence, and produced a report , now designated as restricted. The sub committee in its decision stated that "*revocation was appropriate, given the repeated failures to comply with the terms and conditions of the premises licence, and the serious incident in May 2021*". The decision listed some of the reasons as follows :-

i) non-compliances with several conditions on the licence including failing to have a dispersal policy that was previously requested;

ii) failing to comply with licensing and Covid-19 regulations to protect customers

iii) failing to maintain CCTV footage of the premises.

The Heart of Hackney pub has been closed now for almost two years, since that time in May 2021.

3 The premises had been run as Heart of Hackney successfully and safely, for over ten years, by Ali Abaci, and was a very popular traditional pub in Mare street, literally in the Heart of Hackney. Mr Abaci is very experienced, and successfully runs other licenced premises, notably restaurants, in Hackney. However due to the incident in May 2021, which he considered was effectively beyond his control, Mr Abaci has decided to pass on this particular business to a new owner. The owner of the lease on the property, Mr Abaci, is now no longer actively involved in the business at the Heart of Hackney.

4 A new owner and manager has been found who wishes to take on the business of running the premises as a family pub with food, and therefore he needs a new premises licence. The new licence holder will be Mr Aziz Ozdemir, and he has much experience of running licensed premises. He has at least 7 years experience of running premises in London, and he has had no issues with Police or noise team in all that time of working successfully in the community. He wishes to distance himself from the past issues with this pub; he has been informed of the reasons for the revocation, and is willing to learn from the previous mistakes of the previous owner and managers. Mr Ozdemir will put a new DPS in place who will manage the pub on a day to day basis.

5 Mr Ozdemir has already instituted many changes, including getting a completely new CCTV security system in place, discussed a potential new contract with a new security firm, and he will review the dispersal policy and completely overhaul the staff training regime, and management policy. He has also insisted on the sound limiter in the old sound system being inspected and calibrated, in preparation for this licence application. He is actively taking advice from various professionals about increasing the security of the premises and how any previous issues can be effectively avoided. He welcomes any positive input and advice from the local licensing police on any issue concerning the running of the premises, with any lessons to be learned from the previous operation. He has specifically addressed the reasons listed in point 3 above, given by the sub committee for the revocation of the previous licence.

6 Mr Turac Kaya will be the Designated Premises Supervisor, and he has much experience of running local licenced premises, and he will be employing completely new staff and managers to assist in running the pub. The pub intends to be able to serve alcohol from 11 am through to 11 pm and if allowed, to 12 midnight on Friday and Saturday nights with a clear half hour for drinking up. Food will be available all day through to 11 pm, and the emphasis will be on a family type traditional pub with good food and background music. Mr Ozdemir would like to consider the possibility of slightly later hours on a Friday and Saturday by one hour only, and to allow a dj to play, as regulated family entertainment. There will be a strict door policy, and the Challenge 25 policy will be in place, with comprehensive training for all new staff. There is no increase in capacity, or any attempt to approach the previous late operating hours granted previously to the premises, as a result of this application.

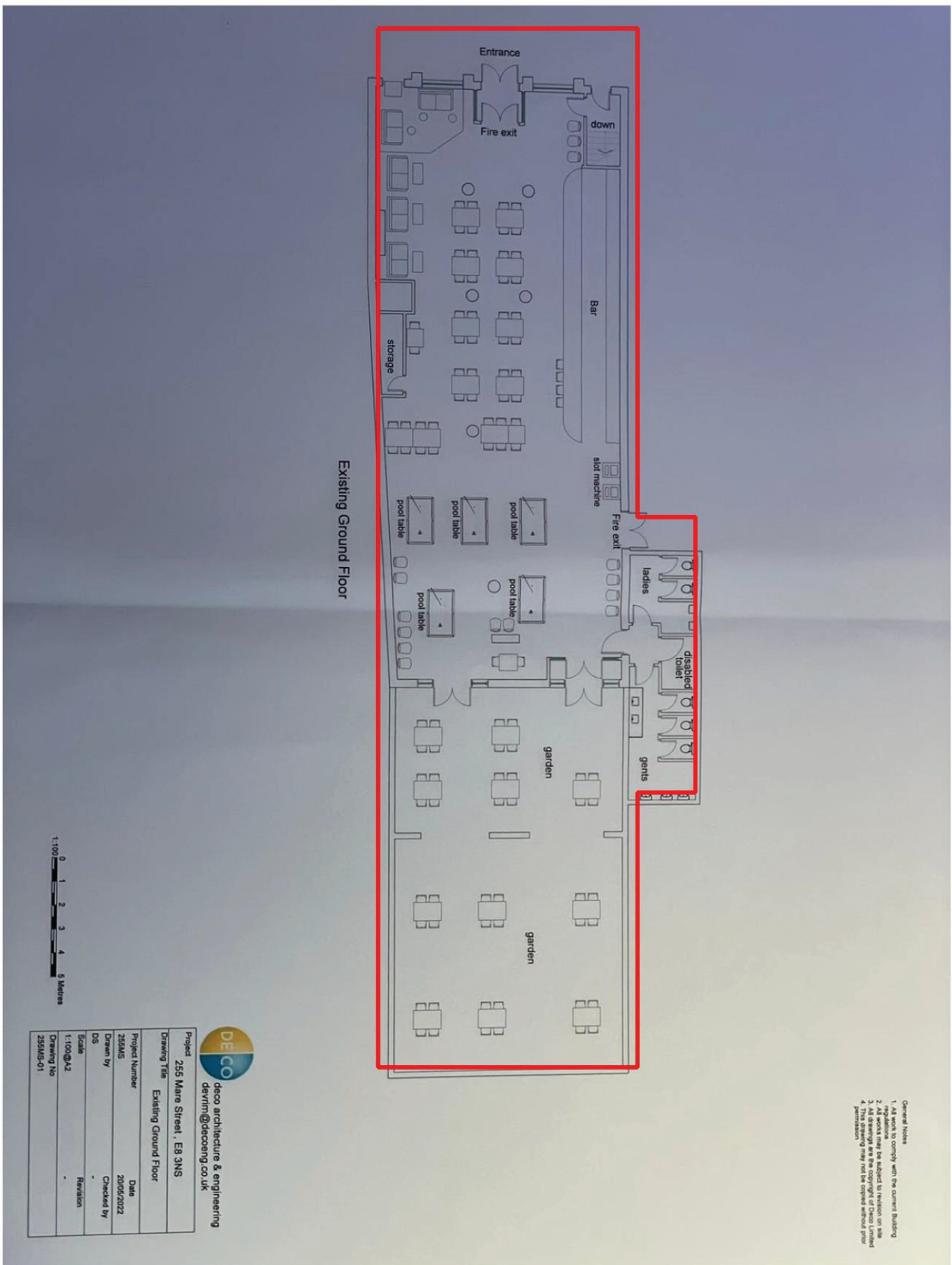
7 Informal discussions are being held with Local Residents, the Licencing officers, Police and Noise team officers to discuss these proposals, and the new management have received a favourable initial response.

In summary Mr Ozdemir feels he has effectively addressed all the particular mistakes and failings of the previous owner and managers. He intends to put in place a comprehensive management system that will effectively and safely meet all the four licensing objectives, and is now applying for a new premises licence.

However any comments on the proposals of this new application will be gratefully considered, together with any suggested relevant proposed conditions, that would help a traditional family pub being enabled to trade again, in a safe and efficient way.

██████████

Shaun Murkett Acoustic Consultants Ltd - Professional Licensing Agents



Licensed area in red . _____

Layout of Lisenced area at
Heart of Hackney,
255 Mare street
Hackney, London
E8 3NS

Licensing Act 2003: Application for a premises licence - Heart of Hackneym, 255 Mare Street, London E8 3NS

1 message

George Wokorach <george.wokorach@hackney.gov.uk>
To: "Licensing (Shared Mailbox)" <licensing@hackney.gov.uk>

9 May 2023 at 21:30

Hello

Hope you are well

The Environmental Protection Team has concerns regarding noise from loud music, noise from kitchen extract and condenser units and noise from loud conversations in the external areas of the premises. Before the premises closed down in 2021, the team had received several complaints from neighbours regarding the above mentioned concerns. The applicant has not provided sufficient information on how they intend to minimise the noise and enhance the public nuisance objective of the Licensing Act 2003. The applicant needs to get in touch with me and provide more information on what mitigation measures they intend to employ to minimise the noise

Regards

George Wokorach
Environmental Protection Officer
Projects and Regulatory Services
Neighbourhoods & Housing Directorate
London Borough of Hackney
Hackney Service Centre
2 Hillman Street
London
E8 1FB

Tel: 0208 356 3403

Email: George.Wokorach@hackney.gov.ukDisclaimers apply, for full details see: <https://hackney.gov.uk/email-disclaimer>

**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 | Heart of Hackney 255 Mare Street London E8 3NS |
| NAME OF APPLICANT | Aziz Ozdemir |

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 •

ENVIRONMENTAL LICENCE CONDITIONS IN RESPECT OF

**The Heart of Hackney
255 Mare Street, London E8 3NS**

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. 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.
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 receptacle 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 The Heart of Hackney. 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: 12/03/2023

**Planning Authority Representation:
Application under the Licensing Act 2003**

| | |
|---------------------------------|--|
| Details of Authority | 1 Hillman Street, Hackney, London, E8 1FB |
| Officer contact name | Claudette Abraham |
| Officer telephone number | 020 8356 4870 |
| Officer's email address | claudette.abraham@hackney.gov.uk |

APPLICATION PREMISES

| | |
|------------------------------|--|
| Name and address of premises | HEART OF HACKNEY 255 MARE STREET HACKNEY E8 3NS |
| Applicant name | AZIZ OZDEMIR |

COMMENTS

I make the following relevant representation in relation to the above application at the above address.

- Prevention of crime and disorder
- Public safety
- Prevention of public nuisance
- Protection of children from harm

Please supply any relevant evidence/information to support the above representation.

The application proposes for a new premises licence as a public house FOR A LARGE TRADITIONAL FAMILY FRIENDLY PUB, SERVING FOOD ALL DAY.

THE APPLICATION IS TO SERVE ALCOHOL FROM 11 AM TO 11 PM SUNDAY TO THURSDAY AND TO 12 MIDNIGHT ON FRIDAY AND SATURDAY EVENINGS,

AND TO HAVE REGULATED ENTERTAINMENT TILL 11 PM SUNDAY TO THURSDAY AND TO 12 MIDNIGHT FRIDAY AND SATURDAY EVENINGS under the Licensing Act 2003.

The licensable activities are:

Recorded Music Mon-Thu 11:00-23:00, Fri-Sat 11:00-24:00, Sun 11:00-23:00

Supply of Alcohol Mon- Thur 11:00-23:00, Fri-Sat 11:00-24:00, Sun 11:00-23:00

Hours of Opening Mon-Thur 11:00-23:30, Fri-Sat 11:00-00:30, Sun 11:00-23:30

Planning Permission ref: 2005/0586 Demolition of single storey rear structure plus excavation and

extension of existing Public House at rear basement and ground floor with first and second floor extensions, plus two storey extension on top of existing Public House to provide 6 flats, comprising of 1 studio, 4 x 1 bed & 1 x 2 bed, on the upper floors, 214sqm of additional A3 (Public House) floor space at basement and ground floor, with opening hours 09:00 - 23:00 hours Mondays to Saturdays and 10:00 - 22:00 hours on Sundays and Bank Holidays, plus installation of new ventilation duct on the rear elevation

Condition 6 states The use hereby permitted may only be carried out between 09:00-23:00 Mondays to Saturdays and 10:00 hours to 22:00 on Sundays and Bank Holidays.

Whilst planning permission has previously been given for the use of the premises as a hot food takeaway (use class A3). It is unclear if the usage of the premises is lawful given the length of time since the planning permission was granted. If the applicant would like formal confirmation that the use of the premises is lawful it is recommended they apply for Lawful Development Certificate. Licensing approval does not grant planning approval. operation of the premises without appropriate planning permission is unlawful and may result in enforcement action.

Please provide the following information (if applicable)

| | |
|-----------------------------------|-------------|
| Area (that permission applies to) | Site |
| Permitted use | Sui Generis |
| Permitted hours | N/A |
| Specific/restrictive conditions | N/A |
| Recent applications | N/A |
| Decisions | N/A |
| Pending Decisions | N/A |
| Reasons for refusal | N/A |
| Relevant Conditions/discharges | N/A |

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

No representation with Infomative

The applicant is advised that these comments do not represent a formal decision of the Local Planning Authority as to the acceptability or otherwise of the proposed use and that the decision of the Licensing Authority is not prejudicial to the determination of any subsequent planning application.

| | |
|--------|-----------|
| Signed | G Barnett |
| Name | |
| Date | 20.04.23 |

APPENDIX B4

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 | 07884 561085 |
| E-MAIL ADDRESS | hackneylicensing@met.police.uk |

APPLICATION PREMISES

| | |
|----------------------------|---|
| NAME & ADDRESS OF PREMISES | Heart of Hackney 255 Mare Street London E8 3NS |
| NAME OF PREMISES USER | Aziz Ozdemir |

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 Heart of Hackney, 255 Mare Street, E8 for the following reason(s);

The venue has a problematic history where it was subject to an expedited review hearing following a GBH at the venue in May 2021, which highlighted failings in the way staff responded. This resulted in the licence being suspended through interim steps and then revoked at the full hearing. A year later a new application was submitted for the venue, requesting the same hours as they had previously, with Mr Kaya as the DPS. This application was withdrawn during the sub-committee hearing.

In the supporting documents there is reference to a new DPS being brought into the venue, however then the application and the supporting document, go on to have Mr Turuc Kaya as the DPS. As indicated before, Mr Kaya was the DPS on the application that was submitted nearly a year ago and ultimately withdrawn at a sub-committee hearing. This previous application had a connection to the old licensee, and Mr Kaya was on that application police are concerned that connection would still exist.

Police would like to know what Mr Ozdemir's experience in running licensed premises is? And whereabouts he has operated? This is a busy area, as pointed out in the supporting document, literally in the heart of Hackney, and an operator of a venue that has a problematic history will need experience in these areas.

Police would ask that the venue implements a dispersal policy and would like sight of said policy.

Police would like the below conditions agreed to, and a number of smokers outside set as per condition below.

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.

None

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

Proposed Conditions for Heart of Hackney

- 1) 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.
- 2) A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is holding a licensable event. This staff member shall be able to show Police or an authorised officer of Hackney Borough Council recent data or footage with the absolute minimum of delay when requested.
- 3) An incident log shall be kept at the premises, and made available immediately to an authorised officer of the Hackney Borough Council or the Police, which will record the following:
 - all crimes reported to the venue
 - any complaints received
 - any incidents of disorder
 - any faults in the CCTV system
 - any refusal of the sale of alcohol
 - any visit by a relevant authority or emergency service.
- 4) There shall be clear and prominent signage asking all customers to leave quietly and respect local residents.
- 5) 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.
- 6) 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.
- 7) All staff will be given refresher training every six months on the legislation relating to the sales of alcohol to underage persons and drunken persons. Written records of this training shall be kept on the premises and produced to police or other authorised officer upon request. There will also be at least one member of staff that has completed first aid training and any welfare training such as WAVE.

- 8) A minimum of 1 SIA door supervisor to be employed from 1700hrs until close every day. Others to be employed on a risk assessment basis. When employed, all SIA staff shall wear a high visibility armband or vest to be easily identifiable. They shall enter their name, address, SIA number and times they begin and finish their shift in a daily register. If employed by an agency all agency contact details shall be recorded also.
- 9) There shall be a personal licence holder on duty at all times.
- 10) There will be no regulated entertainment in the garden area.
- 11) The garden area will close at 2100hrs.
- 12) After 2100hrs XX of smokers will be permitted at the front of the premises at any one time.

***** ADDITIONAL CONDITIONS MAY BE ADDED
FURTHER TO DISCUSSIONS WITH THE APPLICANT *****

APPENDIX C1

██████ Ellingfort Road
Hackney
London
E8 ██████

Licensing Service
Hackney Service Centre
1 Hillman Street
E8 1DY

2 May 2023

Objections to Licence Application for premises 255 Mare Street, London, E8 3NS, submitted 14 April 2023

The quality of life of residents on Ellingfort Road has improved dramatically since the Heart of Hackney pub closed permanently in 2021.

We are distraught to hear that an application for a licence to reopen the pub has been resubmitted, under the guise of a family friendly pub. Our flat, shared with young family, backs on to the beer garden of 255 Mare Street, the former Heart of Hackney premises.

The block of flats we live in on Ellingfort Road are converted warehouses. If planners give permission to convert business premises into residential homes, then thought must be given to the type of business allowed to operate in the immediate vicinity, that may previously have been acceptable.

Noise pollution from beer garden affecting scores of residents, day and night

The proposed hours, 11:00 to 23:00 Sunday to Thursday and from 11:00 to 00:00 Friday and Saturday, with the beer garden closing at 9pm, does not make a sufficient difference to the source of the problem of noise – **the proximity of the beer garden to residential buildings.**

The beer garden is encircled by residential blocks (four to five storeys high) in all directions - north, east, south and west. This creates an enormous echo chamber. **Any noise in the beer garden is amplified and distressing to all neighbours backing onto the garden on Ellingfort Road, Mare Street and Hacon Square.** It is also very distracting when working from home during the day, as many people now do since the effects of the Pandemic. **You cannot open your windows without hearing invasive pub talks from the garden.**

The noise issue of the beer garden was also raised in June 2022, although not mentioned in the first application. The noise issue from the beer garden is not mentioned in the current application.

The noise coming from Heart of Hackney pub and its beer garden affects the comfort and quality of life of people in the area. The enjoyment and use of their homes, balconies and gardens is compromised. We cannot open our windows in hot weather.

How can we explain to children, with bedtime at 7pm, and school the next day, that there are still two hours to go before the intrusive noise stops in the beer garden a few metres away from their bedroom? And from 11am every day, how can we explain the loud and sometimes offensive pub talk that we can hear from the flat, even when the windows are closed? How is this a community friendly business?

In addition, the beer garden has always been used as a smoking area.

Invasive passive smoking risk from beer garden. Children are affected as potential users of the beer garden and in their own homes.

The smoke from the Heart of Hackney beer garden is trapped within the confined space of the residential blocks, and enters our homes. It is extremely unpleasant and also a serious health risk. Coughing, headaches, sore throats and eye and nasal irritation are some of the short-term effects of passive smoking. Therefore, this is another reason that **we can't open our windows during opening hours.**

The harm of tobacco smoke is greater if there are **many lit cigarettes burning at the same time**, which is often the case in a pub beer garden, with constant smoking throughout the day. **Outdoor levels of tobacco smoke can be as high as indoors.**

The Middlesex-London Health Unit reports that second-hand smoke (**whether inside or outside**) is **particularly dangerous to children** as they are still growing and developing and exposure to it can lead to many health effects. **Children are less likely to leave a smoke-filled place or even complain about the level of smoke.** So, we believe that a family friendly pub has to be a smoke-free space.

There is no safe level of passive smoking for anyone. Tobacco smoke releases thousands of toxic chemicals. Most harmful tobacco smoke is invisible, but it **spreads easily and can stay in the air for hours.** If there is no wind, tobacco smoke will rise and fall and flood the local area with second-hand smoke; **if there is a breeze, tobacco smoke will spread in many directions.**

The Middlesex-London Health Unit offers advice on minimising the risk of second-hand smoke. It stresses that avoiding places where you and your family might be exposed to second-hand smoke outdoors is the best course of action. **How can we, and our children, avoid second-hand smoke when we are exposed to it in our homes and gardens during the beer garden opening hours?**

Given that Hackney Council state on their website that "we're committed to ensuring that Hackney is a place for all to breathe clean air" and that "we also want to make sure that everybody is aware of the impacts of air pollution and what can be done to improve air

quality” it could be assumed that the Council would be in total opposition to a pub smoking area sited within an enclosed residential complex, potentially creating a health risk to young children and all residents.

In August 2014, a Hackney Council Smoke-free zone was extended to protect children in Clissold Park. Cllr Jonathan McShane said “...**smoking-related illnesses remain some of the biggest killers in Hackney**...Hackney’s Health and Wellbeing Board has made smoking one of its top priorities...”

It is profoundly contradictory to the Council’s goal of ensuring that Hackney is a place for all to breathe clean air and then support a pub beer garden that creates a passive smoking risk to children, within their own homes and gardens.

No evidence that the pub or beer garden would attract family friendly customers

The premises at 255 Mare Street, operated as a pub, has a history as a site that has attracted perpetrators of violent crime and antisocial behaviour.

Insufficient details are provided in the application about measures that will be taken for the pub to become family friendly.

An article in the Hackney Citizen newspaper, dated 16 August 2022, states that the pub manager wanted to work more with the residents and to have “happy neighbours” but nothing has been communicated to us as residents on Ellingfort Road, so far. There are no signs of work done, that we are aware of, to attract families given its past reputation.

We have not seen any leaflet for the reopening as a family pub, nor any street marketing or rebranding, or clientele repositioning done to date, and this is another sign of the lack of ability to understand and resolve the issues reported, or, that there is in fact no desire to change the way the pub would be run in the future, if allowed to reopen.

A family friendly venue would be, for example, a soft-play area cafe, used for community events too and also accessible to all local people. It would be very popular with local residents as the area is a family one.

The application states that only informal discussions have been had with residents, but we don’t believe that this is enough to attract family friendly customers.

255 Mare Street pub location has a history of attracting antisocial and criminal customers. Insufficient evidence is provided that the customers will change.

A report in the Hackney Gazette dated January 10, 2014 details one example. The pub, then called Maddigan’s, had its licence suspended for three months after a man was stabbed at the bar while watching a football match.

The article goes on to report that Maddigan's previously underwent a licence review on November 5, 2013:

...no less than four residents' associations appealed to the council's licensing committee...they claimed they were unable to sleep because of noise made by customers congregating outside the pub late into the night and complained of antisocial behaviour, including broken glass being left behind.

The article includes details of a letter sent by a local resident, supporting the January 2014 three-month licence suspension:

a mother-of-two who said that when the venue, which was called Anatolia Bar at the time, closed a few years ago, 'There was considerably less disorder on our streets – no late-night shouting, urinating on walls, broken bottles, fights outside our houses – it was a glorious respite.'

Ten years later, it is extremely concerning and disheartening that we need to write yet another letter to the council, to request **the permanent suspension of the use of the site 255 Mare Street as a pub.**

Clearly concerns over the years continue not been taken seriously. We have experienced community respite since the Heart of Hackney closed in 2021. **It is shocking to know that the Council is still considering an application to reopen the premises as a pub.**

May we remind you of the reasons Hackney Council permanently closed the pub in July 2021, as reported in the Hackney Gazette, July 13:

[The Heart of Hackney] ...was shut down...after its security guards ushered suspects in a 1am knife fight out through a fire escape...Detectives slammed the Heart of Hackney for 'an embedded culture of ignorance'...Scotland Yard's licensing team...visited the...[pub]...the day after a 1am mass brawl saw a reveller's arm sliced open with a box cutter.

The pub's fire escape opens on to our street, Ellingfort Road. The day after this horrific incident in July 2021, we walked out of our front door to see blood splattered down the road.

Local residents have been exposed to **repeated instances of violent crime and public disorder** over many years from users of 'Anatolia Bar, 'Maddigan's and the 'Heart of Hackney'.

Where is the evidence that the pub clientele will be family friendly if 255 Mare Street reopens as a pub, even if under different ownership?

This is the second application. **There is still no evidence that the premises can operate in a way that does not conflict with the residential area surrounding it.**

You can imagine the stress that any resident might feel in anticipation of its reopening, especially families with young children, living in proximity to a site that has wilfully stimulated crime and antisocial behaviour.

Ellingfort Road provided a late-night thoroughfare between Pub on the Park and Mare Street's Heart of Hackney, for raucous pub users, shouting and screaming late into the night. Our road became a 'public toilet' with **people urinating and defecating near our homes**. On one occasion, we had to walk past human faeces left in an open pizza box on the pavement.

Statutory Nuisance

The problems created by the site operated as pub with a beer garden, we also believe, can be defined in legal terms as a '**statutory nuisance**', on two counts. Children are affected by both.

Noise pollution from site operation as a pub

- affects the comfort and quality of life of people in the area;
- interferes with the use and enjoyment of homes due to significant and unreasonable noise.

Air pollution from smoking in beer garden

- unreasonably and substantially interferes with the use or enjoyment of a home or other premises;
- injures health or is likely to injure health.

We would seek to pursue the permanent suspension of the use of 255 Mare Street as a pub premises on these grounds.

We object to the Licence Application on all four grounds listed in the licensing pages on the Hackney Council website:

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

We look forward to your response. Please let us know in writing if you require further details.

Regards,

██████████,
██████████ Ellingfort Road, E8 ██████████

Heart of Hackney Pub/ Mr. Ozdemir license application

1 message

6 May 2023 at 17:25

To: "licensing@hackney.gov.uk" <licensing@hackney.gov.uk>

Re : Application for Heart of Hackney Pub/Mr. Ozdemir

Dear Hackney Licensing,

I am writing to state some objections and observations regarding the above application.

I am a resident at Hacon Square which is situated in close proximity to the premises. We have lived here as a family for 15 years. Although there are ground floor businesses in this particular part of Mare Street, they are all either shops which close by 6pm or restaurants which have been fairly responsible when dispersing late night customers. There are no other bars on this stretch of Mare Street. Life has been a lot more peaceful since the pub was shut down. We wish to object to the wishes of the licensee on the following grounds.

1. Public Nuisance

The operating hours of the beer garden area (until 9pm) are not acceptable. The situation of this outside area is such that it affects what must be close to 100 individual residents. In our building alone at least 12 flats have balconies and bedrooms which back onto the garden. In its most recent incarnation the noise from the garden as people shout, cheer, laugh and converse has at times been both offensive and relentless.

Please note the "garden" was not in use before Heart of Hackney/Mr. Abaci put it into use. This disturbance has been problematic ever since when spending any time with windows or balcony doors open even a small amount and has resulted in having to close my child's window in the warmer months because the noise has been too disturbing at bedtime. This is completely unacceptable and as a result we would ask that the beer garden is closed from 6pm onwards at all times. Any later than this would not be agreeable based on previous experiences. This is to allow residents some privacy and to be able to enjoy their evenings without having to close windows and doors to block out the bar's disturbance.

Also please see the end of the following for further reasons concerning Public Nuisance

2. Prevention of Crime and Disorder & Public Safety

With the previous history of these premises, and its placement in central Hackney, we believe it does attract some individuals who do not have regard for the personal safety of others. The knife attack incident which led to the closure of the pub is a case in point and one that must not be overlooked when considering this new application. Door staff should be a priority from early in the day and CCTV footage closely monitored.

No operational hours beyond 11pm and 10.30 on Sundays and no DJ's

We also ask that there is no seasonal variation (L) meaning no extended hours of operation. Customers standing outside on Mare Street congregating smoking and talking will be a genuine disturbance for those living directly above and across the street, so leaving beyond midnight will be an unacceptable disruption and disturbance.

This is supposed to be a Traditional Family Pub not a night club.

3. Protection of Children from Harm

The idea that children should be still in the pub until 8pm is not in keeping with other pubs in the area. Again drawing attention to the pubs placement on Mare Street central Hackney, many premises in Hackney only allow children in until 5 and 6pm. In keeping with this we believe it should also be the same in this case.

In closing I would like it noted that the date on the application placed in the window of the pub (12th May) is conflicting with the online date of May 9th.

At no point have we been aware of any attempts by the pub to consult with local residents. These informal discussions have not been extended to anyone in Hacon Square.

With particular note to Background Information and supporting Documentation to accompany premises licence variation for Heart of Hackney:

The premises may have had a long standing license but with each new operator it has produced grave problems for residents, that has resulted in some of our neighbours leaving because of the stress caused by noise disruption and the onerous task of diary keeping for the council before a case can be conducted into a claim. Late night entertainment has a way of creeping into the mix with bar culture. The request for a DJ to play does not fit in with the idea that this is going to be a "Traditional Family Pub" serving the area. It comes across as an umbrella term seeking respectability where this appears like the same shoddy looking premises (no attempt has been made to improve the exterior presentation of the pub) that it has been for the last ten years. May it also be noted that although the previous owner has relinquished the lease, his restaurant is still immediately next door to the pub and he is very much still on the scene.

We hope that the council will review this application with extreme diligence and put residents concerns at the forefront of any decision making. This has been a long road of dealing with ineptitude, and the disruption for residents in the past has taken its toll on mental health for some.

Yours faithfully,

Application for Heart of Hackney

1 message

8 May 2023 at 19:09

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

Hi,

I'd strongly object to granting the license for premises that Heart of Hackney have applied for.

The owners and have fly tipped rubbish on their own roof and repeatedly caused extreme noise and disturbance over several years until their license was revoked. In the past, they've attracted a geezer-ish, aggressive clientele and the idea that this place is there for family entertainment is laughable.

I urge you to please reject this license application for the good of the local area so that in future the premises may be put to good use.

Best,
[REDACTED]
[REDACTED]

Objections to application for license Heart of Hackney

1 message

8 May 2023 at 19:17

To: "licensing@hackney.gov.uk" <licensing@hackney.gov.uk>

Hi there,

I'd like to register objections to the terms of the licensing application submitted for the Heart of Hackney pub on the basis of public nuisance, protection of children, and public safety.

Public nuisance:

The license has requested to serve alcohol and offer entertainment until 11pm from Sunday - Thurs, and until midnight on Fri & Sat. This is a pub that is surrounded on all four sides by densely populated residential buildings with hundreds of residents that would be impacted by such late music. The pub garden and overall 'lean to' structure at the back of the pub particularly contributes to noise pollution. The pub has previously been subject to noise complaints.

Protection of children and public safety:

- The application states that the pub will be a 'family pub', with children allowed until 11pm. Such a late licensing time seems unnecessary for a truly family pub - with most children in bed long before that time
- The idea of this being a family pub is also at odds with the previous knife crime incidence within the pub, it is unclear what extra controls and protections the applicants propose - both for any families frequenting the pub, and also the wider community

Furthermore, the rooftop of the pub is subject to fly tipping. This includes abandoned ventilation systems on the roof of the pub, and waste wood on the roof of the lean-to overlooking the pub garden. This is a nuisance for residents living nearby who overlook industrial waste and is a danger to pub customers - including children - in the garden who may be exposed to falling debris. I understand this was investigated by the Planning department in 2018 however it has worsened since then. I am happy to provide photographs to evidence this if helpful (from 2018, and now).

Lastly, the application states that the applicant has engaged with local residents to understand their concerns and work towards solutions - this has not been the case. I'd propose that a more reasonable set of timings for a pub in such a densely populated residential area are:

- Alcohol sales end ending at 22:00 Sun-Thurs and 22:30 Fri - Sat
- Entertainment ending at 21:30 Sun-Thurs and by 22:00 Fri-Sat
- Pub to close at 22:30 Sun-Thurs and 23:00 Fri-Sat
- Pub garden to close by 6pm every day
- A probationary period to ensure the terms of the license are adhered to

Best,



Premises License Objection: Heart of Hackney, 255 Mare Street

1 message

8 May 2023 at 22:24

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

To Hackney Licensing,

I am writing as a resident of [REDACTED] Hacon Square, E8 [REDACTED]. Our property backs directly onto the same courtyard area as Heart of Hackney's garden so I am an "interested party" in that I live in the vicinity of the premises.

I have multiple concerns about the application:*Firstly, regarding false/misleading claims made in the application...*

- There have been two stabbings at this pub in the last 10 years so the claim that it had been run "safely and successfully for over 10 years" up until the stabbing in 2021 (made by Shaun Murkett Acoustic Consultants) is simply not true and is an attempt to cover up the serious criminal issues this pub faces. It is well known that the pub closed in 2021 due to a stabbing where the suspect was aided by bouncers, but there was also a stabbing at the pub (called "Maddigans" at the time) in late 2013. As you can see, that is not a "ten year" period. It is also the case that residents have been in a constant battle with the premises over closing times, noise, and public disturbance throughout the last decade and beyond. No part of this represents "safely" or "successfully" as far as Hackney council, or its residents, should be concerned.
- The application mentions the desire for a "traditional family pub". This is another attempt to trick the council and residents as to become a "family pub" would require a new name, a total refit, and a totally new philosophy. It would essentially require an entirely new business, not just a new license holder. Nowhere in the application are changes of this level mentioned.

The above two points lead me to feel it would be fair to ask if the new licence holder, Aziz Ozdemir, actually has "no issues with police or the noise team", as is claimed? And, in the time in which he had no issues with police or noise, what sort of premises was he previously managing?

Secondly, regarding the end-of-night timings being applied for:

- Noise: The back of this pub is in the centre of a quiet residential area where most residents have their bedrooms. The idea of the pub serving alcohol and playing music until midnight is, therefore, completely unreasonable. The levels of noise it produced when previously open was incredibly high as it's on the ground floor and has no sound proofing. It severely affected residents' mental and physical health as loud music and shouting echoed around the area late into the night and made sleep broken and difficult, especially for babies and young children.
- Crime: The Heart of Hackney has, unfortunately, often been a source of crime and disorder. The pub lost its licence for this reason. Bringing the pub back in its existing form will, of course, reignite these issues, regardless of opening hours.
- Children's safety: This pub backs onto an area with lots of families with young children, for whom the problems raised above are exacerbated. Young children often need to be in bed by 6-7pm. It cannot be the case, as it used to be, that parents are faced with the following difficult decision: Keep children's bedroom windows open and let in loud music, shouting and swearing from the pub and its garden OR close their children's windows and create hot uncomfortable sleeping conditions that lead to children becoming upset and unable to sleep. Sadly, the reality was that, even with closed windows and doors, the noise was sometimes so loud that it could still be heard through double glazing. So for the protection of children from harm, the closing time of the pub garden should be brought forward to an earlier time of 6pm.
- The pub's garden: As mentioned, the pub has a garden that sits in the centre of a tightly packed residential area. The closing time of this garden needs to be a crucial part of this licence application. The previous garden closing time of 9pm was not only too late in a residential area, it was also never adhered to, with noise often going on until past 10pm. Given the problems presented by the noise it creates, a closing time of 6pm should be written into the licence. It is crucial for residents' mental and physical health that whatever time is agreed upon for the closing of the garden is strictly adhered to.

I would, therefore, like to propose the following changes to the application:

- Alcohol sales ending at 22.30 Sunday-Thursday and 23.00 Friday-Saturday:
- Recorded music ending at 22.00 Sunday-Thursday and 22.30 Friday-Saturday.
- Premises open to the public until 23.00 Sunday-Thursday and 23.30 Friday-Saturday.
- Pub garden to be closed by 6pm every day
- A probationary period to ensure that the terms of the licence are being adhered to

If the Heart of Hackney is genuine about the claim to become a "traditional family pub" then it would be good to model itself on existing examples of genuine family pubs in the area. The Scolt Head, Talbot and Spurstowe Arms close at 11pm on weeknights and then an average of 11.30pm on Friday and Saturday.

In closing...

Hackney Council will no doubt be aware of the constant problems residents faced when Heart of Hackney was previously open, ranging from mentally and physically taxing issues with noise, through to constant arguments and, ultimately, serious crime.

The sense that this new application will lead to exactly the same issues is felt strongly by local residents, and made worse by the fact that attempts to address concerns are at best baseless ("traditional family pub") and at worst false ("ten years safe"). This is exacerbated by a Hackney Gazette article from August 2022, placed by the previous applicant, in which it was claimed that any future application would involve consultation with residents. Not one person in our building has been spoken to.

For those reasons, Hackney Licensing should treat this as a problematic premises in a residential area and impose closing times that are reflective of this. It should also treat the granting of this amended licence with caution given the historical issues surrounding the premises, hence the suggestion for a probationary period.

Yours sincerely,

[REDACTED]
[REDACTED] Hacon Square, E8 [REDACTED]

Representation re premise application for Heart Of Hackney 255 Mare Street

1 message

8 May 2023 at 22:45

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

Objections to premises license for Heart of Hackney for Aziz OZDEMIR

HEART OF HACKNEY
255 MARE STREET
HACKNEY

(There doesn't seem to be a reference number in the application)

I have read the reference application and object on a number of grounds, all of which relate to the possibility of a public nuisance.

First, the notice in the window of the Heart of Hackney reads that comments/responses are due May 12th whereas the Council website says they are due May 9th. If this was a mistake on the part of the applicant, it was a mistake that could have been easily fixed by applicant. If the date was changed, it does seem the responsibility of the applicant to update the public notice he has previously provided. It may seem a small thing but it doesn't inspire confidence.

Second, the application, on page 22, paragraph 7, states that informal discussions are being conducted with "Local Residents". I do not believe that anyone living in Hacon Square has been approached by the applicant or his representatives to discuss the application - we certainly have not been approached. The applicant should provide some evidence of these consultations, with residents, Licensing, Police and Noise officers. Otherwise, the statement that "the new management have received a favourable initial response" rings hollow.

Third, the use of the garden has been addressed only in passing. Nowhere in the opening and closing times is it stated when the garden will close. The garden closing time is raised only on page 17, section d) Prevention of public nuisance, where it is stated that the garden will close at 9pm. We are to take this as given and not subject to review or discussion. I disagree.

The use of the garden is a particularly contentious issue for residents on any and all sides of the pub. When the previous application was reviewed, virtually everyone who commented and/or spoke during the review hearing insisted that garden should close by 7pm **at the latest**. It is not just a question of music or sound systems, just having people in the garden creates a noise nuisance. I think the garden should close by 6pm to ensure that resident living around the garden are not disturbed in their homes and are able to get their children to bed.

Fourth, opening and closing times need clarification. The applicant wants to serve alcohol until 11pm Sunday - Thursday and until midnight Friday and Saturday, and then say open another half hour to allow patrons to drink up. I think this is inappropriate, closing time should be closing time. The closing hours should be 23:00 and 24:00 and the half hour drinking up time should begin a half hour before closing, i.e., drinking up should be from 22:30 - 23:00 Sunday - Thursday and 23:30 - 24:00 Friday and Saturday.

There is also some confusion on page 22, section 6 where Mr Ozdemir "would like to consider the possibility of slightly later hours on a Friday and Saturday by one hour only, and to allow a dj to play, as regulated family entertainment".

If Mr Ozdemir wanted to apply to stay open until 01:00 on Saturday and Sunday morning, then he should have explicitly applied for those hours. As he didn't, then that possibility should not be considered now as part of this application.

Fifth, the applicant's use of the terminal "traditional family friendly pub" feels intended to cast a nice warm glow over the application. At times, this gets stretched a bit thin. The passage quoted above which tries to convey the idea that a dj, playing recorded music from midnight to 01:00 constitutes "family entertainment", when children are not allowed in the pub after 8pm, stretches the idea of a family friendly pub past the breaking point.

I think children should not be allowed in the pub after 6pm, 7pm at the latest.

Let us not confuse matters: this is an application to run a licensed premise where the track record on pubs in that premise is poor. Giving the applicant the benefit of the doubt, the application is nonetheless deficient and a number of points need to be clarified and altered, to summarise:

- 1 - the garden must close at 6pm
- 2 - the requested alcohol serving times should be the actual closing time with drinking up time to begin a half hour before closing
- 3 - any consultations need to be shared, not obviously the identities of individuals but the advice and opinions offered to the applicant
- 4 - the applicant be restricted to the actual hours in the application and not allowed to slide an extension through as "a possibility"

██████████ Hacon Square
Richmond Road
E8 ██████████

AZIZ OZDEMIR License application/255 Mare Street E8 3NS

Thank you for the opportunity to comment on yet another new license application for what has most recently been called the 'Heart of Hackney' pub at 255 Mare Street, London E8 3NS. This application has been submitted by Aziz Ozdemir and appears to follow on/respond to the application submitted in 2022 by Gokhan Yeter.

I have been a resident of the flats at 50 Hacon Square since 2005. Our bedroom and our children's bedroom back onto this pub's garden. I believe this is the same for probably 75% of the flats in our block (which is a shared/ownership block owned by Newlon Housing Association) – that our bedrooms face onto the pub garden.

We have all had to live with the various incarnations of this pub over the 18 years we have lived here. We have personal experience of how previous licensees were held to very strict limitations on their license. We also saw how these license conditions were continually broken and licenses threatened and licenses lost. There were numerous occasions when the Hackney Noise Monitors from the Council stood in my children's bedroom at 2:00am and measured the noise from the pub.

Myself and my neighbours would hope that the Council has records of the previous licenses and that similar restrictions would be imposed in this case (my personal fear is that all this information was lost in the Hackney computer data breach).

My specific comments in relation to this current application:

1. Honesty of the Applicant. I have concerns on two counts as to the trustworthiness of the applicant:
 - The notice placed in the pub's window announcing the license application gave the official date for responses of 12 May 2023 – despite the feedback deadline **actually being 9 May 2023**. The applicant has had weeks to make the appropriate change in the pub window and has not. We only found out about the actual deadline of 9th May by doing the extra research/contact at Hackney Council.
 - The applicant has stated that there have been 'positive consultations with the neighbours.' This was also stated last year in the Hackney Gazette. No one in our building has had any contact with the applicant; and so we collectively have no confidence that they have any understanding of our circumstances in relation to the pub.
 - 'Family Friendly' – The applicant has stated that they wish to run a 'Family Friendly' pub; but they have not given any indication of what would create a 'Family atmosphere' – other than 'allowing' children up until 8pm. No indication of menu choices, activities and promotions to be offered. In fact the description of the pub operations (security team, challenge actions, checking of pub) don't indicate a 'family friendly' approach to operations; but a similar 'boozier' atmosphere as has prevailed in the past.

2. There is very minimal mention made in the application to the **pub garden** – when this is actually one of the most significant aspects of the pub and its relation to its neighbours. The pub garden is surrounded on four sides (including the flats the freeholder of the pub built himself over the pub itself). Many of these flats (the ones on Ellingfort Road) have been built in the 17 years since my block was built.

Over the last 25 years, Hackney Council has allowed and actively encouraged this density of accommodation – particularly family accommodation – targeting the re-purposing of light industrial building plots (both our estate and the flats on Ellingfort Road). ***Hackney Council must take responsibility for the circumstance we now find ourselves in; and must protect these Hackney residents from the noise that will emanate from activity in the garden.***

The license issued from the Council MUST limit activity in the garden. Please refer to the previous licenses which I believe limited activity in the garden. I would suggest that the pub closure is limited to the ‘family’ hours as explained in the application (to be finished at 6pm or 7pm at the latest).

3. The **requested hours** should be limited to ‘normal’ pub hours for a residential neighbourhood – 11pm Sunday-Thursday and Midnight on Friday-Saturday. Sula, the most recent restaurant on this block – in the former Tad space in the 49 Hacon Square building – is closed by 10:30pm. The pub license should be limited to ‘normal’ pub hours for a residential neighbourhood – 11pm Sunday-Thursday and Midnight on Friday-Saturday.

A further concern is that the pub will want to extend the hours beyond the ones advertised.

4. The license that is granted to Aziz Ozdemir MUST include similar **noise restrictions** that were placed on the previous license holders. The previous license required the garden to be vacated by 9pm, they went further in requiring the license holder to ensure that no noise from the pub could be heard in any of the residential blocks after 9pm. This included that all windows/doors must remain closed and that any windows/doors must have noise-reducing glaze (double/triple glazing).

I would request that activity in the Garden be restricted to at least 7:00pm and 8:00pm at the latest to coincide with the time children will no longer be allowed in the pub.

In summary, I would state that my objections fall under the following categories:

General

- See notes above considering trustworthiness of the applicant; activity in the garden, etc

Prevention of Crime and Disorder

Public Safety

- The description of the mitigations proposed do not suggest a ‘family friendly’ pub – but a premises anticipating a more dangerous crowd element.

Prevention of Public Nuisance

Protection of Children from Harm

- See notes above concerning protection of neighbours – particularly neighbours with young children;
- See above concerning actions taken to make a truly 'family friendly' pub.

It is frustrating that we are now back where we have been numerous times with the various licensees of the pub space. It would be helpful if the Council could advise potential licensees in advance of the challenges of operating in an area that the Council has already prioritised for housing – including housing for families.

Also it is further frustrating that current policy/practice states that the Council no longer has to inform local residents about these types of license applications. I only found out by accident as I happened to walk past the pub and only happened to look up to a higher window where the application notice had been posted.

Thank you again for continuing to support the residents of our block as the Council has so many times over the years in relation to the ongoing operations of the pub.

Yours sincerely,

██████████

██████████ Hacon Square
Richmond Road
London E8 ██████████

LA01 - 255 Mare Street, Heart of Hackney Aziz Ozdemir license application

1 message

9 May 2023 at 18:41

To: licensing@hackney.gov.uk

To the Hackney Licensing Service,

In regards to the application for:

HEART OF HACKNEY 255 MARE STREET HACKNEY

(No reference number in the application)

As a resident whose flat is [REDACTED] to the property in question, I have a number of concerns regarding their application to re-open the pub.

Firstly, the blue notice in the window of the Heart of Hackney reads that comments/responses are due May 12th whereas the Council website says they are due May 9th. I would request that any objections that the licensing service receives between these two dates be considered, as the discrepancy is confusing and the real deadline follows two bank holiday weekends during which residents may be traveling.

The garden is the main area of concern. Many residents, myself included, have bedrooms that look out onto the garden area. As we are on the ground floor, we are especially nervous about patrons, feeling a bit uninhibited after a few drinks, climbing the modest wall into our property and damaging our garden. Even without trespassing onto our property the noise from the pub's garden will be quite disruptive, especially for those of us who have small children. Additionally, both myself and my partner now do the majority of our work from home, so lots of noise during the day will affect our ability to take calls and support ourselves. We recognise that there has been a pub on that site for over 150 years - but over the last 20 years the Council has been actively encouraging housing development on sites that were light industry. In combination with the change to working patterns due to Covid, there is more potential for conflict with residents. We moved into our flat at the beginning of 2022 and had there been a noisy pub in operation as a neighbor, it would have greatly reduced the price we were willing to pay.

After reviewing the application we request that:

- The pub garden closes no later than 6pm each night, and that the pub itself closes no later than 10pm on weeknights and 11pm on weekends.
- Alcohol sales should end 30 min before closing times.
- Recorded music should play no later than 9pm on weeknights and 10pm on weekends.
- Any addition of a DJ or later opening hours (as is alluded to on page 22, section 6 of the application) should not go ahead without another formal application and resident approval.

Thank you very much for your time and attention to this matter.

Best regards,

[REDACTED]
[REDACTED] Hacon Square, Richmond Road
E8 [REDACTED]

--
[REDACTED]
[REDACTED]

HEART OF HACKNEY 255 MARE STREET HACKNEY - Licensing Application of Aziz Ozdemir

1 message

9 May 2023 at 19:52

To: "licensing@hackney.gov.uk" <licensing@hackney.gov.uk>

Re Licensing Application of Aziz Ozdemir - HEART OF HACKNEY 255 MARE STREET HACKNEY**Name:** [REDACTED]**Address:** [REDACTED] Hacon Square, London, E8 [REDACTED]

I am writing as a resident of [REDACTED] Hacon Square, E8 [REDACTED]. Our property backs directly onto the same courtyard area as Heart of Hackney's garden so I am an interested party that lives nearby the premises of the property subject to the license.

I understand that there has been few stubbings in the pub over the years and it is unclear how the safety issue will be addressed at the venue (will some additional measures be taken comparing to what has been done before). The residents of nearby premises have been also in a constant battle with the venue over closing times, noise, and public disturbance for many years while the venue was opened.

The application refers to favourable consultation with residents. I have not been approached and having discussed this with a few of my neighbours, I understand that they have not been approached either. On this basis, I would also like to question the veracity of this and some of the other statements and representations in the application.

It is noted that the garden will close at 9 pm which in my view is quite late and will create a lot of disturbance to residents (myself included). I have recently moved my elderly mother from Ukraine and her mental health has already been severely affected by the war in Ukraine and this will further add to her ability to rest peacefully in the evenings or during the weekends. I think that garden must close at 6 pm the latest.

I understand that the applicant intends to serve alcohol until 11pm Sunday - Thursday and until midnight Friday and Saturday, and then say open another half hour to allow patrons to drink up. Closing time should be closing time and the pub should be closed at 11 pm and midnight respectively and the drinking up time should begin a half hour before closing, i.e., last drinks served at 10.30 pm and then finished within 10.20 pm and before 11 pm during Sundays - Thursdays and the last drink served at 11.30 pm and finished before midnight on Fridays and Saturdays.

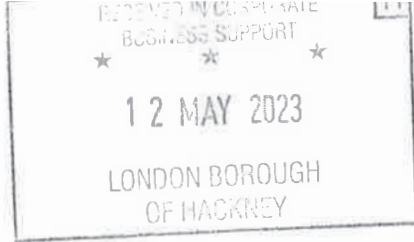
On page 22, section 6 where Mr Ozdemir "would like to consider the possibility of slightly later hours on a Friday and Saturday by one hour only, and to allow a dj to play, as regulated family entertainment". This appears to me to be a trick to extend the hours through the back door and also does not align with my interpretation of the "family pub" where the loud music could possibly play or people be drinking until 1 am at night. In my view, this possibility should not be even considered but outright not permitted.

Thank you for your time and consideration.

I look forward to hearing from you.

Kind regards

[REDACTED]



C10

██████████
██████████
██████████ Ellingfort Road
London
E8 ██████████

10 May 2023

Licensing Service
Hackney Service Centre
1 Hillman Street
E8 1DY


Dear Sir/Madam,

I'm writing to you regarding the application for a license at **Heart of Hackney, 255 Mare Street, Hackney, London, E8 3NS**. As a resident in the local adjacent street to the pub, I feel I cannot do anything but object to the granting of this license.

Since the closure of the pub, it is my feeling that the surrounding area has benefited from a dramatic decrease in the amount of noise, crime, and public disturbances. It was on these grounds that I objected to the granting of their license on their previous application.

Whilst the pub was still in operation, the noise from the pub garden was often so extreme that I had taken to wearing noise cancelling headphones whilst sat in my property, despite this I could still often hear the noise from the pub in all rooms – this noise regularly extended beyond their permitted opening hours, and more often than not I would end up having to wear earplugs to sleep. I am sure that anyone reading this would agree that this should be no way to live inside your own home; the license feels incredibly ill-suited to a location that is directly surrounded on almost all sides by residential properties, and I am sure that I am not the only local resident who has had this issue.

Once the pub did close for the night, the noise from customers leaving was often just as bad, with loud, violent fights occurring on several instances, most notable of which, that I'm sure you are already aware of, is the incident in which a man was cut with a box cutter. The pub does not create a safe environment for the local area. Patrons leaving the pub would often litter or smash glass on Mare Street and the other adjoining streets, and there was also several instances of public urination and vomiting that I bore witness to on the street in which I live. Since the closure of the pub, these instances have seen a dra-

23 MAY 23


matic drop to now near on never happening. While I am aware the license application states this to be a 'family friendly pub' I do not see how this can be enforced or decided upon, and feel it only serves as a smokescreen to get around the issues that had previously been caused by the pub itself.

It is of my opinion that there can be no way that the pub could re-open in it's current location and not re-introduce all the troubles I have outlined in this letter. I have felt that the quality of living in the surrounding area has seen a dramatic increase since the pub has not been in operation. My experience of living on this street and area has been an almost wholly positive one, with the only negative experiences stemming directly from incidents that can be traced back to the environment this establishment creates.

I hope my concerns and experiences will be taken into consideration.

Sincerely,

■■■■ ■■■■



| | |
|-----------------------------|--|
| | |
| For Consideration By | Licensing Sub-Committee |
| Meeting Date | 28 June 2023 |
| Type of Application | Variation to a Premises Licence |
| Address of Premises | The Doner Store, 468 Kingsland Road, Hackney, London, E8 4AE |
| Classification | Decision |
| Ward(s) Affected | London Fields |
| Group Director | Rickardo Hyatt |

1. **Summary**

1.1. This is an application to vary a premises licence to extend late night refreshment until 02:30 am on Thursday to Saturday.

2. **Application**

2.1. Kebab Store Enterprise Ltd have made an application to vary a premises licence under section 34 of the Licensing Act 2003.

2.2. The premises are in the Dalston SPA area.

2.3. The applicant is seeking variation to extend hours for the following activities:

| | |
|--|---|
| Late Night Refreshment | Standard Hours: Thu 23:00-00:30 Fri 23:00-01:00 Sat 23:00-01:00 |
| The opening hours of the premises | Standard Hours: Mon 12:00-23:00 Tue 12:00-23:00 Wed 12:00-23:00 Thu 12:00-02:30 Fri 12:00-02:30 Sat 12:00-02:30 Sun 12:00-23:00 |

2.4. The application is attached as Appendix A.

3. **Current Status/History**

- 3.1. The current premises licence was granted on 2 November 2021 (attached as attached Appendix C).
- 3.2. No Temporary Event Notices were submitted for the premises in this calendar year so far.

4. **Representations: Responsible Authorities**

| From | Details |
|--|--|
| Environmental Health Authority | No representation received |
| Environmental Health authority (Environmental Enforcement) | Have confirmed no representation on this application |
| Environmental Health Authority (Health & Safety) | No representation received |
| Weights and Measures (Trading Standards) | No representation received |
| Planning Authority | No representation received |
| Area Child Protection Officer | No representation received |
| Fire Authority | Have confirmed no representation on this application |
| Police | Representation on the ground of The Prevention of Crime and Disorder and The Prevention of Public Nuisance |
| Appendix B1 | |
| Licensing Authority | Representation on the ground of The Prevention of Public Nuisance |
| Appendix B2 | |
| Health Authority | No representation received |

5. **Representations: Other Persons**

| From | Details |
|----------------|----------------|
| Representation | None |

6. **Guidance Considerations**

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

7. **Policy Considerations**

- 7.1. Licensing Sub-Committee is required to have regard to the London Borough

of Hackney's Statement of Licensing Policy ("the Policy) adopted by the Licensing Authority.

- 7.2. The Policy applies to applications where relevant representations have been made. With regard to this application, policies, LP1 (General Principles), LP2 (Licensing Objectives), LP3 (Core Hours) 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 additional conditions should be applied the licence:

None.

9. **Reasons for Officer Observations**

- 9.1. Not Applicable

10. **Legal Comments**

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

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

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

11. **Human Rights Act 1998 Implications**

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

12. **Members Decision Making**

- 12.1. **Option 1**

That the application be refused

12.2. Option 2

That the application be approved, together with any conditions or restrictions which Members consider necessary for the promotion of the Licensing objectives.

13. **Conclusion**

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

Appendices:

Appendix A: Application for a premises licence and supporting documents
Appendix B: Representations from Responsible Authorities
Appendix C: Current Licence
Appendix D: Location map

Background documents

Licensing Act 2003
LBH Statement of Licensing Policy

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

Hackney
LA07

Application to vary a premises licence under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

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

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

I/We Kebab Store Enterprise Ltd

(Insert name(s) of applicant)

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

Premises licence number

PREM/2021/0085

Part 1 – Premises Details

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

The Doner Store
468 Kingsland Road
Hackney

Post town

London

Postcode

E8 4AE

Telephone number at premises (if any)

[REDACTED]

Non-domestic rateable value of premises

£9300

Part 2 – Applicant details

Daytime contact telephone number

[REDACTED]

E-mail address (optional)

[REDACTED]

Current postal address if different from premises address

| | | | |
|-----------|--|----------|--|
| Post town | | Postcode | |
|-----------|--|----------|--|

Part 3 – Variation

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

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

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

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

| |
|---|
| <p>Please describe briefly the nature of the proposed variation (Please see guidance note 2)</p> <p>Extending the hours for provision of late night refreshment Thursday to Saturday from 23:00 to 02:30</p> |
|---|

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

Part 4 Operating Schedule

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

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

In all cases complete boxes K, L and M

A

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

B

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

C

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

D

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

E

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

F

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

G

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

H

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

I

| Late night refreshment Standard days and timings (please read guidance note 8) | | | Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 4) | Indoors | <input type="checkbox"/> |
|---|-------|--------|--|----------|-------------------------------------|
| Day | Start | Finish | | Outdoors | <input type="checkbox"/> |
| Mon | | | Please give further details here (please read guidance note 5) | Both | <input checked="" type="checkbox"/> |
| Tue | | | | | |
| Wed | | | State any seasonal variations for the provision of late night refreshment (please read guidance note 6) N/A | | |
| Thur | 23:00 | 02:30 | | | |
| Fri | 23:00 | 02:30 | 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 7) N/A | | |
| Sat | 23:00 | 02:30 | | | |
| Sun | | | | | |

J

| | | | | | |
|---|--------------|---------------|---|------------------|--------------------------|
| Supply of alcohol Standard days and timings (please read guidance note 8) | | | Will the supply of alcohol be for consumption – please tick (please read guidance note 9) | On the premises | <input type="checkbox"/> |
| | | | | Off the premises | <input type="checkbox"/> |
| | | | | Both | <input type="checkbox"/> |
| Day | Start | Finish | State any seasonal variations for the supply of alcohol (please read guidance note 6) | | |
| Mon | | | | | |
| Tue | | | | | |
| Wed | | | | | |
| Thur | | | | | |
| Fri | | | | | |
| Sat | | | | | |
| | | | Non-standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 7) | | |
| Sun | | | | | |

K

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

L

| Hours premises are open to the public Standard days and timings (please read guidance note 8) | | | State any seasonal variations (please read guidance note 6) N/A |
|---|-------|--------|--|
| Day | Start | Finish | Non-standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list (please read guidance note 7) N/A |
| Mon | 12:00 | 23:00 | |
| | | | |
| Tue | 12:00 | 23:00 | |
| | | | |
| Wed | 12:00 | 23:00 | |
| | | | |
| Thur | 12:00 | 02:30 | |
| | | | |
| Fri | 12:00 | 02:30 | |
| | | | |
| Sat | 12:00 | 02:30 | |
| | | | |
| Sun | 12:00 | 23:00 | |
| | | | |

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

N/A

Please tick as appropriate

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

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

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

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

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

Alcohol hours will remain as it is. this variation is only to extend the hours of late night refreshment from Thursday to Saturday. Existing conditions will remain, we are open to accept additional conditions recommended by authorities.

b) The prevention of crime and disorder

c) Public safety

d) The prevention of public nuisance

e) The protection of children from harm

| |
|--|
| |
|--|

Checklist:

Please tick to indicate agreement

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

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

Part 5 – Signatures (please read guidance note 12)

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

| | |
|-----------|----------------------|
| Signature | |
| Date | 19/04/2023 |
| Capacity | Licensing consultant |

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

| | |
|-----------|--|
| Signature | |
| Date | |
| Capacity | |

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

[REDACTED]

Post town

London

Post code

[REDACTED]

Telephone number (if any)

[REDACTED]

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

[REDACTED]


Notes for Guidance

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

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

**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 |  |
| E-MAIL ADDRESS | hackneylicensing@met.police.uk |

APPLICATION PREMISES

| | |
|----------------------------|---|
| NAME & ADDRESS OF PREMISES | The Doner Store 468 Kingsland Road London E8 4AE |
| NAME OF PREMISES USER | Kebab Store Enterprise 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 The Doner Store, 468 Kingsland Road, E8 4AE for the following reason(s);

The venue is in the Dalston SPA and is asking for an increase in hours without any further conditions or mitigations in place to manage any impact these later hours may have.

It is also noted in the Councils Statement of Licensing Policy under LP10 that the track record of the venue should be taken into account. Police are aware that Licensing enforcement have previously found them operating after their licensable hours. When trying to demonstrate that they are responsible operators there needs to be a track record of operating within their current restrictions.

Police would like a discussion around how they intend to operate deliveries in these later hours and how waiting drivers will be managed.

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.

Discussions with the applicant about the above concerns, with potentially some additional conditions proposed.

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 | The Doner Store 468 Kingsland Road London E8 4AE |
| Applicant | London Borough of Hackney |

COMMENTS

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

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

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

I write to make a representation in response to this application. The premises is located within the Dalston Special Policy area which is an area identified as suffering from the negative cumulative impact as a result of the high concentration of licensed premises in the immediate area. The following policy applies:

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

I am concerned that the additional hours being sought would add to the negative cumulative impact already being experienced in the area. The applicant does not appear to address this in the application. The proposal could therefore have a negative impact on the promotion of the licensing objectives, most notably, the prevention of public nuisance.

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

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

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

Discussion in relation to the matters highlighted above. The applicant is invited to make additional submissions in rebuttal to LP10 as stated above.

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

17 May 2023



This premises licence has been issued by:

Licensing Service
1 Hillman Street
London E8 1DY

PART A – PREMISES LICENCE

Premises Licence Number

PREM/2021/0085

Part 1 – Premises details

The Doner Store
468 Kingsland Road
Hackney
London
E8 4AE

Where the licence is time limited the dates

Not Applicable

Licensable activities authorised by the licence

Late Night Refreshment
Supply of Alcohol

The times the licence authorises the carrying out of Licensable activities

| | |
|--------------------------------------|---|
| Late Night Refreshment | Standard Hours: Fri 23:00-00:00 Sat 23:00-00:00 |
| Supply of Alcohol (Off sales) | Standard Hours: Mon 12:00-23:00 Tue 12:00-23:00 Wed 12:00-23:00 Thu 12:00-23:00 Fri 12:00-23:00 Sat 12:00-23:00 Sun 12:00-22:30 |

| | |
|--|---|
| The opening hours of the premises | Standard Hours: Mon 12:00-23:00 Tue 12:00-23:00 Wed 12:00-23:00 Thu 12:00-23:00 Fri 12:00-00:00 Sat 12:00-00:00 Sun 12:00-22:30 |
|--|---|

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

Off Premises

Part 2 –

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

Kebab Store Enterprise Ltd
468 Kingsland road
London
E8 4AE

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

13124096

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

██████████
██████████████████
██████████
██████████

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

Licence No: ██████████
Issuing Authority: ██████████

Date of Grant: 2 November 2021

Signed:



David Tuitt
Team Leader – Licensing

Annex 1 - Mandatory Conditions

Supply Of Alcohol(Off)

Supply of Alcohol

1. No supply of alcohol may be made under the premises licence:
 - (a) At a time when there is no designated premises supervisor in respect of the premises licence.
 - (b) At a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.
2. Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.
3.
 - 3.1. The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sales or supply of alcohol.
 - 3.2 The designated premises supervisor in relation to the premises licences must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
 - 3.3. The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either:-
 - (a) a holographic mark or
 - (b) an ultraviolet feature.

Minimum Drinks Pricing

4.
 - 4.1 A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.
 - 4.2 For the purposes of the condition set out in paragraph 4.1 above -
 - (a) “duty” is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;
 - (b) “permitted price” is the price found by applying the formula - $P = D + (D \times V)$
Where -
 - (i) P is the permitted price,
 - (ii) D is the rate of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
 - (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
 - (c) “relevant person” means, in relation to premises in respect of which there is in force a premises licence -
 - (i) the holder of the premises licence,
 - (ii) the designated premises supervisor (if any) in respect of such a licence, or
 - (iii) the personal licence holder who makes or authorises a supply

of alcohol under such a licence;

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

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

4.3 Where the permitted price given by Paragraph 4.2(b) above would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

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

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

Annex 2 – Conditions consistent with the Operating Schedule

Not applicable.

Conditions derived from Responsible Authority representations

5. The use of the external area shall cease by 22:00 hours when all street furniture such as tables and chairs shall be rendered unusable, and shall be removed.
6. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of a Metropolitan Police Crime. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Recordings shall be made available immediately upon the request of Police or authorized officer throughout the preceding 31 day period. The CCTV system should be updated and maintained according to police recommendations.
7. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open to the public. This staff member must be able to show a Police or authorized council officer recent data or footage with the absolute minimum of delay when requested.
8. Customers will be encouraged to leave premises quietly and promptly. The Premises Licence Holder shall display A4 size notices on entry / exit point, with clear wording no smaller than size 50 font stating "Please respect our neighbours and leave the area quietly."
9. An incident log shall be kept at the premises, and made available on request to an authorised officer of the council or the police, which will record the following:
 - a. All crimes reported.
 - b. All ejections of patrons
 - c. Any complaints received.
 - d. Any incidents of disorder.
 - e. Seizure of drugs or offensive weapons.
 - f. Any faults in the CCTV system.
 - g. Any refusal of the sale of alcohol.
 - h. Any visit by a relevant authority or emergency service.
10. All instances of crime and disorder witnessed or reported to staff to be reported by the Designated Premises Supervisor or responsible member of staff to police.
11. 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 6 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.
12. All off sales of alcohol shall be ancillary to a take away meal and in sealed containers for consumption away from the premises.

13. The premises shall at all times operate a Challenge 25 policy to prevent any customers who attempt to purchase alcohol and who appear to the staff member to be under the age of 25 years without having first provided identification. Only a valid British driver's licence showing a photograph of the person, a valid passport or proof of age card showing the 'Pass' hologram are to be accepted as identification. Military ID Cards can also be accepted. Notices and/or posters advertising the Challenge 25 policy shall be placed in prominent positions at the premises.
14. No alcohol to be situated in the public area. The location of the alcohol is to be sited out of sight of members of the public.
15. The licence holder shall maintain a dedicated telephone number of the Designated Premises Supervisor for use by a responsible authority or any person who may wish to make a complaint. This contact number shall be provided to the Licensing authority police and any local authority upon request.
16. Deliveries will not be made to public places such as parks, roadsides or landmarks. Deliveries can only be made to a home or business address given at the time of the order.
17. Super Strength lagers, beers and/or ciders with an ABV of 5.5% or higher, shall not be sold at the premises.

Annex 3 – Conditions attached after a hearing by the licensing authority
Not Applicable.

Annex 4 – Plans

PLAN/ PREM/2021/0085/110821



FIRST FLOOR PLAN FOR:

THE DONER STORE
 468 Kingsland Road
 London
 E8 4AE

METRIC SCALE:

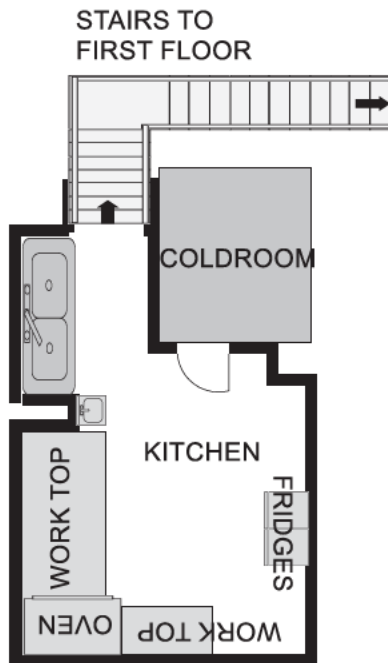
1:100

DRAWN BY:

OZER HYGIENE LTD
 Unit 63-64 Millmead Busines Centre
 Millmead Road
 Tottenham Hale
 London
 N17 9QU

Mob: 07957 869 940
 Tel: 020 7503 1479

ozerhygieneltd@hotmail.co.uk



GROUND FLOOR PLAN FOR:

THE DONER STORE
468 Kingsland Road
London
E8 4AE

METRIC SCALE:

1:100

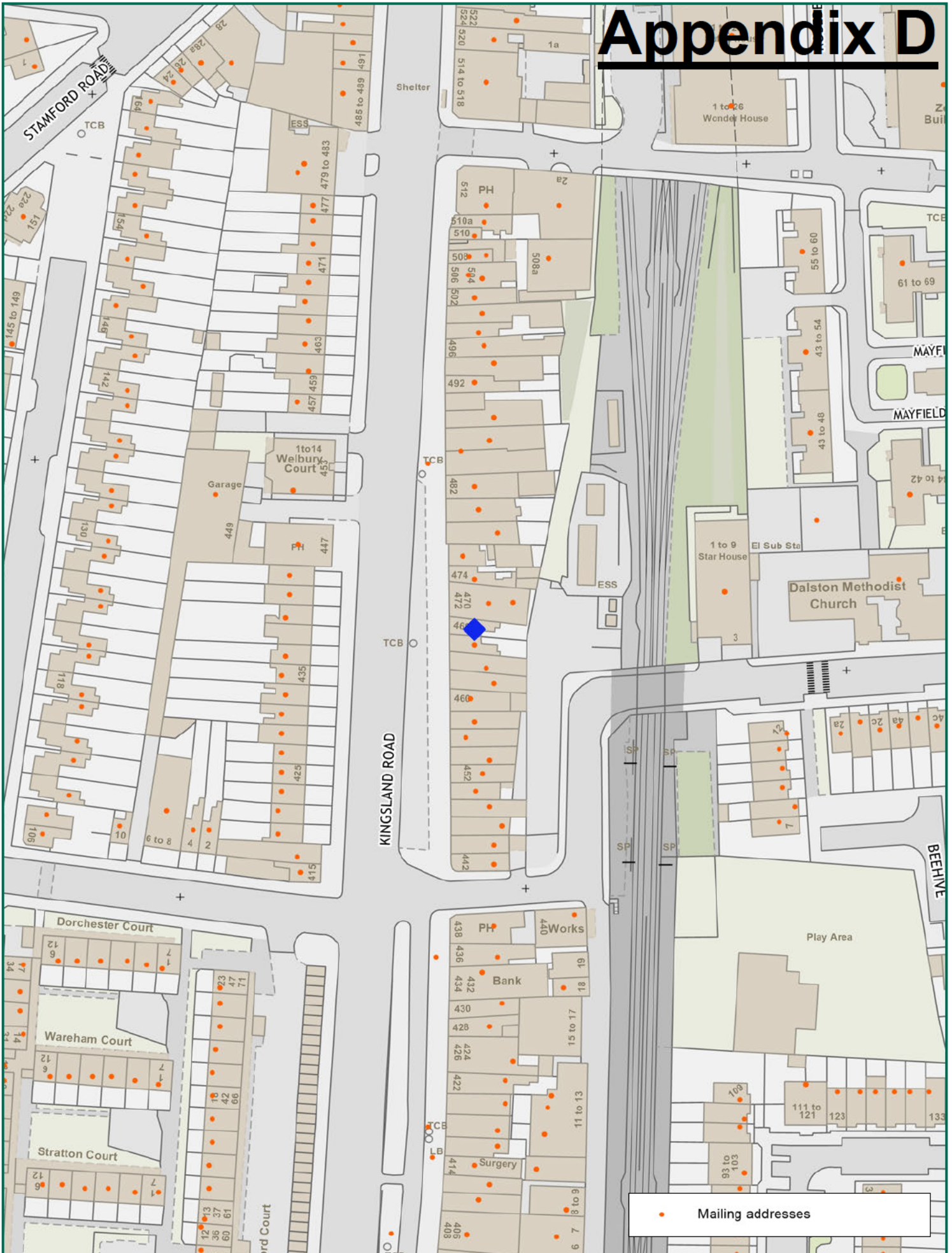
DRAWN BY:

OZER HYGIENE LTD
Unit 63-64 Millmead Busines Centre
Millmead Road
Tottenham Hale
London
N17 9QU

Mob: 07957 869 940
Tel: 020 7503 1479

ozerrygieneltd@hotmail.co.uk

Appendix D



• Mailing addresses

NORTH

Scale: 1:1250 at A4

468 Kingsland Road

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Ref: _____

Wednesday, April 19, 2023

email: _____

please specify copyright statement