

Legal & Policy Considerations

Hackney Licensing Policy.

Hackney the Place

1.12 The vibrant mix of Entertainment and Leisure Activities in the Borough makes Hackney attractive to visitors and an exciting place to live, not only at night but in the daytime and early evening too. It is an example of how diverse attractions can co-exist and complement one another. This greater choice encourages people to travel into the Borough to enjoy their leisure time, generating jobs and business opportunities.

Section 182 Guidance to the Licensing Act 2013

Purpose

7. 1.7 This Guidance is provided to licensing authorities in relation to the carrying out of their functions under the 2003 Act. It also provides information to magistrates' courts hearing appeals against licensing decisions and has been made widely available for the benefit of those who run licensed premises, their legal advisers and the general public. It is a key medium for promoting best practice, ensuring consistent application of licensing powers across England and Wales and for **promoting fairness, equal treatment and proportionality**.

Licensing objectives and aims

2. 1.5 However, the legislation also supports a number of other key aims and purposes. These are vitally important and should be principal aims for everyone involved in licensing work. They include:
 - (3rd paragraph) recognising the important role which pubs and other licensed premises play in our local communities by minimising the regulatory burden on business, encouraging innovation and supporting responsible premises;

European Union Law

The principle of proportionality is now enshrined in EU law by article 5(4) of the Treaty on European union.

Letter by Kit Malthouse MP Minister of State for Crime & Policing calling for Licensing Authorities to take a more pragmatic & flexible approach:

BY EMAIL ONLY

Chairs of Licensing Committees

Dear Councillor

Kit Malthouse MP
Minister of State for Crime and Policing



www.gov.uk/home-office

08 April 2020

The coronavirus outbreak is causing enormous disruption to all businesses, public services and to individuals across our nation. Local authorities are playing a key role in our response and are under significant pressure. I therefore think it timely to write to you to set out some key areas where licensing authorities may wish to consider a pragmatic and more flexible approach during this outbreak, while ensuring the licensing objectives are safe-guarded.

The Bread Station Response to Representations

PC Dave Atkins

Firstly, we specifically note that the box under the Representations namely:

The above Representations are supported by the following evidence and information is completely empty.

Considering that each individual application is based on its' own merits we would assert this is because there isn't any adverse evidence whatsoever.

This exemplary unique (to Hackney) working Organic Bakery has not only been exemplary but also helped Alia, FSB, (where the Mayor, Meg Hiller & other's attended) and a charity in the area. We would refute the suggestion that the Bread Station Application indicates that it is steering towards being a bar it isn't. It is remaining as a working organic bakery.

The Application for both Live and recorded music has been withdrawn. The Bread Station has:

- Reduced the proposed hours to the Hackney Policy Hours. Thus:
- Revise hours to align with LP12, therefore limited to 23:00 Mon to Thu, 23:30 Fri and Sat and 22:30 on Sun.
 - Cease use of external areas by 22:00 daily except for a limited number of smokers (engaged in Licensable activity).
- Agreed Challenge 25
- **We offer a condition of: "Any alcohol sold or supplied for the consumption off the premises must be in a sealed container." (Hackney LP Condition A7**

The Premises shall only operate as a café/restaurant ancillary to the primary use of the premises as a bakery.

Our original Application matched the hours of Climpson & Sons next door. Their outdoor space has the same proportions and is the closest competitor for Business. Their customers do not have to be seated outside. There is London Fields Brewery up the road with far longer hours.

The Bread Station has the support of residents, local Businesses, the Hackney representative for the Federation of Small Businesses, and a Redbridge Councillor well known for his work in addressing those

Licensed Venues in Redbridge that caused concerns for Residents. The applicant is being advised by a former Police Inspector with 30 years' exemplary service and ex Hackney Licensing Sergeant.

Is it reasonable and proportionate then to be so concerned with a working organic bakery looking to serve predominantly organic wine or beer as an accompaniment to Organic food?

Licensing Enforcement

This Premise is not in the Cumulative Impact Zone. Licensable activities now commensurate with Hackney Licensing Policy.

Residents' Concerns

We have reached out to residents to discuss further. One resident is open to a 22.00 Closure but for all Licensable activity. This is significantly less than Hackney Licensing Policy.

We acknowledge and are sympathetic to issues caused by other people but given the operating model of an Organic Bakery and the checks and the balances that we will be providing in terms of Conditions, and management we do not believe that our customers' will in any way add to these concerns.

This is not a Special Policy Area for Cumulative Impact.

We would respectfully ask the Committee to accept this Application given the amendments to the original application, the support, and with regards to the law and the Guidance.



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

The Bread Station Hearing Legal reference.

1 message

Andy Newman [REDACTED]

8 December 2020 at 08:39

To: Suba <subangini.sriramana@hackney.gov.uk>, Sanaria Hussain <sanaria.hussain@hackney.gov.uk>, David Tuitt <david.tuitt@hackney.gov.uk>, David Atkins4@met.police.uk, Gareth Sykes <gareth.sykes@hackney.gov.uk>

Cc: Ronnie Finch [REDACTED]

Good morning apologies for the late addition,

However felt that a reminder of the below would help all involved.

Felt also that it would be right and proper for your Legal Officer to have sight of this before the Hearing.

Please do forward to other parties if appropriate

Para 42 Toulson LJ Hope & Glory Court of Appeal.

42. Licensing decisions often involve weighing a variety of competing considerations: the demand for licensed establishments, **the economic benefit to the proprietor and to the locality** by drawing in visitors and stimulating the demand, the effect on law and order,

the impact on the lives of those who live and work in the vicinity, and so on. Sometimes a licensing decision may involve narrower questions, such as whether noise, noxious smells or litter coming from premises amount to public nuisance. Although such questions are in a sense questions of fact, they are not questions of the “heads or tails” variety. They involve an evaluation of what is to be regarded as reasonably acceptable in the particular location. In any case, **deciding what (if any) conditions should be attached to a licence as necessary and proportionate** to the promotion of the statutory licensing objectives is essentially a matter of judgement rather than a matter of pure fact.

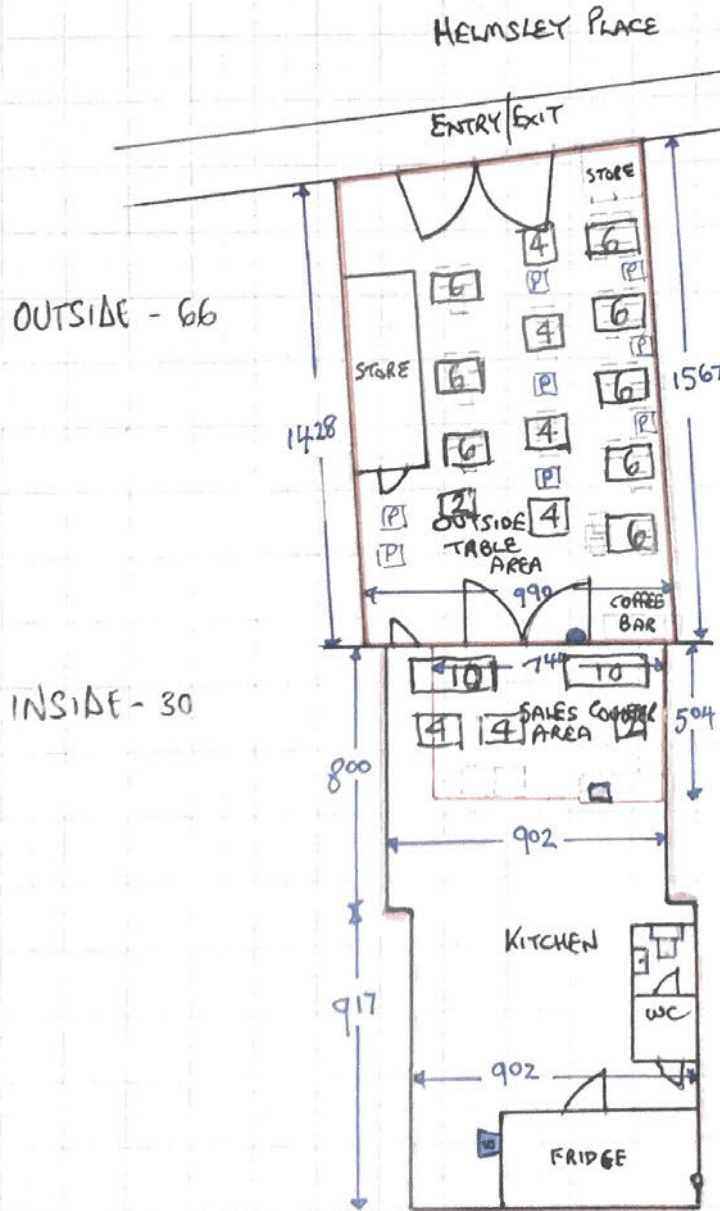
Kind regards

Andy

Andy Newman Consultancy Ltd,

Duly appointed Agent for The Bread Station.

THE BREED STATION
ARCH 373
HEMSLEY PLACE
LONDON E8 3SB



TABLES x PAX

- 10 - SHARING
- 6 - 6
- 4 - 4
- 2 - 2

KEY

- TABLES
- BOUNDARY LINE
- FIRE ALARM
- FIRE EXTINGUISHER
- LICENSABLE AREA
- FIRST AID KIT
- PLANTER

SCALE 1:100 @ A3
 DATED 1 OCTOBER 2020