

REPORT OF THE GROUP DIRECTOR, NEIGHBOURHOODS AND HOUSING

LICENSING SUB-COMMITTEE: 10/10/2019	Classification DECISION	Enclosure
APPLICATION TO VARY THE PREMISES LICENCE : 4 Decking Areas on the First Floor, Boxpark, 2-10 Bethnal Green Road, E1 6GY	Ward(s) affected Hoxton East & Shoreditch	

1. SUMMARY

Applicant(s) Boxpark Ltd		In SPA Shoreditch
Date of Application 22 August 2019		Period of Application Permanent
Proposed variation: To extend hours for supply of alcohol (On Premises) To remove conditions 18, 19, 28 and 32 from current licence To amend wording of current condition 20		
Proposed hours for licensable activity		
Supply of Alcohol	Standard Hours: Mon 08:00-23:00 Tue 08:00-23:00 Wed 08:00-23:00 Thu 08:00-23:00 Fri 08:00-00:00 Sat 08:00-00:00 Sun 10:00-22:30	
The opening hours of the premises:		
Standard Hours: Mon 08:00-23:30 Tue 08:00-23:30 Wed 08:00-23:30 Thu 08:00-23:30 Fri 08:00-00:30 Sat 08:00-00:30 Sun 10:00-23:00		

Current activities/hours: See current licence attached as Appendix D	
Capacity: not known	
Policies Applicable	LP1 (General Principles), LP2 (Licensing Objectives), LP3 (Core Hours), LP5 (Planning Status), LP6 (External Areas and Outdoor Events), LP10 (Special Policy Areas – Dalston and Shoreditch)
List of Appendices	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
Relevant Representations	<ul style="list-style-type: none"> • Police • Licensing Authority • Other Persons

2. APPLICATION

2.1 Boxpark Ltd has made an application vary their premises licence under the Licensing Act 2003:

- To extend hours for supply of alcohol (On Premises)
- To remove conditions 18, 19, 28 and 32 from current licence
- To amend wording of current condition 20

2.2 The application is attached as Appendix A.

3. CURRENT STATUS / HISTORY

3.1 The current premises licence was granted by Licensing Sub-Committee in September 2017. This replaced a previous licence that had been issued in July 2012 for the 4 decking areas and also replaced a number of premises licences that had been granted to individual units within Boxpark.

3.2 Temporary Event Notices have been submitted in the current calendar year as follows:

<u>Start date</u>	<u>End date</u>	<u>Start time</u>	<u>End time</u>
03/03/2019	03/03/2019	20.00	23.00
21/04/2019	21/04/2019	20.30	23.00
05/05/2019	05/05/2019	20.30	23.00
26/05/2019	26/05/2019	20.30	23.00
02/06/2019	02/06/2019	20.30	23.00
09/06/2019	09/06/2019	20.30	23.00
30/06/2019	30/06/2019	20.30	23.00
28/07/2019	28/07/2019	20.30	23.00
25/08/2019	25/08/2019	20.30	23.00
22/09/2019	22/09/2019	08.00	23.00

4 REPRESENTATIONS: RESPONSIBLE AUTHORITIES

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

5. REPRESENTATIONS: OTHER PERSONS

3 Representation 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, 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 (General Principles), LP2 (Licensing Objectives), LP3 (Core Hours), LP5 (Planning Status), LP6

(External Areas and Outdoor Events), LP10 (Special Policy Areas – Dalston and Shoreditch) are relevant.

8. OFFICER OBSERVATIONS

8.1 If the Sub-Committee is minded to approve the application:

- Conditions 18, 19, 28 and 32 should be removed from the licence
- Current condition 20 should be amended by the addition of the following wording;
“At any other time when licensable activity is being provided, the need for additional SIA supervisors will be individually risk assessed.”

9. REASONS FOR OFFICER OBSERVATIONS

9.1 The applicant has proposed the above deletion and amendment of conditions on current licence. Police and Licensing are opposed to the deletion of conditions 28 and 32.

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 individual’s 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.

Group Director, Neighbourhoods and Housing	Kim Wright
Lead Officer (holder of original copy):	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.

Description of document	Location
4 Decking Areas on the First Floor Boxpark, 2-10 Bethnal Green Road, E1 6GY	Hackney Service Centre Licensing Service 1 Hillman Street London E8 1DY

Printed matter

Licensing Act 2003

LBH Statement of Licensing Policy

APPENDIX A

Application to vary a premises licence under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

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

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

I/We **Boxpark 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
085399

Part 1 – Premises Details

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

4 Decking areas on 1st floor
Boxpark
2-10 Bethnal Green Road

Post town

London

Postcode

E1 6GY

Telephone number at premises (if any)

Non-domestic rateable value of premises

No separate rateable value

Part 2 – Applicant details

Daytime contact
telephone number

E-mail address (optional)

Current postal address if
different from premises
address

Post town

Postcode

London Borough of Hackney
Projects & Regulatory Services

19 JUL 2019

Part 3 - Variation

Please tick as appropriate

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

☒ Yes

☐
No

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

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

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

1. Permit longer hours for supply of alcohol
2. Permit longer opening hours
3. Remove conditions which are no longer applicable/relevant
4. Amend requirements for SIA staff in the light of longer opening hours

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) ☐
- 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

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 checked="" type="checkbox"/>
				Off the premises	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>State any seasonal variations for the supply of alcohol</u> (please read guidance note 6)		
Mon	08.00	23.00			
Tue	08.00	23.00			
Wed	08.00	23.00			
Thur	08.00	23.00			
Fri	08.00	00.00	<u>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</u> (please read guidance note 7)		
Sat	08.00	00.00			
Sun	10.00	22.30			

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).

None

L

Hours premises are open to the public Standard days and timings (please read guidance note 8)			<u>State any seasonal variations</u> (please read guidance note 6)	
Day	Start	Finish		
Mon	08.00	23.30		
Tue	08.00	23.30		
Wed	08.00	23.30		
Thur	08.00	23.30		<u>Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list</u> (please read guidance note 7)
Fri	08.00	00.30		
Sat	08.00	00.30		
Sun	10.00	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.

Remove conditions 18, 19, 28, 32

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)

Add the following wording to condition 20

“At any other time when licensable activity is being provided, the need for additional SLA supervisors will be individually risk assessed”.

b) The prevention of crime and disorder

See box a

c) Public safety

See box a

d) The prevention of public nuisance

See box a

e) The protection of children from harm

See box 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.

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	18 th July 2019
Capacity	Solicitors for applicant

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

Signature			
Date			
Capacity			
Contact name (where not previously given) and address for correspondence associated with this application (please read guidance note 15)			
Craig Baylis BCLP Adelaide House London Bridge			
Post town	London	Post code	EC4R 9HA
Telephone number (if any)	0203 400 2326		
If you would prefer us to correspond with you by e-mail, your e-mail address (optional) Craig.baylis@bclplaw.com			

BOXPARK

DISPERSAL POLICY

BOXPARK SHOREDITCH
2-10 BETHNAL GREEN ROAD, LONDON E1 6GY
SHOREDITCH@BOXPARK.CO.UK

Boxpark is committed to the safe, orderly and effective dispersal of all patrons.

The dispersal procedure (around the terminal hour) is dedicated to make maximum contribution by exercising positive measures towards and at the end of trading in moving customers from the venue and its immediate area in such a way as to cause minimum disturbance or nuisance and to make the minimum impact upon the neighbourhood in relation to potential nuisance, anti-social behaviour or crime.

Terminal hour may cause unnecessary noise and lead to anti-social or offending behaviour. Accordingly the following control measures have been put in place:

- Approximately half an hour before the end of trading, SIA badged security staff shall become proactive in encouraging dispersal outside the venue. This will usually be the responsibility of security staff at the main entrance. Security will ensure that customers stay for no longer than is necessary outside the premises.
- Approximately half an hour before the end of trading, the managers shall gradually introduce a more relaxed style of music, which shall not be cut abruptly but continue at a background level whilst customers wind down at their own pace. The lighting shall gradually be increased and announcements shall be made via PA system regarding quiet and swift dispersal and of the presence of CCTV systems monitoring the internal & external environs of the premises.
- Security shall not overly encourage the customers out of the building but shall maintain a watchful presence whilst the crowd naturally disperses.
- Boxpark staff are trained in identifying and reporting any customers who display excessive levels of intoxication to security and management. These customers will be assisted in leaving the venue in safe manner.
- As Boxpark clears of customers, all security shall proceed outside in high visibility jackets where, under the direction of the duty manager, they shall assist in politely encouraging people to vacate the area. The high visibility clothing adds to 'capable guardianship' within the public space highlighting them as authority figures controlling our private premises.
- All security shall remain outside for up to 30 minutes after the terminal hour or until (at the duty manager's discretion) all customers from Boxpark have sufficiently dispersed.
- All security and managers shall be proactive in advising customers to vacate the environs of the premises quietly and with respect for others. It is to be made clear that any transgressors will not be welcome back to Boxpark in future. Clear signage to the above effect shall be on permanent display in the exit areas. This message is to be reinforced by PA announcements during the last hour of trading.
- When customers have finally dispersed, staff outside the premises will check the immediate vicinity to ensure that no rubbish is left lying around that might later be used to commit crime or cause a public nuisance.
- Staff will invariably leave the premises later than customers will. Their behaviour can impact on local disturbance also and have therefore been instructed to leave quietly. Boxpark has introduced a training regime to bring every member of staff up to date with the implications of the Licensing Act 2003 and the need to respect this policy. Staff will thereafter be knowledge checked every 3 months.

APPENDIX B1

RESPONSIBLE AUTHORITY REPRESENTATION: APPLICATION UNDER THE LICENSING ACT 2003

RESPONSIBLE AUTHORITY DETAILS

NAME OF AUTHORITY	Metropolitan Police service
ADDRESS OF AUTHORITY	Licensing Unit, Stoke Newington Police Station. 33 Stoke Newington High Street London N16 8DS
CONTACT NAME	PC 3691CE Kerrie RYAN
TELEPHONE NUMBER	020 7275 3022
E-MAIL ADDRESS	hackneylicensing@met.police.uk

APPLICATION PREMISES

NAME & ADDRESS OF PREMISES	4 Decking Areas on 1st Floor Boxpark 2-10 Bethnal Green Road London E1 6GY
NAME OF PREMISES USER	Boxpark Ltd

COMMENTS

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

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

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

Police make the following representations in relation to the application to vary the Premises Licence at 4 Decking Areas, Boxpark, 2-10 Bethnal Green Road, London, E1 6GY for the following reason(s):

This premises licence was granted in September 2017, after several hearings. The conditions that are currently on the licence were agreed at the final hearing on 28th September 2017 – many of them offered by the applicant to allay police concerns.

It concerns police that one of the biggest topics during the last hearing were the branded cups that are currently required to be used on the decking areas, due to the constant breaching of the other units, which police felt were not being addressed by the management. This application seeks to remove those conditions, with no rationale or explanation as to why this amended has been sought.

Conditions 28 and 32 were offered by the applicant at the previous hearing to allay police concerns and to ensure it was clear where alcoholic drinks were being purchased from, i.e. Boxpark's own bar. The removal of these conditions will enable the other units to breach their lease and their licence undetected. Police would like to hear why these conditions should be removed and how this would be of benefit to them without undermining the licensing objectives.

This premises is now inside the Shoreditch Special Policy Area and LP10 of this policy states that the applicant will need to demonstrate that, in this case, the extended hours of the weekend, will not add to the cumulative impact that is currently being experienced in this area.

Police look forward to hearing from the applicant soon.

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

Police knowledge and experience.

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**

B2

RESPONSIBLE AUTHORITY DETAILS

NAME OF AUTHORITY	Licensing Authority
ADDRESS OF AUTHORITY	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

NAME & ADDRESS OF PREMISES	4 Decking Areas on the First Floor Boxpark 2-10 Bethnal Green Road London E1 6GY
NAME OF APPLICANT	Boxpark Ltd

COMMENTS

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

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

Representation in relation to:

I write to make a representation in relation to this application as the premises is located within the Shoreditch Special Policy Area (SPA). The SPA is area that has been identified as suffering from the negative cumulative impact of the concentration of licensed premises in the area. The proposed licence could lead to a negative impact on the promotion of the licensing objectives, in particular, the prevention of crime and disorder and the prevention of public nuisance due to an increased availability of alcohol for consumption both on and off the premises.

It should be noted that **LP10** (Special Policy Areas – Dalston and Shoreditch) of the Council's Statement of Licensing Policy states:

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.

Evidential research used to inform the Policy made a number of notable findings, including:

- Most crimes (87%) in the Hoxton East and Shoreditch Ward associated with licensed premises occurred between 2000 and 0359 hours; peak hours of 2300 to 0159 (53%). Friday's to Sunday's experienced more crime than other days, specifically Friday PM to Saturday AM, and Saturday PM to Sunday AM (between 2100 and 0359 hours); 61% of ward total.
- In recent years, Thursday's have also begun to feature. However, peak crime hours on a Thursday were more limited between 2300 hours on a Thursday and 0159 hours on the Friday morning suggesting that Thursday nights are not yet quite as prevalent as Friday and Saturday nights.
- Overall most of the crime in this ward was theft (87%), and then violence (9%). Whilst there was a 60% reduction in theft offences, violent crime increased by 68%, particularly serious wounding (up 350% or 39 more crimes so % increase brought about by low numbers), common assault and harassment.

Overall there was a reduction in assault with injury, and although counts fell between FY2011/12 and FY2013/14 it started to rise again from FY2014/15.

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

The Licensing Act 2003, Statement of Licensing Policy 2018-2023 and S182 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.

It should be noted that there is no objection in relation to the removal of existing conditions 18 and 19. However, the extension of hours and removal of the two other conditions could have a negative impact on the promotion of the licensing objectives and it is felt that the applicant has not demonstrated why there should be a departure from the Policy.

Name: David Tuitt, Business Regulation Team Leader – Licensing and Technical Support

Date: 09/08/2019



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

Licensing Act 2003: Boxpark, 4 decking areas on the first floor, 2-10 Bethnal Green Road E1 6GY

1 message

APPENDIX C1

Dear Licensing team,

I object strongly to the latest application to relax the conditions under which the 'booze park' (as it is normally known) operates.

From the entry in the weekly list, it would appear the latest application is to (a) remove the conditions that limit the operation of the premises to a single licensee and (b) extend the operating hours on Friday, Saturday and Sunday.

You are familiar with the history of these premises. In brief, Boxpark was initiated with community support on the basis of a promise there would be no licensed premises. (See first attachment). Having reneged on this undertaking it developed into essentially a very large, loud and antisocial largely open-air bar. The premises attracted far more concern and far more complaints than any other in the neighbourhood. The latest licence was issued, after a series of Licensing Sub-Committee hearings, in autumn 2017. It granted Boxpark Ltd all they asked for, despite the strong objections of the police who opposed any such licence and of residents' groups who argued for a compromise that would allow Boxpark Ltd to implement their plans in return for a strong noise condition that would deal with the largest single source of complaints about the premises. The Licensing sub-Committee felt unable to respond to either the police or to local residents groups. However, the planning authorities did subsequently so respond and noise conditions were placed on the premises as planning conditions.

The premises actually straddle the Hackney/Tower Hamlets boundary; about two thirds including three of the four decking areas are within Hackney and the remaining third including the fourth decking area lie within the neighbouring borough. The licensing policies of the two boroughs are now similar, as the Shoreditch SPA has been extended to join up with the Brick Lane Cumulative Impact Zone (CIZ). Planning decisions for each part of the site remain the responsibility of the two boroughs separately.

My specific ground for objection are as follows.

First, the application to extend hours would be contrary to the planning consent in place in both boroughs. See the hours listed in condition 4 of the Hackney planning consent and in condition 3 of the Tower Hamlets consent (both attached). Under policy LP5 of Hackney's licensing policy, licensing applications should not exceed the hours authorised in planning permissions. This application does exceed the authorised hours. The limits in both planning consents are there to protect local amenity, as they say. The licensing authority may accordingly conclude that to grant the extended hours would be contrary to the licensing objectives; this is one reason to reject this part of the application.

Second, the premises are within the SPA and CIZ. Under either policy, and in line with the statutory Home Office guidance on which both are based, an applicant seeking to remove conditions or extend hours has to show that to do so would not add to the cumulative impact being experienced. The serious negative impact being experienced in the neighbourhood is well documented in the evidence base assembled to support extension of the SPA, and equally in the evidence assembled slightly earlier by LB Tower Hamlets to support continuation of the CIZ. (I have merely summarised these facts, following para 3.5 of the licensing policy).

In this case, the licensing conditions the applicants propose to remove are exactly the conditions that they proposed and claimed in their 2017 application would enable them to control the negative impact being created by the premises. I refer you to that application and the minutes of the various sub-Committee meetings that considered it. It is therefore impossible for them to argue logically or credibly that removing these same conditions would not add to the overall cumulative impact. This aspect of the application should therefore be rejected.

The hours for which the applicants are applying are consistent with the core hours included in both boroughs' licensing policies. However, both boroughs' policies are clear core hours are not an entitlement and more restrictive hours may be appropriate in some circumstances; see para 2.20 and policy LP3 of the Hackney licensing policy. Under the SPA (and CIZ) the applicants still have to demonstrate later hours would not add to cumulative impact. It is, almost by definition, impossible for them to do so. Since the original Boxpark concept morphed into the 'booze park', it has made a much more serious contribution to the negative cumulative impact in the neighbourhood than any other

premises, as evidenced by the unique volume of complaints. It therefore seems impossible for the applicants to mount a serious argument that longer hours would not add to the impact.

In any case, the application relates to 'decking areas' that are essentially external areas; hours should normally be limited to 10pm, or even earlier, under policy LP6 covering external areas. This aspect of the application should therefore also be rejected.

Finally, Boxpark Ltd may say the volume of complaints has dropped in the last year or so. This may well be correct. The noise condition imposed in the Hackney planning consent requires noise to be reduced well below background levels (see conditions 11 and 13) and the condition in the Tower Hamlets planning consent simply bans any noise amplification from open areas, including the fourth decking area (see condition 4). These conditions do seem to have had a positive effect and brought some relief to the neighbourhood. However, it would be perverse to further relax licensing conditions on the grounds the two planning authorities had been able to protect local amenity when the licensing authority decided it could not.

kind regards,

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

mob:

e-mail:

3 attachments

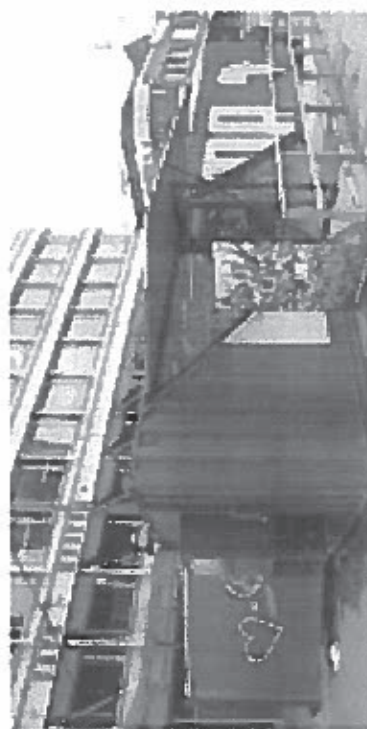


Boozepark D&A page 14.png
231K

Hackney planning DN 2018.pdf
180K

TH planning DN.pdf
133K

BOXPARK



3 Boxpark



3.1 Concept

Boxpark is a revolutionary new retail concept, the world's first contemporary pop-up retail mall designed to provide small-scale, flexible shop units - "Boxshops" - created from recycled metal shipping containers.

Boxpark was specifically conceived as a way of delivering temporary (or medium-term) uses on 'brownfield' or under-utilised sites pending permanent redevelopment in order to deliver short to medium term employment opportunities for the local community as well as environmental improvements to act as a catalyst for further (early) investment in an area to complement the urban landscape.

The principal of Boxpark - Roger Wada - is the founder and co-owner of the Original Streetwear brand, 'Bodysuit'.

The Boxpark concept has been developed as a result of Roger's brand and retailing experience and understanding of consumer trends. Fundamentally, this understanding of brands has led to a unique platform where retailers will not be drawn into lengthy complicated leases, therefore creating affordable space to occupants of Boxpark. The concept of using containers for accommodation has already been successfully piloted in London in projects such as Zephyr Buoy Wharf and also the short term Puma pop-up shop.

Boxpark is in the early stages of rolling out a series of projects across the UK; however, 'Boxpark Shoreditch' will be the first UK site and the group's flagship operation.

The Bishopsgate Goods Yard site was specifically identified by Boxpark due to the opportunity of temporary uses pending re-development but also due to its location in Shoreditch (land close to Battersea Green, Brick Lane and Spitalfields Market) which has developed as one of London's main centres for fashion and the creative arts.

Boxpark Shoreditch is primarily aimed at fashion / clothing occupiers; however, there will also be opportunities for creative industry outlets for example art exhibitions from local artists and showrooms of local fashion talent. Boxpark Shoreditch is also proposing to offer a small number of units to community based initiatives, for example, supporting creative businesses in the local area.

Boxpark Shoreditch will include a couple of unique cafes/coffee shops serving the local community and adding to the vibrancy of the retail mix of Boxpark Shoreditch. However, there will be no licensed premises within the development.

CMA Planning
113 The Timberyard
Drysdale Street
London
N1 6ND
United Kingdom

London Borough of Hackney
Planning and Regulatory Services
2 Hillman Street
London E8 1FB
www.hackney.gov.uk
Hackney Reference: 2017/1990

21/08/2018

**Town and Country Planning (Development Management Procedure)
Order 2015**

Application Number: 2017/1990
Site Address: Land at Bishopsgate Goods Yard
Bethnal Green Road
LONDON
E1 6GY

Thank you for your recent application for the above address on which a decision has now been made. The decision on your application is attached. Please carefully read all of the information contained in these documents.

Please quote your application reference number in any correspondence with the Council, either by post to the Hackney Planning Service, 2 Hillman Street, London, E8 1FB, by email to planning@hackney.gov.uk, or by phone to 020 8356 8062.

Yours faithfully



Ian Rae
Head of Planning
Planning Service
Neighbourhoods and Housing



PLANNING DECISION NOTICE
Town and Country Planning Act 1990 as amended
Town and Country Planning (Development Management Procedure) (England) Order
2015

Agent:	CMA Planning 113 The Timberyard Drysdale Street London N1 6ND United Kingdom	Applicant:	Boxpark Limited C/O Agent
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Part 1- Particulars of the Application	Application No:	2017/1990
	Date of Application:	15/05/2017
	Date Validated:	16/05/2017
	Application Type:	Removal or Variation of Condition

Proposal: Variation of Condition 3 attached to planning permission 2015/3443 to increase the number of A3 (cafe/restaurant) units from 16 to 20 and variation of Condition 2 in order to undertake the following amendments to the design of the development:

- Introduction of glazed screens to the terraces at first floor level;
- Introduction of polycarbonate roof over the central two terraces and walkway

Location: Land at Bishopsgate Goods Yard
Bethnal Green Road
LONDON
E1 6GY

Plan Numbers:

Plans Submitted 31/01/2011:

1-377/001A, 010F, 011F, 012E, 013C, 020C and 030B.

Plans Submitted 27/07/2011:

1-377/001A, 010F, 011F, 012E, 013C, 020C and 030B.

Plans Submitted 28/02/2012:

1-377/001A, 010F, 011F, 012E, 013C, 020C, 030B, BK/18 010, 024 c, DGL/Q005/64795A01, Performance Chart, ESP 4500E, 1-377-011F (date received 27/07/2011); and Sirius 'Introducing the new integrated system from Sirius: Electrostatic Precipitation and Ultra-Violet odour control for a total solution, BK/18 001H, 001DRG, 003A, 007LS, 008A, 011, 017, 018, 019LS, 031, 032, 034D, 035; xxx/012 and 13; WLT

2011/18/07-9.16, 10 and 11; shipping container visual; Boxpark Service Management Plan - dated November 2011; Letter dated 20/02/12

Plans Submitted 08/02/2013

1-377/001A, 010F, 011F, 012E, 013C, 020C and 030B.

Plans Submitted 21/09/2015:

Letter dated 03/08/2015

Plans submitted under current application:

P101, P102B, P103, P104, Noise Impact Assessment 31/05/2017, Design Access and Planning Statement November 2017

Part 2 – Particulars of Decision: **GRANTED SUBJECT TO CONDITIONS**

Notice is hereby given that the London Borough of Hackney as local planning authority in pursuance of its powers under the above mentioned Act and Rules, Orders and Regulations made thereunder permits the development referred to in Part1, in accordance with the plan(s) submitted and subject to the following condition(s):

Conditions

Condition 2

The Development hereby permitted shall only be carried out and completed strictly in accordance with the submitted plans hereby approved and any subsequent approval of details.

REASON: To ensure that the development hereby permitted is carried out in full accordance with the plans hereby approved.

Condition 1

The use(s) hereby permitted shall be operated for a limited period only until 31st May 2021 on or before which date the use shall be discontinued.

REASON: The proposal does not fully accord with the Policies contained within the prevailing development plan and the use of the building otherwise than for a (further) limited period would tend to prevent the ultimate implementation of the plan.

Condition 3

No more than 20 of the containers hereby approved shall be operated at any one time under A3 Class use.

REASON: To ensure that the development hereby permitted is carried out in

full accordance with the plans hereby approved and to safeguard the cumulative impact of development within the area.

Condition 4

The use hereby permitted may only be carried out between 0700 to 2300 hours Monday to Saturday and 0800 to 2200 hours Sunday

REASON: To ensure that the use is operated in a satisfactory manner and does not unduly disturb adjoining occupiers or prejudice local amenity generally.

Condition 5

The A3 use hereby approved shall not be operated in a manner that requires the installation of associated flues for cookers/ other cooking equipment other than as allowed by the details hereby approved unless otherwise agreed in writing by the Local Planning Authority.

REASON: To safeguard the amenity of surrounding occupiers as well as the character and appearance of the surroundings.

Condition 6

The development hereby approved shall not be operated until the provision of refuse, storage and cycle parking for 44 bicycles has been provided on site as shown on drawing 1-377-010F.

REASON: To ensure that the development is operated without detriment to the surrounding area and facilities for the use are available.

Condition 7

No roof plant, including all external enclosures, machinery and other installations shall be placed upon or attached to the roof or other external surfaces of the building other than those as allowed by the details approved unless otherwise agreed in writing by the Local Planning Authority.

REASON: In the interests of maintaining an acceptable appearance of the building.

Condition 8

No goods, merchandise, material and no boxes, crates, drums, refuse or other waste matter shall be placed or stored on the site otherwise than within a building.

REASON: To safeguard the appearance of the area.

Condition 9

No soil stacks, soil vent pipes, flues, ductwork or any other pipework shall be fixed to the (street) elevations of the building other than as shown on the drawings hereby approved.

REASON: To ensure that the external appearance of the building is satisfactory and does not detract from the character and visual amenity of the area.

Condition 10

Except on day(s) of collection, all refuse and waste shall be stored in sealed containers in the refuse area shown on the plans hereby approved.

REASON: To ensure refuse is not left in the street in the interests of visual amenity and to reduce the likelihood of infestation.

Condition 11

The total noise level from externally fixed plants shall be 10 dB(A) or more below the measured LA90 background noise level at the nearest noise sensitive premises at any time. The method of assessment shall be carried in accordance with BS4142:1997 'Rating industrial noise affecting mixed residential and industrial areas'. The equipment shall be installed and constructed in accordance with any approved scheme and be permanently maintained thereafter. A test shall be carried out prior to the discharge of this condition to show above criterion shall be met and the results submitted to the Local Planning Authority for approval.

REASON: To ensure that occupiers of neighbouring premises do not suffer a loss of amenity by reason of noise nuisance from plant and machinery.

Condition 12

Detailed drawings/full particulars of the proposed development showing the matters set out below must be submitted to and approved by the Local Planning Authority, in consultation with TfL, before the extended period of operation hereby approved is commenced. The development shall not be carried out otherwise than in accordance with the details thus approved.

- A Risk Assessment and Method Statement (RAMS), to outline physical means of mitigation to prevent damage from occurring to the adjacent rail station.

REASON: To protect the safe operation of the railway.

Condition 13

The total noise level arising from the uses hereby approved, including amplified music, shall be 5 dB(A) or more below the measured LA90 background noise level at the nearest residential windows at any time.

REASON: To ensure that occupiers of neighbouring premises do not suffer a loss of amenity by reason of the operation of the use.

Informative/s:

All shop front glazing must make use of toughened glass at a minimum of 8.6mm thickness or separate consent for external shutter (integral to the internal frame of the container).

The Building Regulations Approved Document B1/2, Fire Safety, require new schemes to be provided with smoke alarms that are mains-operated. If you require further clarification regarding whether your scheme requires mains wired smoke alarms please contact Building Control, Hackney Service Centre, 1 Hillman Street, London E8 1DY Tel. 0208 356 8124

Building Control

Your attention is drawn to the provisions of the Building Act 1984 and other Building Control legislation, which must be complied with to the satisfaction of The Building Control Service, 2 Hillman Street, LONDON, E8 1FB. Telephone No: 020 8356 8124. Before any building work (including improvements to means of escape and changes of use) is commenced on site, detailed plans, together with the appropriate application form must be submitted for approval and early consultation is advised.

Hours Of Building Works (Monday to Friday 08:00-18:00 hours; Saturdays 08:00-13:00 hours; at no time on Sundays and Public Holidays) Your attention is drawn to the provisions of Section 60 of the Control of Pollution Act 1974 which imposes requirements as to the way in which building works are implemented including the hours during which the work may be carried out. This Act is administered by the Councils The Pollution Control Service, 1, Hillman Street, Hackney, E8 1DY Telephone No: 020 8356 3000. You are advised to consult that Division at an early stage.

A section 278 agreement is required for this consent to provide for an on street 'loading bay' that requires amendments to a traffic order. Please contact the Traffic and Transport department on 020 8356 8178.

Hackney Planning Service adopts a positive and proactive approach when engaging with applicants / agents in line with the National Planning Policy Framework. As part of our planning process, we endeavour to contact applicants / agents regarding any minor issues that may be able to be resolved during the course of the application, providing an opportunity to submit amendments before a final decision is made. We also encourage the pre-application service to avoid delays as a result of amendments and unforeseen issues during the planning process.

Date of Decision: 21 August 2018

Yours faithfully

A handwritten signature in black ink, appearing to read 'I. Rae', with a long horizontal stroke extending to the right.

Ian Rae
Head of Planning
Planning Service
Neighbourhoods and Housing

Statement of Applicant's Rights - Appeals to the Planning Inspectorate

If your application has been refused by the London Borough of Hackney or granted subject to conditions that you are not happy with, you have the right to appeal to the Planning Inspectorate (under Section 78 of the Town and Country Planning Act 1990 or Section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990).

The time limits for submitting an appeal may vary. The period after the date of the Council's decision within which an appeal must be received by the Secretary of State is:

- **28 days** in the case of an appeal against refusal of a planning application relating to the same or substantially the same land and development as is already the subject of an enforcement notice.
- **8 weeks** in the case of an appeal against refusal of advertisement consent.
- **12 weeks** in the case of appeals made under against refusal of any 'householder application' (including refusals to approve details following permission granted for a householder application; and, refusal of prior approvals relating to dwelling houses)
- **12 weeks** in the case of 'minor commercial applications (the refusal of an application for development of an existing building or part of a building currently in use for any purposes in Classes A1, A2, A3, A4 and A5 where the proposal does not include a change of use, a change to the number of units, development that is not wholly at ground floor level and/or does not increase the gross internal area of the building).
- **6 months** in the case of all other appeals made under s78(1) or s20 of the above Acts relating to a decision on a planning application or listed building consent application. The 6 month time limit also applies to any appeal made under s78 (2) of the Act in respect of a failure to give a decision within the statutory period.

Appeals must be made using a form which you can get from the Planning Inspectorate at Room 3/13, Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN or online at <https://www.gov.uk/appeal-planning-inspectorate>

Purchase Notices

If either the local planning authority or the Planning Inspectorate refuses planning permission or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted. In these circumstances, the owner may serve a purchase notice on the Council. This notice will require the Council to purchase the owner's interest in the land in accordance with the provisions of Chapter 1 of Part VI of the Town and Country Planning Act 1990 and Section 32-37 of the Planning (Listed Buildings & Conservation Areas) Act 1990.

Mr Adam Williams
CMA Planning
113 The Timberyard
Drysedale Street
London
N1 6ND

Application Number: PA/17/01329

24/05/2018

Place Directorate
Development Management
Town Hall, Mulberry Place
5 Clove Crescent
London
E14 2BG

www.towerhamlets.gov.uk

Enquiries to: Daria Halip

Tel: 0207 364 5203

Fax: 020 7364 5415

Dear Sir/Madam,

Town and Country Planning Act 1990 (as amended)

CONDITIONAL PERMISSION FOR DEVELOPMENT

In accordance with the Act and Order mentioned above, Tower Hamlets Council as Local Planning Authority hereby gives notice of its decision to grant permission for the development referred to in the schedule to this notice and as shown on the submitted plans and particulars subject to the conditions set out in the schedule.

You are advised that this permission does not modify or extinguish any covenants, easements or other restrictions applying to or affecting the land, or the rights affecting the land, or the rights of any other person entitled to the benefits thereof. You are also advised that this permission does not relieve you of the need to obtain any approval necessary under the Building Act 1984, Building Regulations 2000, or other related legislation. In this connection you should contact the Head of Building Control, Town Hall, Mulberry Place, 5 Clove Crescent, London, E14 2BG (020 7364 5241) for advice or guidance on the necessity for obtaining building regulation approval in this particular case.

Applicants are reminded of the need to comply with the provisions of Part II of the London Building Acts (Amendment) Act 1939 in order to obtain official geographical and postal addresses and to get any newly created streets and access-ways officially named. **In order to avoid delays at completion stage of the work the application should be made on commencement of the work or shortly thereafter.** Details of the development, including site, block and internal plans annotated with unique plot numbers and additional development information such as tenure, number of bedrooms etc. with completed application forms (available from the Street Naming and Numbering webpage on the Councils website) should be sent to Planning and Building Control, Street Naming and Numbering, Mulberry Place, 5 Clove Crescent, London, E14 2BG.

Your attention is drawn to the following statement of applicants' rights:-

1) Appeals to the Secretary of State

If you are aggrieved by this decision you may appeal to the Secretary of State for Communities & Local Government in accordance with Section 78 of the Town and Country Planning Act 1990. If you want to appeal from the date of your decision notice then you

must do so within **SIX months** (unless your proposal relates to householder appeal or minor commercial appeal as defined in Article 37 of the DMPO 2015 in which case you must do so within **TWELVE weeks** of the date of this notice), or 28 days, if the development in your application is the same or substantially the same as development that is currently or subsequently the subject of an enforcement notice. Appeals can be made online at: <https://www.gov.uk/planning-inspectorate>. If you are unable to access the online appeal form, please contact the Planning Inspectorate to obtain a paper copy of the appeal form on tel: 0303 444 5000. The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal. The Secretary of State need not consider an appeal if it seems to him that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions it imposed, having regard to the statutory requirements, to the provisions of the development order and to any directions given under the order. In practice the Secretary of State does not refuse to consider appeals solely because the local planning authority based its decision on a direction given by him.

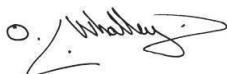
2) Purchase Notice

If either the local planning authority or the Secretary of State for the Environment refuses permission to develop land or grants it subject to conditions, the owner may claim that they can neither put the land to a reasonably beneficial use in its existing state nor can they render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted. In these circumstances, the owner may serve a purchase notice on the Council in whose area the land is situated. This notice will require the Council to purchase their interest in the land in accordance with the provisions of Part VI of the Town and Country Act 1990.

3) Compensation

In certain circumstances compensation may be claimed from the local planning authority if permission is refused or granted subject to conditions by the Secretary of State on appeal or on reference of the application to him. These circumstances are set out in Section 114 and related provisions of the Town and Country Planning Act 1990.

Yours sincerely,



Owen Whalley, Divisional Director - Planning and Building Control

SCHEDULE

Full Planning Permission

Location: Land at Bishopsgate Goods Yard, Bethnal Green Road, London, E1 6LA

Proposal: Retention of temporary 'Boxpark' shopping facility for up to five years through the siting of 6 shipping containers for A1 use and 1 half-size container for ancillary storage use at ground floor level and part of 4 shipping containers for A3 use at first floor level, with associated outdoor seating area (in connection with approved temporary shopping facility on adjacent site in Hackney).

Date: 24/05/2018

Reference: PA/17/01329

Application 11 May, 2017

Received on:

Application 24 May, 2017

Registered on:

Documents and Drawings P.001 REV. A
P.002 REV. A
P003
Site location plan
Site plan

Design access and Planning Statement, May 2017 of CMA Planning

Statement of positive and proactive engagement

The Local Planning Authority has worked with the applicant in a positive and proactive manner by making available a formal pre-application process, including free duty officer advice. The Local Planning Authority has also produced policies and provided written guidance, all of which are available on the Council's website and which has been followed in this instance.

Conditions and Reasons:

1 - This permission shall be for a limited period only, expiring on 1st June 2021. On or before that date the use hereby permitted shall be discontinued and any building or works carried out under this permission shall be removed and the land re-instated, unless the prior written approval of the Local Planning Authority is obtained to any variation.

Reason: The proposal does not fully accord with the Policies contained within the development plan and the use of the site for this purpose beyond this limited period would prevent the long term aspirations of the site in accordance with the Bishopsgate Goods Yard Interim Planning Guidance 2010.

2 - The development hereby permitted shall be carried out in accordance with the approved plans listed in the Schedule to this planning permission.

Reason: For the avoidance of doubt and in the interests of proper planning.

3 - The use hereby permitted shall not take place other than between the hours of:

08:00 to 23:00 Monday to Saturday
08:00 to 22:00 Sundays and Bank Holidays

Reason: To safeguard the amenity of adjacent residents and the area generally and to accord with Policy SP10(4) of the Council's Core Strategy (2010) and Policy DM25 of the Council's Managing Development Document (2013).

4 - No amplified sound shall be produced within the exterior parts (to include the upper terrace and the green) of the development hereby approved at any time.

Reason: To safeguard the amenity of the nearby residents and local amenity generally, in accordance with policy DM25 of the Council's Managing Development Document 2013.

Informatives:

1 - The applicant is advised that the Council would be unlikely to grant a further extension of the temporary permission beyond the lifespan of this permission.



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

Boxpark Application - Decking areas on first floor, 2-10 Bethnal Green Road, London E1 6GY

1 message

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

2 August 2019 at 17:47

Dear Hackney Licensing

I wish to object in the strongest possible terms to any extension of the licensing hours of Boxpark 2-10 Bethnal Green Road, London E1 6GY.

As nearby local residents my family and I are disturbed by noise from this venue several nights per week. We are forced to waste time contacting the venue's management to plead with them to lower the noise of their sound system. Sometimes they respond. Sometimes they don't. Representatives of Boxpark often claim noise levels are within their licensing conditions yet when pressed about the details of permitted noise under their licensing conditions they seem unable to answer. The noise pollution from this venue has caused a nuisance to residential neighbours for many years.

Recently Hackney Council took what seemed like some bold steps to try and finally tackle the excesses of the Shoreditch Night Time Economy by expanding the Special Policy Area and tightening up various areas of licensing. Yet allowing venues such as Boxpark - that lie within the heart of the SPA - to just carry on expanding their hours regardless of the anti-social problems they contribute to makes no sense at all. There are numerous residential properties in the immediate vicinity of Boxpark and the area surrounding it is becoming like an al fresco night club through the evening and into the night, with the usual anti-social behaviour of shouting and screaming, urination against residents front doors, vomiting and violence etc. as well as increasing drug use and a steadily growing gang culture.

Shoreditch is now over-saturated with late night booze outlets and what is needed is a concerted effort to make use of the Council's new policy and bring the area under control rather than indulge greedy bar owners by allowing them to continually and sneakily expand their hours to make greater and greater profits at the expense of the long suffering residential community of Shoreditch.

Please reject this application. I also wish to be advised on the dates of the sub-committee meeting.

[REDACTED]
[REDACTED] Holywell Lane
EC2A [REDACTED]

I do not consent to the publication of my personal details.

**C3**

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

Application for Boxpark 4 Decking areas on the first floor, 2/10 Bethnal Green Road, London E1 6GY

1 message

31 July 2019 at 17:01

[REDACTED]

Dear Hackney Licensing,

I write to object to this proposed amendment to Boxpark's licence in all respects, both related to the extended hours and the proposed condition changes.

As the Licensing Committee will no doubt recall, the current license for Boxpark was issued after an extremely extended process involving multiple hearings, negotiations and compromises. The difficulty was rooted in Boxpark's operations in two respects: (i) the slapdash approach to licensing by Boxpark, which permitted multiple individual units to apply for licenses and therefore abrogated any responsibility, and (ii) Boxpark's actual operations which by all local accounts were a nuisance of noise, disturbance and trash.

After nearly a year Hackney Council issued the current license, at Boxpark's request, which reflected an compromise between all parties. Like all good compromises, I suspect no one was entirely satisfied. Residents did not get many of the noise controls they hoped for; Boxpark did not get the full freedom to run the largest outdoor bar in East London.

Boxpark has now applied for later hours, and to eliminate the very conditions that underlay their original application.

Although run better than in the past, Boxpark remains a source of noise, booze, mayhem and disorder. I personally have observed people vomiting out front and unruly crowds gathered for events. Extending hours, and eliminating the conditions that have helped to bring the venue under greater control, will prove only detrimental to the neighbourhood.

Specifically, I object for the following reasons:

The premises are in the Shoreditch Special Policy Area, and thus the burden lies on the operator to prove no contribution to the cumulative impact. Given the size of the venue, and the hours requested, this seems impossible, and nothing in the application supports the application. In this regards, please note there are many residential properties in the immediate vicinity of the venue. This address is near some of London's busiest bars. The area surrounding the site is often an open-air club, with violence, vomiting, urination, defecation, drug use and unsociable conduct late into the night, presenting real safety and security issues. Expanding an open-air drinking site will inevitably contribute to the cumulative impact. The venue is in the middle of a zone that is saturated beyond breaking point with late-night drinking and party venues, attracting hordes of booze tourists every weekend causing intolerable noise, anti-social behaviour, littering and fouling of the streets. The last thing the area needs is an expanded alcohol license.

Further the protection of children from harm is vital. Shoreditch is overwhelmed with inebriated and unsociable people due to the concentration of drinking establishments, and the area surrounding Boxpark is rapidly becoming a fundamentally unsafe area for families with children.

With regards to the conditions, Condition 19 is *fundamental* to the Committee's compromise approving the license in the first instance. Removal will permit return to the bad old days of individual units applying for licenses. Condition 28 is directly related, which was inserted to insure that only alcohol from the central bar is consumed on premise. I can't conceive of why this should be removed. The same applies to condition 32, which limits purchases to the central bar. (Finally, condition 18 (calling for surrender of old licenses) has presumably been complied with, and thus is moot.)

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

[REDACTED]

[REDACTED] Batemans Row, London 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
1 Hillman Street
London E8 1DY

PART A – PREMISES LICENCE

Premises Licence Number

085399

Part 1 – Premises details

4 Decking Areas on the First Floor
Boxpark
2-10 Bethnal Green Road
Hackney
London
E1 6GY

Where the licence is time limited the dates

Not Applicable

Licensable activities authorised by the licence

Supply of Alcohol

The times the licence authorises the carrying out of licensable activities

Supply of Alcohol Standard Hours:

INDOOR:	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 12:00-20:30

The opening hours of the premises

Standard Hours:

Mon 08:00-23:30
Tue 08:00-23:30
Wed 08:00-23:30
Thu 08:00-23:30
Fri 08:00-23:30
Sat 08:00-23:30
Sun 10:00-22:00

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

Boxpark Limited
Unit 4 Regent Studios
20 Regent Street
Brighton
East Sussex
BN1 1UX

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

07236390

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

Christopher Michael Byrne
Flat 3
65 Hackney Road
London
E2 7NX

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: 129695
Issuing Authority: Manchester City Council

Date of Grant: 28 September 2017

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 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
 - (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 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.

Annex 2 – Conditions consistent with the Operating Schedule

9. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of a Metropolitan Police Crime Prevention Officer. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Recordings shall be made available immediately upon the request of Police or authorised officer throughout the preceding 31-day period.
10. There shall be a staff member from the premises who is conversant with the operation of the CCTV system on the premises at all times when the premises are open to the public. This staff member must be able to show a Police or authorised council officer recent data or footage when requested.
11. Signs will be prominently displayed at all exit points reminding customers to leave quietly and respect local residents.
12. A Challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as driving licence or passport.
13. There shall be a personal licence holder on duty whenever alcohol is being sold.
14. 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 or searching equipment or scanning equipment.
 - g. Any refusal of the sale of alcohol.
 - h. Any visit by a relevant authority or emergency service.
15. Premises to operate zero tolerance policy to drugs and comply with Hackney Police Drugs, Weapons and Theft policy where appropriate.
16. All staff will be given refresher training every twelve months on the legislation relating to the sales of alcohol to underage persons and drunken persons.
17. The Premises Licence Holder shall not permit the use of the premises to which this Premises Licence relates for the consumption of alcohol outside of

the hours permitted by the Premises Licence for the sale by retail of alcohol save for an additional 30 minutes "drinking up time" at the end of permitted hours each day.

18. This Premises Licence shall not be used as a permission for licensable activities until the following Premises Licences LBH-PRE-T-1312, LBH-PRE-T-1242, LBH-PRE-T-1251 and LBH-PRE-T-1397 has been surrendered by the Licence Holder. Should the following Premises Licences LBH-PRE-T-1312, LBH-PRE-T-1242, LBH-PRE-T-1251 and LBH-PRE-T-1397 be reinstated for any reason, this Premises Licence shall not be used until the Premises Licences LBH-PRE-T-1312, LBH-PRE-T-1242, LBH-PRE-T-1251 and LBH-PRE-T-1397 has been surrendered.
19. This Premises Licence shall not be used as a permission for licensable activities while there is any other Premises Licence in effect (regardless of use) on any part of the Premises.
20. Monday to Wednesdays, from midday until close, when the premises is open for licensable activity, a minimum of 1 SIA licensed door supervisor (known as 'supervisor/s') will be on duty at the premises. On Thursdays and Fridays and this is to be increased to 4 supervisors from 18.00 hours until close. On Saturday there shall be 2 supervisors from Midday to 18.00 hours and thereafter there shall be 4 supervisors until close. On Sunday there shall be 2 supervisors from Midday until close. If there are any special events there shall be 4 supervisors for the entire duration of the event.
21. Prior to this Premises Licence being used as a permission for licensable activities, an event dispersal policy will be produced and submitted to the Hackney Police Licensing Unit.
22. No noise generated within the premises shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance within any nearby noise sensitive premises.
23. No Regulated Entertainment (or the equivalent) shall take place on either of the open terraces at the East and West ends of the premises.
24. No Regulated Entertainment (or the equivalent) shall take place on the "Green" to the East of the Premises.
25. A noise limiter must be fitted to the amplification system and set at a level approved by an authorised officer of the Environmental Health Service so as to ensure that no noise nuisance is caused to local residents. The operational panel of the noise limiter shall then be secured by key or password and access shall only be by persons authorised by the Premises Licence Holder. No additional sound generating equipment shall be used on the premises without being routed through the sound limiter device.

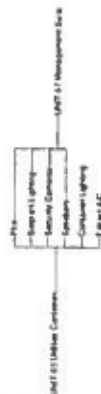
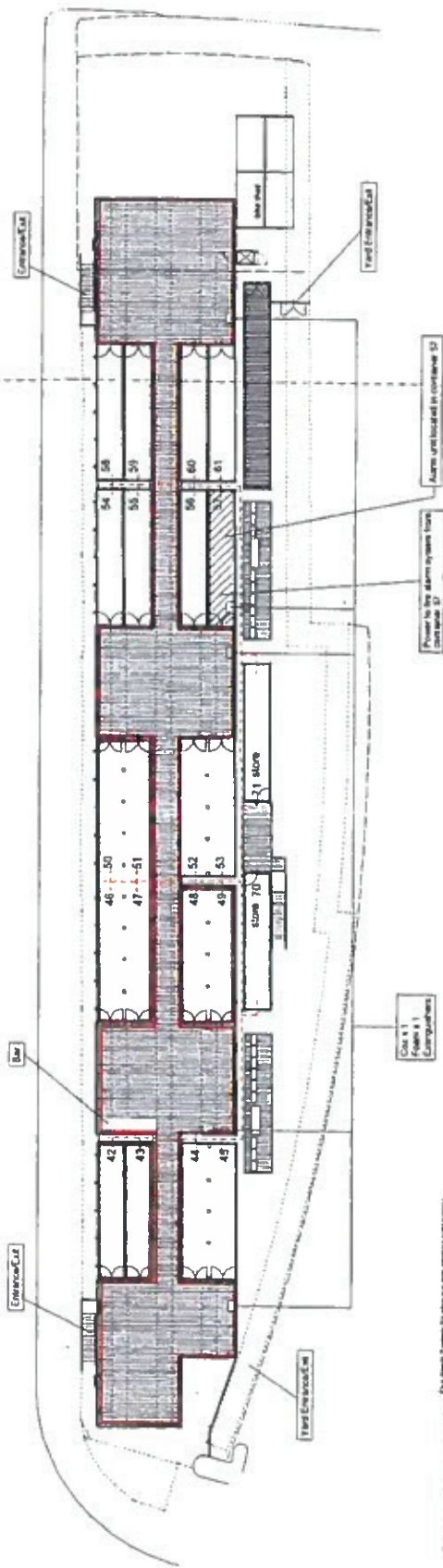
26. This Premises Licence will be Reviewed under section 52 of the Licensing Act 2003, within 2 weeks of it taking effect and the conditions set-out at 22 and 25 restricting noise, music and any relevant entertainment be re-imposed on the licence during the deregulated/operational hours of this premises licence. As part of the Review this condition shall also be removed from the licence.
27. The Premises Licence Holder shall employ all reasonable endeavours to ensure the compliance, by Unit tenants, with relevant Unit Premises Licences. Such endeavours to be limited to the enforcement of the relevant tenant's lease provisions. All communication with tenants on the above shall be copied to the Council's licensing department subject to reasonable commercial confidentiality.
28. Only alcohol in branded drinking vessels shall be consumed within the premises.
29. The capacity of the First Floor of BOXPARK Shoreditch shall be limited to 499 including staff. This will be monitored by staff at each entrance/exit to the first floor by clicking in/out staff and customers during busy periods.
30. Notwithstanding condition 20, the minimum number of SIA security staff deployed at the premises will be on a 1:100 (SIA to Customers) ratio.
31. No Promoted events shall take place on the Decking Area at any time.
32. When this licence is in operation and these conditions are in effect, it is for the Premises Licence Holder to ensure that the only alcohol purchased and consumed, within branded drinking vessels, in the decking area shall be that of Boxpark Ltd. All alcohol purchased and consumed within the decking area will be from branded drinking vessels identifiable to Boxpark Ltd only.
33. Any future lease taken by a tenant of any First Floor unit is to contain the following, provision overtly prohibiting the use of the decking areas by the tenant's customers for the consumption of alcohol; "To ensure that the External Seating Area is used in a reasonable and responsible manner by customers of the Tenant's business for consumption of products purchased at the Box only PROVIDED ALWAYS THAT the Tenant shall not use the External Seating Area for sales (including but not limited to sale of alcohol) nor allow the consumption of alcohol by customers of the Box on the External Seating Area"

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

Annex 4 – Plans

PLAN/085399/300817

FOR INFORMATION ONLY AND NOT FOR CONSTRUCTION

[illegible]

we like today

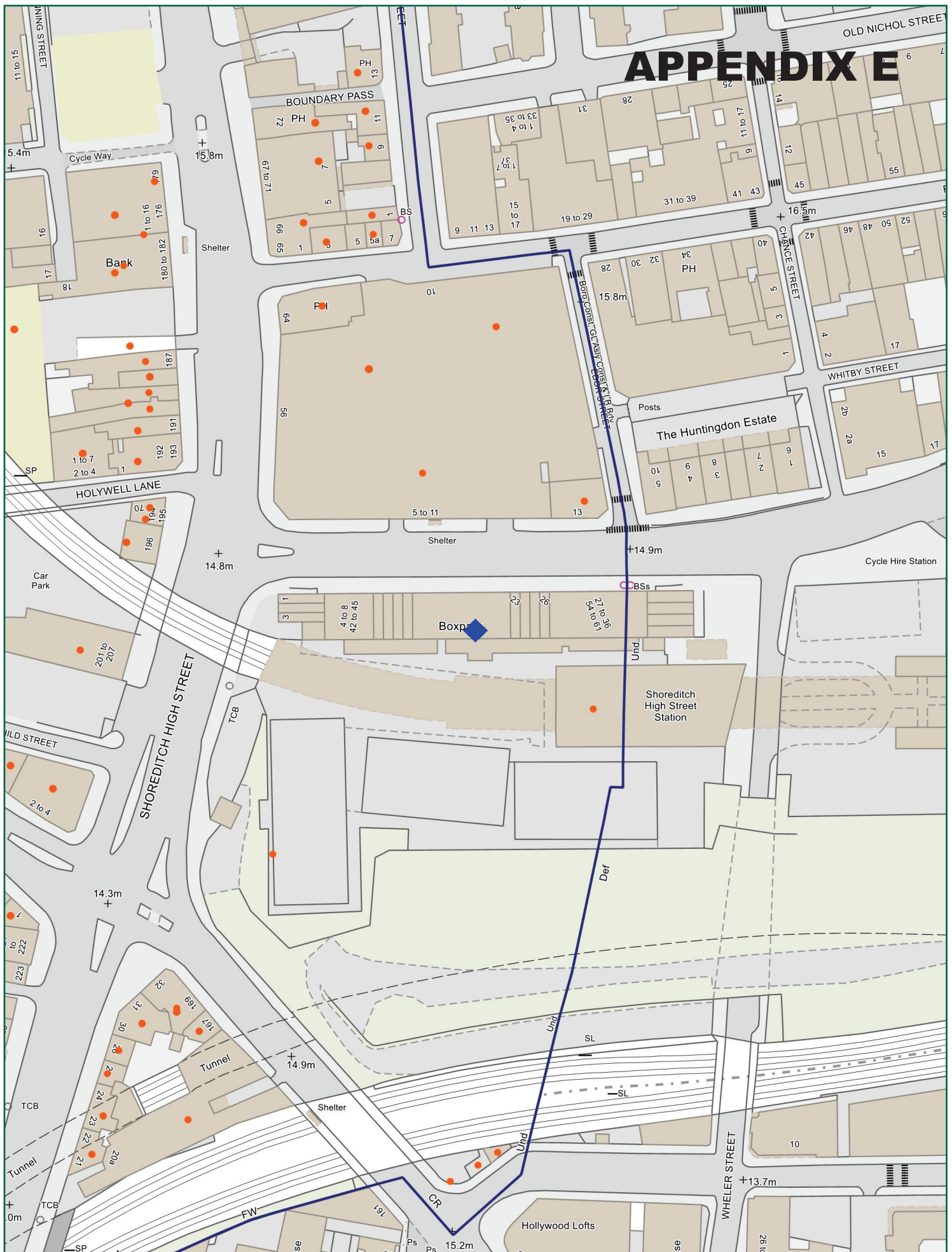
Case	Report
Project	Report

Drawing 1000
 6-12 (Name) Page 10 of 10

Phase	Resources	Size
Sub	Sub-10 (10mg)	1000 @ 1.1
Control	Control (10mg)	1000 @ 1.1

Sub-10mg @ 1.1 = 1000mg @ 1.1 + 1000mg @ 1.1

APPENDIX E



Scale: 1:1250 at A4



Ref:

27 September 2019

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