

<b>REPORT OF THE GROUP DIRECTOR, NEIGHBOURHOODS AND HOUSING</b>		
<b>LICENSING SUB-COMMITTEE:</b> 12/06/2018	<b>Classification</b>  DECISION	Enclosure
<b>APPLICATION TO VARY THE PREMISES LICENCE :</b> Persian Restaurant 148 Shoreditch High Street, E1 6JE	<b>Ward(s) affected</b>  <b>Hoxton East &amp; Shoreditch</b>	

### 1. SUMMARY

<b>Applicant(s)</b> Ali Reza Ganjilu		<b>In SPA</b> Shoreditch
<b>Date of Application</b> 9 April 2018		<b>Period of Application</b> Permanent
<b>Proposed variation:</b> Supply of Alcohol (On Premises)		
<b>Proposed hours for licensable activity</b>		
<b>Supply of Alcohol</b>  <b>INDOOR</b>	<b>Standard Hours:</b> Mon 11:00-02:00 Tue 11:00-02:00 Wed 11:00-02:00 Thu 11:00-02:00 Fri 11:00-04:00 Sat 11:00-04:00 Sun 11:00-02:00	
<b>The opening hours of the premises:</b> <b>INDOOR</b>	<b>Standard Hours:</b> Mon 11:00-02:00 Tue 11:00-02:00 Wed 11:00-02:00 Thu 11:00-02:00 Fri 11:00-04:00 Sat 11:00-04:00 Sun 11:00-02:00	
<b>Current activities/hours:</b> The current licence is attached as Appendix D		
<b>Capacity:</b> not known		
<b>Policies Applicable</b>	LP3 (Operating Schedule), LP4 (Crime and Disorder), LP5 (Public Nuisance), LP6 (Protection of Children from Harm), LP8 (Public Safety), LP13 (Special Policy Area)	

<b>List of Appendices</b>	A – Application for variation of premises licence and supporting documents B – Representations from responsible authorities C – Representations from ‘other persons’ D – Current Licence E - Location map
<b>Relevant Representations</b>	<ul style="list-style-type: none"> <li>• Planning Authority</li> <li>• Police</li> <li>• Licensing Authority</li> <li>• Health Authority</li> <li>• Other Persons</li> </ul>

## 2. APPLICATION

2.1 Ali Reza Ganjilu has made an application vary their premises licence under the Licensing Act 2003:

- To extend hours for supply of alcohol for consumption **on** the premises

2.2 The application is attached as Appendix A.

## 3. CURRENT STATUS / HISTORY

3.1 The current premises licence was granted in 2008 and transferred to the applicant in April 2018.

3.2 No TENs have been submitted for premises in the current calendar year.

## 4. REPRESENTATIONS: RESPONSIBLE AUTHORITIES

<b>From</b>	<b>Details</b>
Environmental Health Authority (Environmental Protection)	No representation received
Environmental Health Authority (Environmental Enforcement)	No representation received
Environmental Health Authority (Health & Safety)	Have confirmed no representation on this application
Weights and Measures (Trading Standards)	No representation received
Planning Authority (Appendix B1)	Informative
Area Child Protection Officer	Have confirmed no representation on this application
Fire Authority	Have confirmed no representation on this application
Police (Appendix B2)	Representation received on the grounds of The Prevention of Crime and Disorder, Public Safety, Prevention of Public Nuisance, Special Policy Area.

Licensing Authority (Appendix B3)	Representation received on the grounds of The Prevention of Crime and Disorder, Prevention of Public Nuisance, Special Policy Area.
Health Authority (Appendix B4)	Representation received on the grounds of The Prevention of Crime and Disorder and Special Policy Area

## 5. REPRESENTATIONS: OTHER PERSONS

3 representations received from and on behalf of local residents. (Appendices C1-C3)	Representation received on the grounds of The Prevention of Crime and Disorder, Public Safety, Prevention of Public Nuisance, The Protection of Children from Harm and Special Policy Area.
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## 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 Planning, LP3 (Operating Schedule), LP4 (Crime and Disorder), LP5 (Public Nuisance), LP6 (Protection of Children from Harm), LP8 (Public Safety) and LP13 (Special Policy Area) 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 No additional conditions have been proposed by applicant or responsible authorities.

## 10. LEGAL COMMENTS

- 10.1 The Council has a duty as a Licensing Authority under the Licensing Act 2003 to carry out its functions with a view to promoting the following 4 licensing objectives;
- The Prevention of Crime and Disorder
  - Public Safety
  - Prevention of Public Nuisance
  - The Protection of Children from Harm

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

## 11. HUMAN RIGHTS ACT 1998 IMPLICATIONS

11.1 There are implications to;

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

## 12. MEMBERS DECISION MAKING

### A. Option 1

**That the application be refused**

### B. Option 2

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

## 13. CONCLUSION

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

<b>Group Director, Neighbourhoods and Housing</b>	Kim Wright
<b>Lead Officer (holder of original copy):</b>	Mike Smith Principal Licensing Officer Licensing Service 1 Hillman Street E8 1DY Telephone: 020 8356 4973

## LIST OF BACKGROUND PAPERS RELATING TO THIS REPORT

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

<b>Description of document</b>	<b>Location</b>
Persian Restaurant, 148 Shoreditch High Street, E1 6JE	Hackney Service Centre Licensing Service 1 Hillman Street London E8 1DY

### Printed matter

Licensing Act 2003

LBH Statement of Licensing Policy

# APPENDIX A

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 Mr Ali Reza Ganjilu

(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

LBH-PRE-T-0910

### Part 1 – Premises Details

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

148 SHOREDITCH HIGH STREET  
HACKNEY

Post town

LONDON

Postcode

E1 6JE

Telephone number at premises (if any)

Non-domestic rateable value of premises

£49250

### Part 2 – Applicant details

Daytime contact telephone number

E-mail address (optional)

Current postal address if different from premises address

Post

Postcode

town			
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**Part 3 – Variation**

Please tick as appropriate	
Do you want the proposed variation to have effect as soon as possible?	Yes
If not, from what date do you want the variation to take effect?	
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
	<input checked="" type="checkbox"/> No

<p><b>Please describe briefly the nature of the proposed variation</b> (Please see guidance note 2)</p> <p>Extension of hours for the supply of alcohol. Requires to be in line with the late night refreshment hours.</p>
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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:

50
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## 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.

- | <b>Provision of regulated entertainment (Please see guidance note 3)</b>                                    | <b>Please tick all that apply</b>   |
|---|-------------------------------------|
| a) plays (if ticking yes, fill in box A)  | <input type="checkbox"/>            |
| 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) <input type="checkbox"/>                                      | ..                                  |
| 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) | ..                                  |
| <b><u>Provision of late night refreshment</u></b> (if ticking yes, fill in box L)                           | ..                                  |
| <b>Sale by retail of alcohol</b> (if ticking yes, fill in box J)  | <input checked="" type="checkbox"/> |
| <b>In all cases complete boxes K, L and M</b>   |                                     |

**J**

<b>Supply of alcohol</b> Standard days and timings (please read guidance note 8)			<b>Will the supply of alcohol be for consumption – please tick</b> (please read guidance note 9)	On the premises	<input checked="" type="checkbox"/>
				Off the premises	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<b>State any seasonal variations for the supply of alcohol</b> (please read guidance note 6) N/A  <b>Non-standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list</b> (please read guidance note 7) Default.LicesableActivitiesJ_plays_non_s»		
Mon	11:00	02:00			
	-----	-----			
Tue	11:00	02:00			
	-----	-----			
Wed	11:00	02:00			
	-----	-----			
Thur	11:00	02:00			
	-----	-----			
Fri	11:00	04:00			
	-----	-----			
Sat	11:00	04:00			
	-----	-----			
Sun	11:00	02:00			
	-----	-----			



**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**

<b>Hours premises are open to the public</b> Standard days and timings (please read guidance note 8)			<b>State any seasonal variations</b> (please read guidance note 6) N/A
Day	Start	Finish	<b>Non-standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list</b> (please read guidance note 7) N/A
Mon	11:00	02:00	
Tue	11:00	02:00	
Wed	11:00	02:00	
Thur	11:00	02:00	
Fri	11:00	04:00	
Sat	11:00	04:00	
Sun	11:00	02:00	

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.

The existing licence is under the name of Pera, The clients wishes to change the name as Persian Restaurant, We have recently submitted a transfer application and havent received the licence yet, I have enclosed the previous 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)**

No additional conditions offered

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

**c) Public safety**

**d) The prevention of public nuisance**

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

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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	Ms Aysen Ipek Kilic
Date	9/4/2018
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	9/4/2018

Capacity	
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<b>Contact name (where not previously given) and address for correspondence associated with this application (please read guidance note 15)</b>			
NARTS			
53 STOKE NEWINGTON HIGH STREET HACKNEY			
UK-England			
<b>Post town</b>	LONDON	<b>Post code</b>	N16 8EL
<b>Telephone number (if any)</b>	[REDACTED]		
<b>If you would prefer us to correspond with you by e-mail, your e-mail address (optional)</b>			
[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

# APPENDIX B1

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

Details of Authority	2 Hillman Street, Hackney, London, E8 1FB
Officer contact name	Merryn McGregor
Officer telephone number	020 8356 8076
Officer's email address	merryn.mcgregor@hackney.gov.uk

### APPLICATION PREMISES

Name and address of premises	148 Shoreditch High Street London E1 6JE
Applicant name	Mr Ali Reza Ganjilu

### 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 to vary the existing license for a restaurant to extend the hours of supply of alcohol. The following licensable activities are proposed:

Supply of alcohol: 11:00 – 02:00 Sunday – Thursday, 11:00 – 04:00 Friday – Saturday; and  
Hours of operation: 11:00 – 02:00 Sunday – Thursday, 11:00 – 04:00 Friday – Saturday.

Planning application SOUTH/591/00/FP granted the change of use of ground floor to A3 restaurant. Condition 5 of South/591/00/FP limits the opening hours to between 08:00 hours and 17:00 hours Mon to Sat and 08:00 hours to 15:00 hours on Sun and Bank Holidays.

The use of the premises is therefore permitted. The hours of operation proposed exceed those permitted under the planning consent. Licensing permission does not grant planning permission. Therefore the applicant is advised to gain planning approval for the proposed hours of operation. Operation of the premises outside of the approved hours of operation is unlawful and may result in planning enforcement action.

Please provide the following information (if applicable)

Area (that permission applies to)	Ground floor
Permitted use	A3 (Restaurant)
Permitted hours	08:00 hours and 17:00 hours Mon to Sat and 08:00 hours to 15:00 hours on Sun and Bank Holidays
Specific/restrictive conditions	N/A

Document Number: 19905633

Document Name: 148 Shoreditch High Street


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 representations with informative.

The hours of operation proposed exceed those permitted under the planning consent. Licensing permission does not grant planning permission. Therefore the applicant is advised to gain planning approval for the proposed hours of operation. Operation of the premises outside of the approved hours of operation is unlawful and may result in planning enforcement action.

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	
Name	Graham Callam
Date	24/04/2018

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

NAME OF AUTHORITY	Metropolitan Police service
ADDRESS OF AUTHORITY	Licensing Unit, Stoke Newington Police Station 33 Stoke Newington High Street London N16 8DS
CONTACT NAME	PC 691GD Kerrie RYAN
TELEPHONE NUMBER	020 7275 3022
E-MAIL ADDRESS	hackneylicensing@met.police.uk

**APPLICATION PREMISES**

NAME & ADDRESS OF PREMISES	<b>Persian Kebab Ground Floor 148 Shoreditch High Street London E1 6JE</b>
NAME OF PREMISES USER	<b>Ali Reza GANJILU</b>

**COMMENTS**

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

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

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



Police make the following objections in relation to the application to vary the Premises Licence at PERSIAN KEBAB, 148 SHOREDITCH HIGH STREET, LONDON, E1 6JE for the following reason(s):

This premises is currently open and operating as a restaurant and late night food venue. The premises are currently authorised to sell alcohol on the premises from 11am until 11pm with a seated table meal. It is situated inside the Shoreditch Special Policy Area which is saturated with licensed premises. This area in particular becomes very busy at night into the early hours of the morning. There is an extremely high footfall as crowds leave licensed venues and look for transport home, another venue or for hot food. This establishment, through experience, becomes extremely busy after midnight. Many, if not most, of the clientele have consumed substantial amounts of alcohol in various premises around Shoreditch and come to queue for hot food. Often conflict and disorder can occur as drunk revellers come into contact with others. The addition of alcohol at this time would undoubtedly exacerbate the problem at a time when the streets of Shoreditch are at their very busiest.

There is another Kebab Shop, Kebab Zero, not too far away at 2 Kingsland Road, who have the same hours for late night refreshment. They also applied to sell alcohol last year, but the application was refused after a licensing sub committee hearing;

*The Licensing Sub-Committee felt that the sale of alcohol ancillary to food did not constitute 'exceptional circumstances' sufficient to grant a licence to sell alcohol in a small, mainly take-away venue in the centre and busiest part of the Shoreditch SPA. They believed that the majority of patrons would simply be adding alcohol in this premises to their further or previous consumption in other venues.*

Shoreditch has an extremely high footfall, especially at weekend, where tens of thousands of people come to eat and drink. Police deal with countless incidents of drunkenness, ASB (urination, vomiting, fighting), crime and disorder every night and extending the sale of alcohol at this venue (a proposed 5 additional hours at weekends) on this incredibly busy street will undoubtedly add to this.

Consultation with the Night-time Economy team reveals that each weekend this premises and the pavement outside becomes crowded with drunk people who queue to get food from this establishment. Police feel that the added attraction of alcohol being available will increase crowds even further. A full restaurant, plus queues outside will fuel existing issues.

Police cannot support this application and respectfully request it be refused.

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

Application submitted.

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

Signed PC 691GD RYAN (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 1 Hillman Street London E8 1FB
CONTACT NAME	David Tuitt
TELEPHONE NUMBER	020 8356 4942
E-MAIL ADDRESS	david.tuitt@hackney.gov.uk

**APPLICATION PREMISES**

NAME & ADDRESS OF PREMISES	148 Shoreditch High Street London E1 6JE
NAME OF APPLICANT	Ali Reza Ganjilu

**COMMENTS**

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

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

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

The premises is located in the Shoreditch Special Policy Area (SPA) therefore Policy LP13 applies. This area has been identified as suffering from negative cumulative impact as a result of the high concentration of licensed premises in the area. **LP13** states the following:

**LP13 Special Policy Area – Shoreditch**

**It is the Council’s policy that where a relevant representation is made to any application within the area of the Shoreditch SPA, the application will be refused unless there are exceptional circumstances. This policy is to be strictly applied. The Council expects that any exceptional circumstances offered by the applicant should be genuinely exceptional and so would not include reference to:**

- **The quality and track record of the management**
- **The good character of the applicant**
- **The extent of any variation sought.**

- Shoreditch is home to a large proportion of alcohol licensed premises.
- The area suffers from high volumes of crime [robbery, violence and thefts], the pattern of which also appears to follow the trajectory of commercial premises locations.
- Figures from the London Ambulance Service also show a correlation between the locations of licensed premises and alcohol related ambulance call outs, many of these in the Hoxton East and Shoreditch ward.

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

The Licensing Act 2003, Statement of Licensing Policy 2016 and Guidance issued by the Home Office.

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

N/A.

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

**Date:** 04/05/2018

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

NAME OF AUTHORITY	City and Hackney Public Health directorate
ADDRESS OF AUTHORITY	City and Hackney Public Health 1 Hillman St London E8 1DY
CONTACT NAME	Jerry Hill
TELEPHONE NUMBER	020 8356 1807
E-MAIL ADDRESS	Jerry.Hill@hackney.gov.uk

**APPLICATION PREMISES**

NAME & ADDRESS OF PREMISES	Pera 148 Shoreditch High Street Hackney E1 6JE
NAME OF APPLICANT/PREMISES USER	Ali Ganjilu

**COMMENTS**

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

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

Dr Penny Bevan  
Director of Public Health  
Hackney Council

1 May 2018

**RE: Representation against the premises licence application for Pera Restaurant**

As Director of Public Health (a responsible authority under the Licensing Act 2004), I wish to make a representation against the application to vary the premises licence for **Pera Restaurant**

The City and Hackney Public Health function recognises the role that licensed premises play in contributing to the local economy, but the dense availability of alcohol has a significant impact on the health and wellbeing of many of the borough's residents.

Tackling alcohol misuse is key to achieving the aspirations of Hackney's Health and Wellbeing Strategy. We want to establish an environment that recognises the role of alcohol in our society, whilst minimising the significant health damage caused by alcohol misuse. Licensing is an important component in the wider efforts to reduce this harm.

This representation is made under the **prevention of crime and disorder** licensing objective(s).


The application is for a venue within the Shoreditch Special Policy Area (SPA). As laid out in the Council's Licensing Policy, and under LP13, where a relevant representation is made to any application within the area of the Shoreditch SPA, the application will be refused unless there are exceptional circumstances. I do not believe that this application shows any exceptional circumstances.

Shoreditch has been defined as a cumulative impact area. There is increasing recognition of the impact that high density availability has<sup>1</sup>, which could lead to an increase in public nuisance, crime and disorder and impact adversely on health of both those consuming the alcohol but also of others who come into contact with them.

The area already has sufficient premises to meet demand and additional outlets supplying alcohol will be detrimental to the local residents in terms of noise and

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<sup>1</sup> Livingstone M. et al. Changing the density of alcohol outlets to reduce alcohol related harm. Drug and Alcohol Review 2007; 26: 557-566  
<http://onlinelibrary.wiley.com/doi/10.1080/09595230701499191/abstract>

A decorative graphic at the bottom right of the page consisting of several overlapping, curved lines in shades of green and white, sweeping from the bottom left towards the right edge.

disturbance, anti-social behaviour and crime. This includes extra hours of alcohol provision to existing premises.

The area within which this premise is located has high incidences of crime and violence, including those that are alcohol related. The information below is drawn from SafeStats, a service within the Greater London Authority that hosts data from emergency services and other agencies, covering the period year to December 2017. This data shows that, within a 500m radius of the premises:

- There were **492** alcohol related incidents
- **267** alcohol related incidents involved those aged under 26 years
- **228** assaults were recorded by the London Ambulance Service

According to the council's Licensing database of premises allowed to sell alcohol, there are **77 on licence premises** and **38 off licence premises** within 500m of the application venue, with a further **117 having a licence for on and off sales**.

The applicant has not proposed suitable measures which would promote the licensing objectives, nor mitigate against negative impact. Based on the information provided and that the application does not provide by exceptional circumstances in accordance to LP13, **the Public Health function recommends that this application be refused.**

Yours sincerely

A black rectangular box containing a white handwritten signature that reads 'Penny Bevan'.

Dr Penny Bevan  
Director of Public Health  
London Borough of Hackney and City of London Corporation



**From:** [REDACTED]  
**Sent:** 06 May 2018 15:49  
**To:** Licensing  
**Subject:** Pera, 148 Shoreditch High Street, London E1 6JE

Dear Hackney Licensing,

I am writing to object to this application for a premises licence to allow supply of alcohol as late [as 4am](#).

This restaurant is in the heart of the Shoreditch SPA. Late at night this (newly-reopened venue) is little more than a kebab and chip shop for drunk punters looking to soak up their booze and keep it going. Put simply, this application is exactly the reason the SPA was established. The area is already overrun with licensed premises, with at least 20 within 100 metres of this venue. The surrounding streets feature some of Shoreditch's most notorious premises.

As the venue is in the Shoreditch SPA, the burden falls onto the venue to demonstrate exceptional circumstances. The application doesn't even try, for an obvious reason: There are no exceptional circumstances which justify a takeaway serving booze and allowing alcohol to flow [until 4am](#).

Specifically I object for the following reasons:

- This venue is within the Shoreditch Special Policy Area. No exceptional circumstances exist. Therefore, this application should be rejected out of hand.
  
- In addition, this venue is almost adjacent to the Shoreditch, Barrio East, the Cornershop, Kick, the Forge, the Ace Hotel and other exceedingly crowded venues. These sites already see a large number of revellers on the street at night, not to mention spillover pedestrian traffic. Inevitably this means more booze tourists causing intolerable noise, anti-social behaviour, littering and fouling of the streets. This venue will add to the cumulative impact and existing issues of noise and disorder.
  
- Importantly, the corner has recently improved a bit with the closure of a notorious off-licence directly next to Pera replaced with a retail shop. This corner is absolutely horrible at night, with the pavement urine soaked, covered in chip and kebab grease, with groups loitering and leaving mess. More booze, even later, will give people even more reason to linger. When I walk my dog by here every weekend morning it is shocking how much vomit and litter we have to navigate around. Come visit at 5am and you would never allow this licence extension.
  
- There are many residential properties in the immediate vicinity of the venue. The addition of later booze in another venue, no matter how sedate, will present a risk to the children in the area. The other evening my [REDACTED] daughter was offered a free shot of booze by a local venue at 8:30pm!



I implore you to please do the sensible thing and reject this application. The burden should fall heavily on the applicant, who should have the simple decency to withdraw the application.

I wish to be advised of the date for the Sub-Committee meeting.

██████████  
Batemans Row, EC2A ██████████

(I do not consent to the release of any personally identifiable information.)

**From:** [REDACTED]  
**Sent:** 01 May 2018 16:18  
**To:** Licensing  
**Subject:** Pera Restaurant 148 Shoreditch High Street London E1 6JE

Dear Hackney Licensing,

I write to object to this application for a premises licence to allow supply of alcohol as late as 4am.

Our family have witnessed increased disturbance at night from the over use of alcohol licenses with food.

This is really just a cover for venues to sell alcohol to already inebriated people.

This restaurant is a kebab restaurant and frequented by late night revellers and giving them more alcohol will only exacerbate the problems in the area.

The application is in the SPA and should be firmly rejected to protect the ever increasing crime and dysfunction of this area.

I wish to be advised of the date for the Sub-Committee meeting.

[REDACTED]

[REDACTED] Rivington St

EC2A [REDACTED]

(I do not consent to the release of any personally identifiable information.)

**Mike Smith**

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**From:** [REDACTED]  
**Sent:** 20 April 2018 12:10  
**To:** Licensing  
**Subject:** Pera Restaurant 148 Shoreditch High Street London E1 6JE

Dear Hackney Licensing

I write to object to this application for a premises licence to allow supply of alcohol as late as 4am.

This restaurant is in the heart of the Shoreditch SPA. Late at night this (newly-reopened venue) is little more than a kebab and chip shop for drunkards looking to soak up their booze and keep it going. Put simply, this application is exactly the reason the SPA was established. The area is truly saturated with licensed premises, with at least 20 within 100 metres of this venue. The surrounding blocks feature some of Shoreditch's most notorious premises.

As the venue is in the Shoreditch SPA, the burden falls onto the venue to demonstrate exceptional circumstances. The application doesn't even try, for an obvious reason: There are no exceptional circumstances which justify a takeaway serving booze and allowing alcohol to flow until 4am.

Specifically I object for the following reasons:

- This venue is within the Shoreditch Special Policy Area. No exceptional circumstances are presented. The application accordingly should be rejected out of hand.
- The location of the venue is almost adjacent to the Shoreditch, Barrio East, the Cornershop, Kick, the Ace Hotel and other exceedingly crowded venues. These sites already see a large number of revellers on the street at night, not to mention spillover pedestrian traffic. Inevitably this means more booze tourists causing intolerable noise, anti-social behaviour, littering and fouling of the streets. This venue will add to the cumulative impact and existing issues of noise and disorder.
- Importantly, the corner has recently gotten slightly better. A notorious off-licence directly next to it recently closed, replaced with a retail shop. This corner is absolutely horrible at night, with the pavement urine soaked, covered in chip and kebab grease, with groups loitering and leaving mess. More booze, even later, will give people even more reason to linger.
- There are many residential properties in the immediate vicinity of the venue. The addition of later booze in another venue, no matter how sedate, will present a risk to the children in the area.

For these reasons I believe the application should be rejected. The burden should fall heavily on the applicant, who should have the simple decency to withdraw the application.

I wish to be advised of the date for the Sub-Committee meeting.

[REDACTED]  
Batemans Row, EC2A [REDACTED]  
(I do not consent to the release of any personally identifiable information.)

# APPENDIX D



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

Licensing Service  
2 Hillman Street  
London E8 1FB

## **PART A – PREMISES LICENCE**

### **Premises Licence Number**

LBH-PRE-T-0910

### **Part 1 – Premises details**

Pera Restaurant  
Ground Floor  
148 Shoreditch High Street  
Hackney  
London  
E1 6JE  
020 7613 3277

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

Not Applicable

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

Late Night Refreshment  
Supply of Alcohol

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

#### **Late Night Refreshment**

#### **Standard Hours:**

#### **Premises:**

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

**Supply of Alcohol      Standard Hours:**

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

**The opening hours of the premises**

**Premises                      Standard Hours:**

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

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

On Premises

**Part 2 –**

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

Mr Mustafa Kucukbalaban  
148 Shoreditch High Street  
Hackney  
London  
E1 6JE

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

Not applicable

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

Mr Mehmet Kuckbalaban  
[REDACTED]  
[REDACTED]

**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:** LN/200112560  
**Issuing Authority:** Barnet

**Date of Grant:** 6 February 2008

**Signed:**

**David Tuitt**  
**Team Leader - Licensing**

## Annex 1 - Mandatory Conditions

### Supply of Alcohol

1. No supply of alcohol may be made under the premises licence:
  - (a) At a time when there is no designated premises supervisor in respect of the premises licence.
  - (b) At a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.
2. Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.
3. (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.  
  
(2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises -
  - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to;
    - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
  - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
  - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
  - (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner.
  - (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).

4. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
5. 5.1. The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sales or supply of alcohol.
  - 5.2 The designated premises supervisor in relation to the premises licences must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
  - 5.3. The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either:-
    - (a) a holographic mark or
    - (b) an ultraviolet feature
6. The responsible person must ensure that:
  - a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures:
    - beer or cider: 1/2 pint;
    - gin, rum, vodka or whisky: 25ml or 35ml; and
    - still wine in a glass: 125ml; and
  - b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customers is made aware that these measures are available.

### **Minimum Drinks Pricing**

7. 7.1 A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.
  - 7.2 For the purposes of the condition set out in paragraph 7.1 above -
    - (a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;
    - (b) "permitted price" is the price found by applying the formula -  $P = D + (D \times V)$

Where -

  - (i) P is the permitted price,
  - (ii) D is the rate of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
  - (iii) V is the rate



of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;

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

(i) the holder of the premises licence,

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

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

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

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

7.3 Where the permitted price given by Paragraph 7.2(b) above would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

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

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

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

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

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

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

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

Not applicable

# APPENDIX E



Scale: 1:1250 at A4



Ref:  
30 May 2018

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