

REPORT OF THE GROUP DIRECTOR, NEIGHBOURHOODS AND HOUSING		
LICENSING SUB-COMMITTEE: 25/08/2020	Classification DECISION	Enclosure
APPLICATION TO VARY THE PREMISES LICENCE : Binch, 51a Greenwood Road, E8 1NT	Ward(s) affected Hackney Central	

1. SUMMARY

Applicant(s) Binch Limited	In SPA: Not Applicable
Date of Application 22 June 2020	Period of Application Permanent
Proposed variation: Extension of hours for Supply of Alcohol (On the premises) To remove condition 17	
Proposed hours for licensable activity	
Supply of Alcohol On Sales	Standard Hours: Mon 12:00-22:00 Tue 12:00-22:00 Wed 12:00-22:00 Thu 12:00-00:00 Fri 12:00-00:00 Sat 12:00-00:00 Sun 12:00-22:00
The opening hours of the premises:	
	Standard Hours: Mon 08:00-22:30 Tue 08:00-22:30 Wed 08:00-22:30 Thu 08:00-00:30 Fri 08:00-00:30 Sat 08:00-00:30 Sun 08:00-22:30

Current activities/hours: See current licence attached at Appendix D	
Capacity: not known	
Policies Applicable	LP1 (General Principles), LP2 (Licensing Objectives) and LP11 (Cumulative Impact - General)
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"> • Licensing Authority • Other Persons

2. APPLICATION

- 2.1 Binch Limited 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.
 - To remove condition 17 from current licence.
- 2.2 The application is attached as Appendix A.

3. CURRENT STATUS / HISTORY

- 3.1 The premises have been in possession of a premises licence since conversion in 2005 and the licence was transferred to the current applicant in December 2019. The licence was varied in January 2018 to extend the alcohol (on sales) hours on Thursday to Saturday to those described on the premises licence.
- 3.2 No TENs have been acknowledged in respect of the premises in the current calendar year.

4. REPRESENTATIONS: RESPONSIBLE AUTHORITIES

From	Details
Environmental Health Authority (Environmental Protection)	Have confirmed no representation on this application
Environmental Health Authority (Environmental Enforcement)	Have confirmed no representation on this application
Environmental Health Authority (Health & Safety)	Have confirmed no representation on this application
Weights and Measures (Trading Standards)	Have confirmed no representation on this application

Planning Authority	No representation received
Area Child Protection Officer	No representation received
Fire Authority	Have confirmed no representation on this application
Police	Representation has been withdrawn with the agreed to add and replace conditions as set out in para 8.1
Licensing Authority (Appendix B)	Representation received on the grounds of The Prevention of Prevention of Public Nuisance and Cumulative Impact.
Health Authority	No representation received

5. REPRESENTATIONS: OTHER PERSONS

1 Representation opposing the application received from local resident. 9 email received in support. (Appendix C1-C10)	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 Cumulative Impact.
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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) and LP11 (Cumulative Impact - General) are relevant.

8. OFFICER OBSERVATIONS

- 8.1 If the Sub-Committee is minded to approve the application, the following Conditions (17) and (29) should be deleted from the licence and replacement with conditions (1) and (2):

Deleted Conditions:

17. Alcohol shall not be sold or consumed other than to persons taking food from the menu and that the consumption of alcohol by such persons is ancillary to taking such food. The supply of alcohol shall be by waiter/waitress service. For the avoidance of doubt "food" is to be more than a bar snack so crisps and nuts will not suffice but a

selection of tapas or a sandwich is considered to be food for the purpose of this condition.

29. There shall be no more than 15 persons inside the premises during licensed hours.

Replaced Conditions:

1. a. The sale of alcohol to customers at the premises (on-sales) shall:
 - i. Be by waiter/waitress service only
 - ii. Be to a maximum of 12 seated customers only
 - iii. Be to customers purchasing food from the menu
 - b. Notwithstanding a. (above) the premises licence holder may sell alcohol without food to a maximum of six (6) customers at any one time.
 - c. The premises licence holder shall not externally advertise the availability of alcohol without food.
 - d. Substantial food and non-intoxicating beverages shall be available at all times when alcohol is sold for consumption on the premises.
 - e. Customers shall not be permitted to drink whilst standing up.
2. The number of persons accommodated at the premises (excluding staff) shall be no more than 12 persons at any one time.
- 8.2 If the Sub-Committee is minded to approve the application, the following additional condition should be applied the licence:
3. Sales of alcohol for consumption off the premises (off-sales) shall:
 - a. Be to a customer in person or via a delivery partner
 - b. Be in sealed containers
 - c. Shall not be consumed in or immediately outside the premises

9. REASONS FOR OFFICER OBSERVATIONS

- 9.1 Applicant has agreed with the Police to deletion of conditions 17 and 29 and replacement with the conditions 1 and 2 and also addition condition 3.

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.

Acting Group Director, Neighbourhoods and Housing	Ajman Ali
Lead Officer (holder of original copy):	Shan Uthayasangar Licensing Officer Licensing Service 1 Hillman Street E8 1DY Telephone: 020 8356 2431

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
Binch, 51a Greenwood Road, E8 1NT	Hackney Service Centre Licensing Service 1 Hillman Street London E8 1DY

Printed matter

Licensing Act 2003

LBH Statement of Licensing Policy

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.

Binch Limited
I/We _____
(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-0378

Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description
Binch
51 GREENWOOD ROAD
HACKNEY

Post town	LONDON	Postcode	E8 1NT
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Telephone number at premises (if any)	██████████
Non-domestic rateable value of premises	£4650

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>Please describe briefly the nature of the proposed variation (Please see guidance note 2)</p> <p>With regards to Clause 17 of the licence, we wish to operate as a bar and off licence without having to sell food as an ancillary to alcohol.</p> <p>In addition, we wish to amend the licence in order to sell full pints of beer as opposed to just half pints. Also, we wish to sell wine in servings above 125ml.</p> <p>I wish to extend on sale hours: monday 12:00pm to 22:00pm tuesday 12:00pm to 22:00pm wednesday 12:00pm to 22:00pm Thursday 12:00pm to 00:00am friday 12:00pm to 00:00am saturday 12:00pm to 00:00am sunday 12:00 to 22:00pm</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:

15

Part 4 Operating Schedule

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

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

A

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

B

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

C

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

D

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

E

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

F

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

G

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

H

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

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

J

Supply of alcohol Standard days and timings (please read guidance note 8)			Will the supply of alcohol be for consumption – please tick (please read guidance note 9)	On the premises	<input checked="" type="checkbox"/>
				Off the premises	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	State any seasonal variations for the supply of alcohol (please read guidance note 6) off sales hours stays identical		
Mon	12:00	22:00			
	-----	-----			
Tue	12:00	22:00			
	-----	-----			
Wed	12:00	22:00			
	-----	-----			
Thur	12:00	00:00			
	-----	-----			
Fri	12:00	00:00	Non-standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 7) 		
	-----	-----			
Sat	12:00	00:00			
	-----	-----			
Sun	12:00	22:00			
	-----	-----			

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).

NA

L

Hours premises are open to the public Standard days and timings (please read guidance note 8)			State any seasonal variations (please read guidance note 6)
Day	Start	Finish	
Mon	08:00	22:30	Non-standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list (please read guidance note 7)
Tue	08:00	22:30	
Wed	08:00	22:30	
Thur	08:00	00:30	
Fri	08:00	00:30	
Sat	08:00	00:30	
Sun	08:00	22:30	

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.

Clause 17, as stated previously.

Please tick as appropriate

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

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

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

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

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

b) The prevention of crime and disorder

Signs will be made visible to remind customers to be respectful to residents.
Patrons will be requested to leave should their behaviour become antisocial.

c) Public safety

d) The prevention of public nuisance

Signs will be made visible to remind customers to be respectful to residents.
Cigarette butt bins are available to avoid littering.

e) The protection of children from harm

Children are not permitted to enter the bar after 6pm.

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	Sylvain Bertozzi
Date	19/6/2020
Capacity	Director

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	19/6/2020

Capacity	
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Contact name (where not previously given) and address for correspondence associated with this application (please read guidance note 15)			
Applicant address			
UK-England			
Post town		Post code	
Telephone number (if any)			
If you would prefer us to correspond with you by e-mail, your e-mail address (optional)			

Notes for Guidance

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

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



Shan Uthayasangar <shan.uthayasangar@hackney.gov.uk>

Binch, 51a Greenwood Road, Hackney, London E8 1NT

1 message

Luke Elford <Luke@woodswhur.co.uk>

21 July 2020 at 14:19

To: "David.Atkins4@met.police.uk" <David.Atkins4@met.police.uk>, David Tuitt <david.tuitt@hackney.gov.uk>

Cc: Shan Uthayasangar <Shan.Uthayasangar@hackney.gov.uk>

Dear both,

Hope you're well.

I have spoken to my client about your objections and I attach a copy of the premises licence as things currently stand.

From what I can see this application amounts to:

1. Bringing forward the hours for on-sales from 16:00 (Mon to Weds) and 18:00 (Thurs to Sat) to midday every day of the week (already midday on Sundays); and
2. Removing the condition (17) that obliges customers to have food in order to be served alcohol.

I'm going to deal with point 2 first because I think that's the main sticking point here.

The intention here isn't to turn Binch into an out and out bar or to change the style of operation. Food is still going to be available at all times, but my client would like the flexibility to accommodate customers who want to come in for a glass of wine or beer (the premises doesn't sell spirits/cocktails) without having to make them eat. I don't think that's a particularly big ask particularly when we're talking about a premises with a capacity of 15 people including staff. Put simply, this is about flexibility.

Can I suggest the following conditions if you are willing to withdraw?

1. *Customers shall not be permitted to consume alcohol immediately outside the premises*
2. *Substantial food and non-intoxicating beverages shall be available in all parts of the premises where alcohol is sold or supplied for consumption on the premises.*
3. *The supply of alcohol (on-sales) shall be by waiter or waitress service only.*
4. *The availability of alcohol without food (other than in the context of off-sales) shall not be externally promoted by the premises*

The request to bring the hours forward is simple. My client wants to try and generate some lunch trade where people come to eat and drink at the premises. Nothing more sophisticated than that.

Appreciate the references to London Fields and the sensitivities there, but I don't think this premises is the source of your problems there and I think you know that too.

Happy to discuss.

Kind regards,

Luke

Luke Elford

Woods Whur 2014 Limited

Tel: +44 (0)113 234 3055 / Mob: +44 (0)7702 802594 / Twitter: @Luke_WoodsWhur

luke@woodswhur.co.uk

Woods Whur 2014 Limited, [St James's House, 28 Park Place, Leeds LS1 2SP](#)

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Binch - Current Licence.pdf

3842K



Shan Uthayasangar <shan.uthayasangar@hackney.gov.uk>

Binch Ltd - 51a Greenwood Road, Hackney, London E8 1NT - Application to vary a premises licence

1 message

Luke Elford <Luke@woodswhur.co.uk>

23 July 2020 at 13:48

To: Shan Uthayasangar <shan.uthayasangar@hackney.gov.uk>

Hi Shan,

Please can you pass this on to the resident objector to my client's application at Binch and invite them to contact me direct if they still have any concerns.

Thanks,**Luke***Dear Madam,*

Can I start by apologising for the impersonal nature of this email and greeting. Hackney Council censor (redact) resident objections in relation to licensing applications so I can't address you by your proper name or title. Please forgive me.

I am a solicitor representing Binch Ltd (Sylvain Bertozzi) and I am recently instructed by them after they received your objection to their application to vary their premises licence at 51a Greenwood Road.

First, can I thank you for your objection. It is very well put together and a hell of a lot fairer than most objections from residents that I come across representing clients up and down the country.

I thought it might be helpful to write to you and explain why my client is making this application and what it is intended to achieve. It is clear that there is a fair amount of background in this case and that you have suffered at the hands of previous irresponsible operators. I am pleased that you have acknowledged that's not an accusation that can be levelled at my client.

The purpose of the application is not to turn Binch into a bar, but rather to remove a restriction (condition) that requires my client to insist that every customer who comes through his doors buys a meal. Put simply, my client would like the flexibility to be able to offer those customers who come to Binch and who don't want a sit down meal a glass or two of wine or beer. I don't think that's an unreasonable request particularly considering the venue can only accommodate 15 people.

I can certainly appreciate, given the history, why you would be concerned about the application and the way it was framed. That happens sometimes when licence holders submit their own applications rather than instructing a licensing specialist such as myself. I have talked your objection through with my client and he wants to reassure you that there won't be a return to the kind of behaviour you experienced under previous ownership.

To assist with that, I have put together some conditions that I think will help reassure you that's not going to happen. They are:

- 1. Customers shall not be permitted to consume alcohol immediately outside the premises**

- 2. Substantial food and non-intoxicating beverages shall be available in all parts of the premises where alcohol is sold or supplied for consumption on the premises.**

- 3. The supply of alcohol (on-sales) shall be by waiter or waitress service only.**

- 4. The availability of alcohol without food (other than in the context of off-sales) shall not be externally promoted by the premises**

It is clear from your objection that you were previously disturbed by people drinking outside this venue when it was owned by others. Condition 1 makes it a criminal offence (punishable by up to 6 months in prison and/or an unlimited fine) for that to happen again.

Condition 2 means that there will still be food available at all times. Our expectation is that most people will eat, but as explained above we want to be able to accommodate the small number of people who don't.

Condition 3 requires alcohol to be provided by waiter or waitress service. This means that alcohol is delivered to customers at their tables rather than them standing at a bar, like they would in a pub for example.

I said above that the intention isn't to turn Binch, small as it is, into a bar. Condition 4 means that my client won't be able to promote the availability of alcohol without food or to advertise it to the public at large.

The other part of the application is to extend the hours during which alcohol can be sold at the premises. My client isn't applying for later hours to be able to sell later into the night, but rather to be able to use the premises at lunchtimes. Again, I am of the view that isn't too controversial and I hope you would agree.

I sincerely hope that the reassurances above, and the conditions, persuade you that it is not necessary to maintain your objection. If that is the case, would you be so kind as to notify the Licensing Officer dealing with this application, Shan Uthayasangar (shan.uthayasangar@hackney.gov.uk) that your objection is withdrawn.

If concerns remain, I would be delighted to discuss them with you and I can be contacted on the details below.

With my very best wishes.

Kind regards,

Luke

Luke Elford

Woods Whur 2014 Limited

Tel: +44 (0)113 234 3055 / Mob: +44 (0)7702 802594 / Twitter: @Luke_WoodsWhur

luke@woodswhur.co.uk

Woods Whur 2014 Limited, St James's House, 28 Park Place, Leeds LS1 2SP

APPENDIX B

RESPONSIBLE AUTHORITY REPRESENTATION: APPLICATION UNDER THE LICENSING ACT 2003

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	Binch 51a Greenwood Road London E8 1NT
NAME OF APPLICANT	Binch Limited

COMMENTS

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

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

Representation in relation to:

I make a representation in relation to this application as the premises is located within a residential street and the proposed removal of the *restaurant* condition could have a negative impact on the surrounding area. It is also unclear why the application makes references to full pints of beer and servings of wine above 125ml as there are no restrictions on the sale of these items.

The premises licence was approved at a hearing on 20 March 2018 following an application by a previous holder. The currently licensee now seeks to remove Condition 17 which was a key consideration of the Sub-Committee at the meeting as it was proposed by the licensee at the time that the premises was to operate as a tapas bar, where alcohol was ancillary to meals. I feel that this requires scrutiny due to the potential impact on the promotion of the licensing objectives that the removal of the condition could have, in particular, the prevention of public nuisance.

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.

N/A

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

Date: 20/07/2020



APPENDIX C1

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

Comments on the request to vary the premise license at 51a Greenwood road (LA43)

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

20 July 2020 at 13:54

Hi,

I enclose a word document with comments on behalf of my mother, [REDACTED] who is a nearby resident.

Thanks,

[REDACTED]

 **License objection.docx**
7060K

We wish to comment on the application to vary the license for the premise at 51a Greenwood Road.

My name is [REDACTED] and I am the daughter of [REDACTED] who is the resident of [REDACTED] Greenwood Road. She has been a resident there for approximately 35 years. She is 70 years old, and is disabled. I am assisting her to object to these changes.

The premise and history

It is an extremely small building which the existing license states holds 15 people (without consideration of current social distancing requirements). The license also allows 5 people outside to smoke.

It is the only commercial building on the stretch of road, which is otherwise a quiet residential street. It is built directly on the side of a residential building.

The building operated as an off license for many years – and caused no problems to us during that time.

It was then reopened as a “restaurant” but very quickly operated as if it was a bar. The license was on the basis that alcohol could be sold alongside food. When it changed hands it was clearly being run as a bar.

After some time an application was made to bring the license more in line with the actual business, with the owners explaining they had not understood the original requirements, and that it was necessary to make the changes to keep the business open.

The council said that it should be table service only but that food could be fairly minimal. But it was advertised as a bar, and large numbers of drunk people were outside every warm Friday and Saturday. It changed hands again, and at one point was run as a bar with live music. For much of this time it did not have a food hygiene rating, suggesting it was not registered as a business selling food.

It has since changed hands again. It appears that the new owner has also not understood the license conditions and is again asking to change the license as the only way to run the business is to continue running it in the way that it has been operating illegally.

We are extremely concerned with this pattern. The area is not suitable for a bar. The premise is not viable for the businesses that could legally be run there (selling alcohol to large numbers of people standing in the street clearly brings in more money than table service to a maximum of 15 people inside). The place has repeatedly been run in a way that is illegal, but instead of taking action the council has just changed the rules to allow the problematic behaviour.

We are also concerned that once again it has been run by people who do not understand the license conditions.

The last changes to the license

We commented on the previous change to the license, and attended the hearing, explaining the problems we had experienced with the premise. We had experienced significant noise and disturbance. The premise had not been run according to the license. However the license was changed to allow some of the activity that had previously been against the rules, and to extend the hours. At this time we were told this was being done on the understanding that the place would now operate according to the new rules, and that we could object if this was not the case.

It was less than a week later that it first broke the rules – serving drinks to large numbers of people in the street, and staying open outside the agreed hours. In the months since then we complained repeatedly. We sent photos of crowds of drunk people on the pavement, we sent video (one of which showed a drunk woman stripping on the street). The owners would sit outside and shout at people they knew, and would shout at me because they recognised me from the license hearing.

We were told by the noise patrol that the reports meant absolutely nothing if a representative from the council did not personally witness the behaviour.

It has been extremely disruptive – there was loud noise from the premise, often later than the allowed hours. It was impossible to have the windows open in hot weather. The noise from the premise would be louder than the TV – and there must be at least 20 households who live nearer (some with young children). There was often loud music, but also shouting and screaming. We raised repeated concerns about drunk people in the street, not just filling the whole pavement but actual in the road – there was a real risk of someone getting run over. Customers were often very drunk, visibly unsteady and very loud.

The varied license additionally specified that they needed to put up a sign with a number to complain, and signs asking customers to be quiet. This did not happen. They also allowed rubbish on the street outside the times allowed. There was rubbish in the streets, and at times rubbish including a wine glass in my mother's front garden. Nothing was ever done about this. It has *never* kept the rules agreed when the last variation was made.

The current owners

We have not experienced the same issues since the most recent change of ownership – so this is not a complaint about their actions. They have currently only run the business during the winter, and during lockdown, so we have had no opportunity to see them run it at times when people might want to drink outside.

Our only concerns about the current owners are that they believe it is a suitable place to run a bar, and that they have failed to understand their license conditions.

We do not believe that it is possible to run a bar in that building, and that area, without significant disruption to residents. In any case a change to the premise license is not specific to the owners. It will apply when the business changes hands again. We have experienced significant problems with the last 3 owners.

The specific changes requested

We have no objection to the premise running (responsibly) as an off license. (And were pleased to see them selling in environmentally friendly ways).

We believe they do not understand their license. We think they are not restricted to selling wine in 125ml, and beer in half pints. We believe this is a requirement to offer these sizes so that they are available for those who want smaller servings. We believe this is a national rule which the council would not have the power to vary. We are therefore not commenting on this request.

We object strongly to allowing the premise to be operated as a bar. We do not believe the premise and area is suitable or that a bar could ever be run there without having an unreasonable impact on residents. We have included pictures of the area, and of what it has looked like when a bar has been illegally run from the building.

We are particularly concerned about alcohol being drunk in the street outside the premise.

We object to any extension in hours for on trading. We have experienced disruption under the current license and do not believe that any extension of hours should be allowed unless it is shown that the premise can be run without disruption under the current licensing conditions.

We note that it is likely to be *more* disruptive at this time than normal – it is not surprising that a bar holding 15 people benefits from serving people in the streets. At this time they would be able to have a lot less people in the building. There will be no way to serve a sustainable number of people inside. They have no outside space, and could only serve people outside on the pavement.

We do not want anyone's business to fail. However we do not think it is reasonable for the council to prioritise business needs over the quality of life of nearby residents because people have started businesses without first ensuring they understand the licensing conditions. Or to keep changing the rules because the businesses have been so unsuitable for the premise. If people want to run a bar they need to find a suitable premise, in a suitable area, which can safely hold enough people to be profitable. If people want to run a business in this premise they need to find a way to offer a profitable service to the very small number of customers that fit in the building.

Photos of the area (from google):

The premise is black with shutters and you can see that the area is otherwise residential.





You can also see how very small it is:



Photos showing what it was like when it was run as a bar by previous owners:

Photos are taken through my mother's window. We have more of them (and some videos), even though they are taken only when I was visiting. These are just a sample of them.



30 August 2019 11pm – crowds and people sitting drinking outside a residential property.



12 July 2019 – 11.30pm – people sitting in the street drinking



14 June 2018 – 11pm – crowds, standing in the street.

These could be any warm Friday or Saturday night (and occasionally other nights).



Fwd: FAO: PC Atkins - In support of Binch

1 message

20 July 2020 at 19:39

To: licensing@hackney.gov.uk

Begin forwarded message:

From: [REDACTED]
Date: 17 July 2020 at 14:01:02 BST
To: hackneylicensing@met.police.uk, sanaria.hussain@hackney.gov.uk, HackneyLicensingUnit-GN@met.police.uk, david.atkins4@met.police.uk
Subject: FAO: PC Atkins - In support of Binch

Dear PC Atkins,

I hope this email finds you well.

I am writing to you in the capacity of a former local resident with regards to the representations made against Binch on Greenwood Road.

I am aware of the issues Mr Bertozzi has faced in recent weeks with regards to the licence and I fully sympathise with him as a local business owner in such trying times and especially around such trivial licensing issues.

I recently spoke with Mr Bertozzi who informed me of the representations made by the police with regards to public nuisance and disorder. I am aware that consumption of alcohol has been temporarily prohibited due to the unruly and, quite frankly, abhorrent behaviour of a small number of the general public.

However, I do not think that this prohibition would mean that more people would move towards residential bars like Binch. I feel this would be more of an issue for pubs and bars in and around Broadway Market. The kind of antisocial behaviour you describe in the representation is not something I recognise in the clientele of Binch.

Until March this year, I had lived directly behind Binch at [REDACTED] Graham Road. I often frequented Binch and felt it was a wonderful addition to the area. Not once since its opening in December did we experience any form of public nuisance or noise complaint. This is in stark contrast with the previous tenants of the bar which was known as Wolfie's.

Due to their large private bookings and the behaviour of their often iebriated owner, Wolfie's was a constant nuisance, especially at the weekends. There were people smoking outside and generally being boisterous until midnight. Not so much an issue for us, but I imagine not pleasant for those with young families in close proximity to the bar of which there are many.

I would argue that, unfortunately, Binch and Mr Bertozzi's cards have been marked by licensing police due to the history of its previous incarnation as Wolfie's.

I am almost certain that numerous residents on Graham Road and Greenwood Road have welcomed the addition of Binch to the area and often purchase their specialty wines and beers that are not easy to find in the area.

I would also assert that residents are relieved to not have to put up with the kind of behaviour that was often displayed by Wolfie's customers.

I sincerely hope you will take this into consideration and help us to continue supporting a local business.

I am more than happy to discuss this further with you.

Yours sincerely

[REDACTED]



Binch - Greenwood Road, Hackney

1 message

20 July 2020 at 20:14

To: [REDACTED]
licensing@hackney.gov.uk

Dear Sirs,

I am writing this email as recently I have come to know that the landlord of the Binch wine bar on Greenwood Road, Hackney is currently facing issues in obtaining a licence to operate the premises as a regular bar. As a resident of this road, and someone who frequents Binch on a regular basis, I find this extremely upsetting particularly since the new owner, Sylvain, has professionally operated these premises enabling it to become a wonderful local hub for the community, and a location where both my partner and I have been lucky enough to meet many of the local residents, who have all made us feel very welcome in the area (we only moved to Hackney in September).

Since the bar has been renovated, and re-opened its doors in November, it has been a refreshing change to the other licenced establishments in the surrounding Hackney/Dalston area, particularly given that Sylvain focuses on providing a relaxing, calm atmosphere for the 'older' residents within this residential area who enjoy having a glass of wine after a long day at work.

Since Sylvain has opened Binch, my partner and I have been regulars enjoying a glass of wine on most weekends, and I have never witnessed any complaints and/or any anti social behaviour inside or out, and therefore, it has not caused any problems to the surrounding neighbourhood and has, in fact, actually promoted a fantastic community hub which is even more important now given the isolation people have undertaken during the Covid-19 lockdown.

Please feel free to contact me should you have any further questions but as a local resident I would be very upset if we were unable to frequent Binch in the manner that we are all used to.

Kind Regards,

[REDACTED]



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

Binch license

1 message

[REDACTED]
To: licensing@hackney.gov.uk

20 July 2020 at 21:08

Good evening,

I am a resident of greenwood road and customer of binch. I have been made aware of the recent issues facing its license and would like to proclaim my support for the continual operation of it as a wine and craft beer bar. It is not a nuisance to the community as it provides a relaxed sophisticated environment to imbibe a few drinks. Previous iterations did have a reputation but those places courted that with its serving of spirits and DJ nights, things that Binch does not do. In fact it benefits the community in many ways and alleviates people's needs to visit more crowded areas like London fields. It is not large enough to pose a disturbance and I believe the owner is responsible enough to maintain a COVID safe environment.

Thanks,

[REDACTED]



Binch Limited - Application to vary licence (LBH-PRE-T-0378)

1 message

20 July 2020 at 21:11

To: licensing@hackney.gov.uk

Dear Sir / Madam

I am writing to make a representation **in support of** Binch Limited's application to vary its licence at 51 Greenwood Road E8 1NT.

My residential address is [REDACTED] Independent Place E8 [REDACTED]

I have been a regular customer at Binch since December 2019. During my first visit, it became immediately evident how important community building is for the business operator, Mr Sylvain Bertozzi. Binch is the kind of lovely local place where everybody is welcome and everybody knows each other. That is largely due to Mr Bertozzi's ethos. He has been able to foster strong ties with the community and build mutually beneficial relationships with both the local residents and local food / beverage suppliers.

I think it is important to make clear that this is not the kind of bar where people turn up to get extremely intoxicated and cause trouble. Binch has to date served a very well curated selection of speciality small batch beers, wines and cheeses (many of which are produced locally). Granting this application will allow Binch to further expand its offerings, allowing it to work with even more local producers and continuing to benefit the area by stimulating the local economy.

In the 7 months that I have frequented this venue, I have not once witnessed a single violent incident or any other type anti-social behaviour that might tend to cause a public nuisance. Mr Bertozzi is a responsible operator and always tries to help the local residents when they are having a tough time. I am aware of one particular nearby resident (a chef) who was unable to find work as a result of the COVID-19 pandemic. Mr Bertozzi very generously made his premises available to that individual so that he could setup a pop-up takeaway food service to make a living.

Binch really is a place where people from all walks of life can come together, relax and make friends. Mr Bertozzi creates a strong sense of community spirit and it would be a real blow to our community if Binch's application were to be refused.

I would humbly submit that its application ought to be granted.

Kind regards

[REDACTED]

[REDACTED] Independent Place
London E8 [REDACTED]

[REDACTED]



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

Binch License (E81NT)

1 message

20 July 2020 at 21:27

To: licensing@hackney.gov.uk

Hello,

I understand that Binch, the wine and craft beer bar on Greenwood Road (my street) is having an issue with its license and is seeking a variation to be able to serve the community. As you know, Greenwood Road has a mix of residents, some newer than others. I have lived in E8 [redacted] for a few years now and have seen that particular commercial space used for various businesses - a hair salon, a cocktail bar, etc.

In its most recent iteration, and particularly under the extraordinary circumstances due to COVID, I have witnessed our street and local community come together as a direct result of Binch. The owner seems to have a talent in bringing people together (socially distanced) and helping to forge a community of relationships. Historically this section of Greenwood Road has felt more like a thoroughfare, however with the addition of Binch, it feels more like a neighbourhood - one where people look out for each other and take care of our street. I have not experienced noise issues or anti-social behaviour in relation to Binch, and note that it has been particularly respectful of closing hours.

Granting Binch's variation application would benefit the community, and I strongly support the continuation of this small business in this location. Hackney is made better by the small independent businesses which promote inclusion and community. I hope that you agree.

Kind regards,

[redacted]
Greenwood Road



Binch, 51a Greenwood Road, London E8 1NT License Application

1 message

[REDACTED]
To: licensing@hackney.gov.uk

20 July 2020 at 21:44

Dear sir/madam

I write in relation to this license application. I have lived on Greenwood Rd for many years and I know the applicant Sylvain Bertozzi. I am London Representative for the National Residential Landlords Association and own and manage rented properties in the area and I am also an Employment Tribunal member sitting in the East London tribunal.

I was initially somewhat sceptical when a bar was opened at the bottom of our street, but having visited several times, it is a really lovely cosy place with a friendly and welcoming atmosphere. The premises has been managed very well, with no noise or rowdy behaviour since Sylvain and his chef have been running it. Sylvain is fun and charismatic, he has made a real effort to get to know local people and indeed bring us together through Binch - I have befriended several new neighbours on my street. He runs the bar very responsibly, he has a strong sense of respect for local people and wants to make a positive contribution to the street and the locality.

I believe that granting the license application will benefit the street by providing a cosy well managed community bar away from some of the larger and louder venues in the Dalston and Hackney Central areas.

Best wishes, [REDACTED]



'Binch' (Greenwood Road) Application1 message

20 July 2020 at 22:07

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

Dear Hackney Licensing Team,

I hope you're all managing in the face of a recent lockdown.

I wanted to bring to your attention the eligibility of 'Binch' on Greenwood Road, Hackney for an application.

I'm a resident opposite the premises in question.

There seems to have been some contention regarding Sylvain Bertozzi; however I'm convinced the objections have been confused with a previous owner of that property.

Sylvain is warm, professional and has created a lovely atmosphere on Greenwood Road (our bedroom window allows us to hear easily anything untoward happening outside, of which there has been none) and since he took over the place there have been absolutely no problems at all.

I highly endorse his application, as he's contributed brilliantly to the community (particularly during lockdown) and I know that all of Greenwood Road (containing respectable citizens who have been benefiting from his custom) would be very sad to lose Binch.

I'd appreciate your scrutiny and concern on approving his application and to restore an important presence on the street.

Happy to discuss further on [REDACTED]

Yours faithfully,
[REDACTED]



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

Re: Binch licence

1 message

[REDACTED]
To: licensing@hackney.gov.uk

20 July 2020 at 23:42

Dear sir / madam

I am a Hackney resident and live next to Binch on Graham road. I have lived here for 2.5 years, I am writing in support of the recent application by Binch to update its licence.

Binch is a key part of the local community. Since Binch opened I have got to know my neighbours and was very disappointed since it has closed recently to update its licence. The bar is a quiet local fine wine and craft beer venue, offering something that is not available in the local area.

I've met the owner, Sylvain, a few times and he really understands how to provide a much needed service to the local community.

There has not been any noise or issues from Binch since I have lived here and it would be a real shame to lose such a special venue from our local community.

I really hope that you approve his licence and help support the local community.

Many thanks

[REDACTED]



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

Binch License

1 message

20 July 2020 at 23:43

[REDACTED]
To: licensing@hackney.gov.uk

Dear Sir/Madam,

I'm writing with regards to licensing change at Binch on Greenwood road. As a local resident I want to express my support to the business and their wish to change licencing to alcohol license only.

The owner has been always welcoming and bringing the community together through a friendly chat. The bar has been renovated to a high standard and fills the niche sought after in this area- it provides a cozy and relaxed atmosphere for all of us. I don't believe to have heard any complaints or have been negatively affected by Binch and believe it would be a shame to loose such a nice place from the area. I believe this place should be saved to continue their business to preserve a unique and friendly establishment.

Best,

[REDACTED]



This premises licence has been issued by:

Licensing Service
1 Hillman Street
London E8 1DY

PART A – PREMISES LICENCE

Premises Licence Number

LBH-PRE-T-0378

Part 1 – Premises details

51a Greenwood Road
Hackney
London
E8 1NT

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:

Off Sales: Mon 08:00-22:00
 Tue 08:00-22:00
 Wed 08:00-22:00
 Thu 08:00-00:00
 Fri 08:00-00:00
 Sat 08:00-00:00
 Sun 08:00-22:00

Supply of Alcohol Standard Hours:

On Sales: Mon 16:00-22:00
 Tue 16:00-22:00
 Wed 16:00-22:00
 Thu 18:00-00:00
 Fri 18:00-00:00

Sat 18:00-00:00

Sun 12:00-22:00

The opening hours of the premises

Standard Hours:

Mon 08:00-22:30

Tue 08:00-22:30

Wed 08:00-22:30

Thu 08:00-00:30

Fri 08:00-00:30

Sat 08:00-00:30

Sun 08:00-22:30

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

On and Off Premises

Part 2 –

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

Binch Limited
28a Aylmer Place
London
N2 0PH

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

10931958

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

Sylvain Bertozzi

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

Date of Grant: 24 November 2005

Signed:

**David Tuitt
Team Leader - Licensing**

Annex 1 - Mandatory Conditions

Supply of Alcohol

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

Annex 2 – Conditions consistent with the Operating Schedule

8. Appropriate fire safety procedures are to be in place along with appliance including fire extinguishers (Foam, H₂O, CO₂), fire blankets, internally illuminated fire exit signs, a smoke detector and emergency lighting. All appliances to be checked annually and comply with British Standards.
9. All fire escapes/escape routes to be clearly marked and kept free from obstructions at all times.
10. Patrons to be discouraged from congregating outside the premises.
11. All waste generated by the premises to be dealt with appropriately.
12. A comprehensive CCTV system shall be installed and maintained inside and outside the premises, including a CCTV unit that ensures all areas of the licensed premises and the immediate vicinity are monitored, including all entry points, and which enable frontal identification of every person entering in any light condition. All cameras shall continually record whilst the premises are in operation and the recording shall be kept available for a minimum of 31 days with time and date stamping. Recording shall be made available to a duly authorised Hackney Council officer or a police officer together with facilities for viewing. The recordings for the preceding 31 days shall be made available

immediately on request. The CCTV system shall be operated in accordance with the Data Protection Act 1998 and any other relevant legislation.

13. Adequate/improved security lighting outside the premises with consideration being given to light pollution of neighbouring properties. All entrances to venue to be lit and painted white to enable better quality of CCTV images for identification purposes.
14. All instances of crime or disorder to be reported by the designated premises supervisor or responsible member of staff to an agreed police contact point.
15. The Licence Holder shall ensure that the details of all complaints are recorded in an occurrence book.
16. No bins or bottles to be placed outside between the hours of 23:00 and 07:00.
17. Alcohol shall not be sold or consumed other than to persons taking food from the menu and that the consumption of alcohol by such persons is ancillary to taking such food. The supply of alcohol shall be by waiter/waitress service. For the avoidance of doubt "food" is to be more than a bar snack so crisps and nuts will not suffice but a selection of tapas or a sandwich is considered to be food for the purpose of this condition.

Conditions derived from Responsible Authority representations

18. 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.
19. There shall be a personal licence holder on duty on the premises at all times when the premises are authorised to sell alcohol.
20. Signs will be prominently displayed at all exit points reminding customers to leave quietly and respect local residents.
21. 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.
22. 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.
23. Premises to operate zero tolerance policy to drugs and comply with Hackney Police Drugs, Weapons and Search policy.
24. An adequate and appropriate supply of first aid equipment and materials shall be available on the premises.
25. All staff will be given refresher training every six months on the legislation relating to the sales of alcohol to underage persons and drunken persons.
26. The licence holder shall maintain a dedicated telephone number of the Designated Premises Supervisor for use by any Responsible Authority or any person who may wish to make a complaint. This contact number shall be provided to licensing authority, police and to any local residents upon request.
27. Patrons will not be allowed to take drinks, glass or open containers outside of the premises at any time. Except for off sales of sealed containers which will not be consumed in the vicinity of the premises.
28. There shall be a written dispersal policy, a copy of which shall be kept on the premises and produced to police or an authorised officer upon request.
29. There shall be no more than 15 persons inside the premises during licensed hours.
30. There shall be no more than 5 persons permitted to smoke outside at any one time.
31. The Licensee shall ensure that all staff are fully trained and made aware of the legal requirement of businesses to comply with their duty of care as regards the disposal of waste produced from the business premises. The procedure for handling and preparing for disposal of the waste shall be in writing and displayed in a prominent place where it can be referred to at all times by staff.
32. The Licensee shall ensure that any contract for general and recyclable waste disposal shall be appropriate in size to the amount of waste produced by the business. The Licensee shall maintain an adequate supply of waste receptacles provided by his registered waste carrier (refuse sacks or commercial waste bins) in order to ensure all refuse emanating from the business is always presented for collection by his waste carrier and shall not use any plain black or unidentifiable refuse sacks or any other unidentifiable or unmarked waste receptacles.
33. The Licensee's premises are situated in an area within which refuse may only be left on the public highway during certain time bands. If the Licensee's waste carrier cannot or does not comply by collecting the refuse during the present or any future time bands imposed by the waste authority, the

Licensee must remove the refuse from the public highway and/or keep it within the premises until such time as its waste carrier arrives to collect the refuse.

34. The Licensee shall erect a sign asking customers to refrain from littering the public highway outside the premises and will also instruct member of staff to make regular checks of the area immediately outside and within 10 metres either side of the premises and remove any litter, bottles and glasses emanating from the premises. The collection and removal of litter should include satisfactory disposal of spilled food and similar materials so as to leave the footway in a clean, safe and wholesome condition.
35. The Licensee shall provide a safe receptacle for cigarette ends to be placed outside, either on the wall or close to the wall of the building so as not to cause an obstruction or trip, for the use of customers.

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

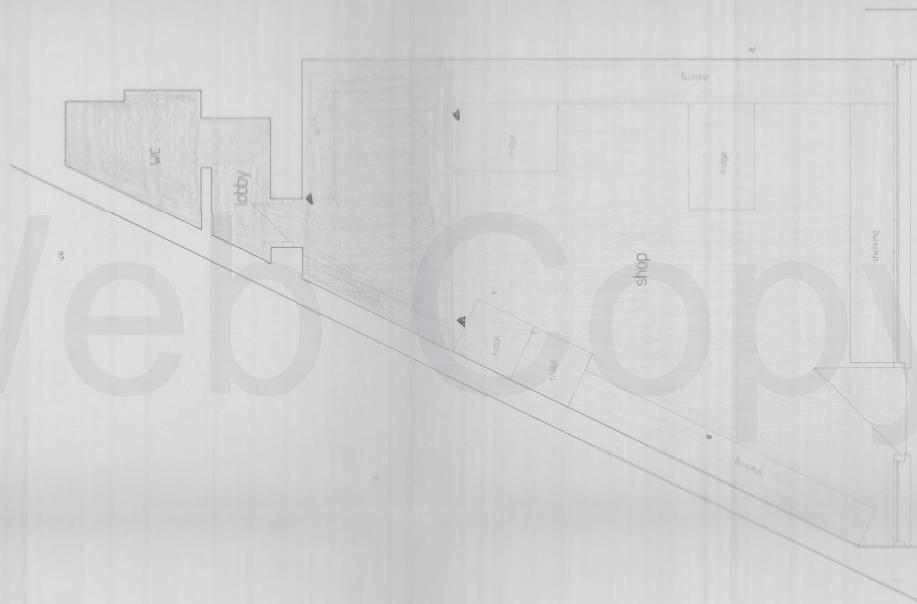
36. Upon obtaining the relevant permission to have any tables and chairs outside of the premises, the use of any outside area shall only be permitted until 22.00 hours.
37. The licensee shall display a contact number of the Designated Premises Supervisor (DPS) or person responsible for the operation of the premises, for use by any Responsible Authority or any person who may wish to make a complaint during the operation of the licence. This contact number will in a prominent location so as to be visible externally at the premises as well as being easily accessible to the public. The licensee's contact number will also be provided upon request.

Annex 4 – Plans

PLAN/LBH-PRE-T-0378/050805

Web Copy

- AREA FOR SALE OF
INDICATING LAYOUT
- KITCHEN, STORE ETC.
NOT PUBLIC AREAS
- SHOP.
OTHER PUBLIC AREAS



PROPOSED GROUND FLOOR PLAN

RES EQUIPMENT



EXISTING GROUND FLOOR PLAN



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APPENDIX E



 NORTH
 Scale: 1:1250 at A4
 Hackney

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