

For Consideration By	Licensing Sub-Committee
Meeting Date	16 June 2022
Type of Application	Variation of Premises Licence
Address of Premises	Okko Restaurant, 47 Broadway Market, E8 4PH
Classification	Decision
Ward(s) Affected	London Fields
Director	Aled Richards

1. **Summary**

1.1. This is an application for variation of premises licence to:

- Remove Off-sales of alcohol.
- Remove restrictions that alcohol sales are limited to wine. and;
- To include the supply of alcohol for consumption on the premises.

2. **Application**

2.1. Craig McIntyre has made a variation application for a premises licence under section 34 of the Licensing Act 2003.

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

Supply of Alcohol (On sales)	Standard Hours: Mon 12:00-23:00 Tue 12:00-23:00 Wed 12:00-23:00 Thu 12:00-23:00 Fri 12:00-23:00 Sat 12:00-23:00 Sun 12:00-22:30
The opening hours of the premises	Standard Hours: Mon 12:00-23:00 Tue 12:00-23:00 Wed 12:00-23:00 Thu 12:00-23:00 Fri 12:00-23:00 Sat 12:00-23:00 Sun 12:00-22:30

2.3. The application is attached as Appendix A.

3. **Current Status/History**

3.1. The current premises licence was granted in September 2009 to authorise the Supply of alcohol for consumption Off the premises. The current licence is attached as Appendix C.

3.2. Temporary Event Notices have been given in the current year at this premises as follows:

<u>Date of the event(s)</u>	<u>Hours</u>
21/01/2022-23/01/2022	12:00-23:00
28/01/2022-30/01/2022	12:00-23:00
04/02/2022-06/02/2022	12:00-23:00
11/02/2022-13/02/2022	12:00-23:00
01/04/2022-03/04/2022	12:00-23:00
08/04/2022-10/04/2022	12:00-23:00
14/04/2022-18/04/2022	12:00-23:00

4. **Representations: Responsible Authorities**

From	Details
Environmental Health Authority (Environmental Protection)	Have confirmed no representation following agreed conditions as set out in para 8.1
Environmental Health Authority (Environmental Enforcement)	No representation received
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	Have confirmed no representation following agreed conditions as set out in para 8.1
Licensing Authority	No representation received
Health Authority	No representation received

5. **Representations: Other Persons**

From	Details
1 representation received from and on behalf of local residents. (AppendixB)	Representation received on the grounds of The Prevention of Crime and Disorder, Public Safety, Prevention of Public Nuisance and The Protection of Children from Harm.

6. **Guidance Considerations**

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

7. **Policy Considerations**

- 7.1. The 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) are relevant.

8. **Officer Observations**

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

Supply Of Alcohol (On/Both)

1.No supply of alcohol may be made under the premises licence:

- (a) At a time when there is no designated premises supervisor in respect of the premises licence.
- (b) At a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.

2. Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

3. (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.

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

- (a) games or other activities which require or encourage, or are

designed to require or encourage, individuals to;

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

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

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

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

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

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

4. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.

5. 5.1. The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sales or supply of alcohol.

5.2 The designated premises supervisor in relation to the premises licences must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.

5.3. The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either:-

- A. a holographic mark or
- B. an ultraviolet feature.

6. The responsible person shall ensure that:

a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures:

- beer or cider: 1/2 pint;

- gin, rum, vodka or whisky: 25ml or 35ml; and
- still wine in a glass: 125ml; and
- a. these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
- b. where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

Minimum Drinks Pricing

7. 7.1 A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

7.2 For the purposes of the condition set out in paragraph 7.1 above -
 (a) “duty” is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;

(i) “permitted price” is the price found by applying the formula - $P = D + (D \times V)$ Where -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;

(b) “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;

(c) “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

(d) “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.

Conditions derived from Responsible Authority representations

8. The premises shall maintain a comprehensive CCTV system as per the minimum requirements of a Metropolitan Police Crime Prevention Officer. All public areas, entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Recordings shall be made available immediately upon the request of the Police or an authorised officer.

9. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises are open to the public. This staff member shall be able to show Police or an authorised officer of Hackney Borough Council recent data or footage with the absolute minimum of delay when requested.

10. An incident log shall be kept at the premises, and made available immediately to an authorised officer of the Hackney Borough Council or the Police, which will record the following: all crimes reported to the venue any complaints received any incidents of disorder any faults in the CCTV system any refusal of the sale of alcohol any visit by a relevant authority or emergency service.

11. There shall be clear and prominent signage asking all customers to leave quietly and respect local residents.

12. All instances of crime or disorder to be reported by the designated premises supervisor or responsible member of staff to an agreed police contact point, as agreed with the Police.

13. Where the sale or supply of alcohol is taking place, employees of the premises must request sight of evidence of the age of any person appearing to be under 25 years of age (Challenge 25). Such evidence may include a driving licence or passport.

14. The premises will display and maintain appropriate signage advising customers of the contact details of the Designated Premises Supervisor.

15. All staff will be given refresher training every six months on the legislation relating to the sales of alcohol to underage persons and drunken persons. Written

records of this training shall be kept on the premises and produced to police or other authorised officers upon request.

16. There shall be no open containers or drinks taken outside the premises at any time other than to those seated in the designated outside area.

17. Alcohol shall not be sold or supplied for consumption on the premises other than to people taking a substantial table meal from the menu and that the consumption of such alcohol is ancillary to taking table meals.

18. The premises licence holder shall ensure that on leaving the premises, customers will not be permitted thereafter to loiter or congregate outside of the premises.

19. Consumption of alcohol on the premises shall cease, and premises shall close to patrons, no later than 30 minutes after the end of the permitted hours for the sale of alcohol on the premises

20. Clearly legible notices shall be displayed at all exits from the premises requesting patrons to respect the needs of local residents and leave quietly

21. All patrons or staff waiting for a cab or other form of transportation will be encouraged to wait within the premises.

22. No music or amplified sound shall be generated within the premises so as to give rise to nuisance within neighbouring dwellings

23. Only 5 customers will be allowed to use the designated smoking area at any one time

9. **Reasons for Officer Observations**

9.1. Conditions 8 to 17 have been proposed by the Police, conditions 18 to 23 have been proposed by Environmental Protection. The applicant has agreed to all the conditions stated above.

10. **Legal Comments**

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

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

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

11. Human Rights Act 1998 Implications

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

12. Members Decision Making

12.1. Option 1

That the application be refused

12.2. Option 2

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

13. Conclusion

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

Appendices:

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

Background documents

Licensing Act 2003
LBH Statement of Licensing Policy

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

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

Name
Title
Email
Tel

APPENDIX A

Hackney
LA07

Application to vary a premises licence under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

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

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

I/We CRAIG MCINTYRE

(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-1064

Part 1 – Premises Details

Postal address of premises or, if none, Ordnance Survey map reference or description

47 BROADWAY MARKET

Post town

LONDON

Postcode

E84PH

Telephone number at premises (if any)

██████████

Non-domestic rateable value of premises

£11250

Part 2 – Applicant details

Daytime contact telephone number

██████████

E-mail address (optional)

██

Current postal address if different from premises address

████████████████████, ██████████

Post town	LONDON	Postcode	SE16 2QG
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Part 3 – Variation

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

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

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

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

<p>Please describe briefly the nature of the proposed variation (Please see guidance note 2)</p> <p>THE PREMISE IS CLASSED AS E1 AND WE INTEND TO USE IT AS A RESTAURANT AND CHANGE ALCOHOL LICENSE FROM OFF-LICENSE TO ON-LICENSE.</p> <p>REMOVE THE OFF-PREMISES SALE OF ALCHOL REMOVE OF RESTRICTION THAT ALCOHOL SALES IS LIMITED TO WINE. CHANGE ALCOHOL LICENSE TO SUPPLY OF ON-PREMISE SUPPLY OF ALCOHOL.</p> <p>ON-PREMISE SUPPLY OF ALCOHOL MON - SAT 12:00 to 23:00 SUN 12:00 to 22:30</p> <p>THE OPENING HOURS WILL BE FROM MON - SAT 12:00 to 23:00 SUN 12:00 to 22:30</p>

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

Part 4 Operating Schedule

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

- | Provision of regulated entertainment (Please see guidance note 3) | Please tick all that apply |
|---|-------------------------------------|
| a) plays (if ticking yes, fill in box A) | <input type="checkbox"/> |
| b) films (if ticking yes, fill in box B) | <input type="checkbox"/> |
| c) indoor sporting events (if ticking yes, fill in box C) | <input type="checkbox"/> |
| d) boxing or wrestling entertainment (if ticking yes, fill in box D) | <input type="checkbox"/> |
| e) live music (if ticking yes, fill in box E) | <input type="checkbox"/> |
| f) recorded music (if ticking yes, fill in box F) | <input type="checkbox"/> |
| g) performances of dance (if ticking yes, fill in box G) | <input type="checkbox"/> |
| h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H) | <input type="checkbox"/> |
| Provision of late night refreshment (if ticking yes, fill in box I) | <input type="checkbox"/> |
| Supply 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	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 5)		
Mon					
Tue			State any seasonal variations for performing plays (please read guidance note 6)		
Wed					
Thur			Non-standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list (please read guidance note 7)		
Fri					
Sat					
Sun					

B

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

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)		
Mon	12:00	23:00			
Tue	12:00	23:00			
Wed	12:00	23:00			
Thur	12:00	23:00			
Fri	12:00	23:00			
Sat	12:00	23:00			
Sun	12:00	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).

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	12:00	23:00	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	12:00	23:00	
Wed	12:00	23:00	
Thur	12:00	23:00	
Fri	12:00	23:00	
Sat	12:00	23:00	
Sun	12:00	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.

CHANGE THE PREMISE LICENSE SALES OF ALCOHOL FROM OFF PREMISE SALE TO ON PREMISE SALE.

REMOVE RESTRICTION OF SUPPLY OF WINE ONLY

SUPPLY ALCOHOL WITH FOOD SERVICE AS RESTAURANT.

EXTEND THE PREMISE LICENSE HOURS FROM

MON-SAT 12:00 TO 23:00

SUN 12:00 TO 22:30

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)

SUPPLY OF ALCOHOL IS NOT PRIMARY PURPOSE OF PREMISE AND REPRESENT ONLY AN ANCILLARY ACTIVITY. THE PRIMARY PURPOSE OF PREMISE IS TO SERVE FOOD.
IT IS NOT A NEW ALCOHOL LICENSE AND AS SUCH SHOULDN'T SIGNIFICANTLY INCREASE AVAILABILITY OF ALCOHOL IN AREA.
AS PER EVIDENCE FROM THE POLICE AND PUBLIC HEALTH OFF-PREMISE SALE OF ALCOHOL CAN NEGATIVELY EFFECT LICENSING OBJECTS. WE BELIEVE CHANGING LICENSE TO ON-PREMISE SALE OF ALCOHOL IS CONSIDER LESS RISK THAN OFF-PREMISE SALES AT NIGHT.
THE APPLICATANT HAS LIASED WITH ENVIRONMENTAL HEALTH AND POLICE PRIOR TO APPLICATION AND HAS RUN A NUMBER OF TEMPORARY EVENTS (TENS) AT PREMISE TO PRIOR TO APPLICATION.
WE HAVE EXCELLENT COMMUNICATIONS CHANNELS WITH LOCALS

b) The prevention of crime and disorder

CCTV TO BE INSTALLED
ALL STAFF ARE THOROUGHLY TRAINED IN SERVING ACOHOL AND THEIR REPSONSIBILITIES
THE SUPPLY OF ALCOHOL SHALL BE BY WAITER OR WAITRESS SERVICE ONLY.

c) Public safety

WE INSURE A SPACIOUS LAOUT WITH MAXIMUM NUMBER OF PEOPLE ON PREMISE LIMITED TO 30.
DPS EMAIL AND PHONE NUMBER WILL BE ON DISPLAY FOR PUBLIC TO CONTACT.
FIRST AID EQUIPMENT AVAILABLE AT PREMISE
AN INCIDENT LOG SHALL BE KEPT AT THE PREMISES, AND MADE AVAILABLE ON REQUEST

d) The prevention of public nuisance

MANAGEMENT WILL ENSURE ALL OUTSIDE AREAS ARE ORDERLY AND PATRONS RESPECT THE NEIGHBOURS.
AN INCIDENT LOG SHALL BE KEPT AT THE PREMISES, AND MADE AVAILABLE ON REQUEST
CLEAR NOTICSE WITH ASK CUSTOMERS TO LEAVE PREMISE QUIETLY RECOGNISING NEED OF LOCAL RESIDENTS AND PROVIDE DETAILS OF TAXIS SERVICSE TO FACILATE CUSTOMER MAKING ONWARD JOURNEYS.
CONTACT DETAILS OF DPS WILL BE PROVIDE TO NEIGHBOURS SO THEY CAN COMMUNICATE WITH PREMISES
NOISE LEVELS WILL BE MONITORED IN COMMUNCATION WITH RESIDENTAL PREMISES DIRECTLY NEIGHBOURING LOCATION

e) The protection of children from harm

STAFF ARE TRAINED TO MONITOR DRINK AND CHECK FOR UNDERAGE DRINKING.
THE PREMISES WILL OPERATE A “CHALLENGE 25” POLICY WHEREBY ANY PERSON ATTEMPTING TO BUY ALCOHOL WHO APPEARS TO BE UNDER 25 WILL BE ASKED FOR PHOTOGRAPHIC ID TO PROVE THEIR AGE.

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	04 / 11 / 2022
Capacity	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)			
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.

----- Forwarded message -----

From: kieran herbert [REDACTED]

Date: Wed, Apr 13, 2022 at 1:02 AM

Subject: Re: Okko

To: [REDACTED] >

Hi Lucy,

Sorry for my late response. We are operating the space as a restaurant. Not as a live music venue. We have now fixed the problem regarding the base. If we could possibly meet and discuss acceptable levels of music so we will not be affecting you going forward. It is not acceptable for us to put you into any discomfort.

Kieran

On Fri, Apr 8, 2022 at 11:40 PM [REDACTED] wrote:

Dear kieran,

Can you please let me know what license you have been granted for the shop and if you plan to continue with music in the property on a regular basis as if so that is going to make my living conditions extremely difficult. I have just returned home - at almost midnight - and am once again kept awake by music by booming base and live music in my flat.

Sincerely,

[REDACTED]

> On 4 Mar 2022, at 12:32, kieran herbert <kieran.okkorestaurant@gmail.com> wrote:

>

>

> Hi Lucy,

> My name is Kieran. I am the owner of the leases of both Okko (49 Broadway) and also the former organic shop(47Broadway Market, the property directly under neath you.

> We understand the previous weekend the noise and the base of the speaker disturbed you.

> We apologise for this and realise it caused you some inconvenience. Going forward I can assure you this will not happen again.

> We however would like to throw one final private party on Sunday night from the hours 4pm-8pm. This will be the final one as a way of celebration before we start the build.

> We would like to invite you to Okko for dinner for two on us as way of compensation for the noise level this Sunday.

> Please let me know your thoughts. Kieran, Okko



Sanaria Hussain <sanaria.hussain@hackney.gov.uk>

Update of Representations for 47 Broadway Market

1 message

23 May 2022 at 13:51

To: Sanaria Hussain <sanaria.hussain@hackney.gov.uk>, hackneylicensing@met.police.uk, George Wokorach <George.Wokorach@hackney.gov.uk>

Hi Sanaria,

I have meet with or spoken to Landlord, Police and Environmental Health & Safety and we have clearly define the requirements for progressing with alteration of a premise license.

We have also been in contact with one local resident a [REDACTED] response to TEN at 47 and application for premise license change.

The last email on April 12th Lucy was given opportunity to meet Okko director Kieran Herbert. The email chain is attached below.

I would like to give the anyone who made representations to council the opportunity to arrange to a meeting to discuss this application with me at [47 Broadway Market](#) in person or by phone. This meeting will aim explain our intentions for the restaurant at 47 Broadway, discuss any concerns and hopefully find a resolution to any problems. Regularly meetings going forward can also be arranged.

thanks,

Craig McIntyre
Okko Restaurant
[49 Broadway Market](#)
London
E8 4PH

 **EmailChain (1).docx**
14K

APPENDIX B

██████████
Dericote Street,
London
E8 ██████████
UK

7th May 2022

Dear Hackney licensing,

I am writing to contest a license application from Okko Japanese restaurant for the premises at 47 Broadway Market. They have applied to change the licensing to a 'restaurant' license for the premises which they have recently taken over from an organic grocery store. I am the owner of the apartment ██████████ (address: ██████ Dericote street, E8 ██████) and I believe I have until 12 May to formally challenge/contest the application.

Since Okko took over the leasehold for the premises of 47 Broadway market I have suffered a number of extreme noise and public nuisance incidents that are affecting my mental and emotional health as well as my physical well-being. I am attaching the 2 official complaints (12 February and 7th April) I have made to both local police and Hackney Council. These incidents both included excessive music noise, with heavy bass that made it impossible for me to have a conversation or concentrate on anything in my flat (throughout all rooms of my small one bedroom apartment) until after 9pm and midnight consecutively. Additionally I concerned about the outdoor seating they have set up and the noise levels from customers eating directly under my living room window especially as we begin to see warmer summer and an increase in these types of diners.. In the first incident of complaint the license applicants had hired a DJ playing live music on a set of decks (which as I understand should also require a different/additional license for live music?) at an incredibly high volume. My neighbour at ██████████ street also informed me that in this instance it was also impacting on their properties. While I am sharing documentation from just 2 reported incidents I also travel relatively often for my work as a humanitarian aid worker in conflict zones, and I believe there have been additional incidents I am not aware of of excessive and nuisance noise.

At a very minimum if the license change is to be granted, I would request that the leaseholder be required to fully and effectively soundproof the premises before operating as the building structure and layout of this particular property is not set up for music or other loud music with even small sounds carrying upwards.

As initially mentioned, when I purchased the property in 2016 it was above a grocery store with operating hours of 8am-6pm. I would never have purchased the property had it been above a restaurant that played music and had outdoor seating, nor would I have paid the amount I did for it at the time if those were the conditions. As a leaseholder and property owner at this shared property with 47 Broadway Market I was given no warning or consultation/feedback opportunities on these plans for change of license in such an extreme manner, despite the huge impact it is now having on my daily life and well-being.

I appreciate your attention on this matter and look forward to your response.

Best ██████████
██████████
██████████
██████████

Telephone: ██████████
██████████

From: [REDACTED]
To: [REDACTED]
Subject: Fwd: Your recent submission
Date: 06 May 2022 09:31:09

Sent from my iPhone

Begin forwarded message:

From: no-reply@service.police.uk
Date: 12 February 2022 at 21:03:26 GMT
Subject: Your recent submission

Thank you for completing the form, your reference is: BCA-14340-22-0101-00.

This is the receipt code for your report.

Please note: this is not a crime reference number.

What happens next?

We'll investigate your report based on the information you've provided and get back to you within 48 hours, either with a crime reference number or, if we can't take action, an explanation as to why and further advice.

We won't call you unless we need more information, to clarify something in your report or if there might be an opportunity to collect forensic evidence.

If you need to update your report

If you think of more information to add to your report or something happens which you need to tell us about that's related to it, you can [do this online](#) here.

What happens after you report a crime and how to get support

Find out [what happens after you've reported a crime](#), including investigation steps or why something may not be investigated.

Find out about your rights under the [Victims' Code of Practice](#) and what support is available for victims and witnesses.

Tell us what you think of our online reporting service

Feedback on your experience of using our online services genuinely helps us to make sure they work as well as possible for people in your situation.

If you have a couple of minutes, please complete a quick [feedback survey](#).

We understand how distressing being affected by crime or anti-social behaviour can be and we are committed to bringing offenders to justice and ensuring that victims of crime receive the support they need from us and from others.

We have lots of [crime prevention advice](#) which you may also find useful.

Consider our environment - please do not print this email unless absolutely necessary.

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Noise report: 47 Broadway Market, E8 4PH

1 message

noise-do-not-reply@societyworks.org <noise-do-not-reply@societyworks.org>

Sat, Apr 9, 2022 at 12:16 AM

To: 

Thank you for reporting this issue

New noise report

Details

Kind of noise: Music - other

Noise source: 47 Broadway Market, E8 4PH

Ward: London Fields

Where is the noise coming from? A shop, bar, nightclub, building site or other commercial premises

Is the residence a Hackney Estates property? Don't know

Complaint details

Noise started: Fri, 8 Apr 2022, 11:30 p.m.

Noise ended: Sat, 9 Apr 2022, 11:59 a.m.

Rooms affected: All rooms affected.

Noise description: Loud music 47 Broadway Market. Formerly a grocers, but business has moved to larger premises, whilst next-door OK KO Restaurant have taken over 47 Broadway Market. Caller thinks there is no licence for this?

Effect on complainant: Keeps Caller up from sleeping. Also ability to relax in property. Also could affect property price?

[See case](#)

This email was sent automatically, from an unmonitored email account. Please do not reply to it.

This premises licence has been issued by:
Licensing Service
1 Hillman Street
London
E8 1DY

Premises licence number LBH-PRE-T-1064

Part 1 - Premises Details

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

Green Island
47 Broadway Market

Post town	London	Postcode	E8 4PH
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Telephone number	
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Where the licence is time limited the dates
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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:

Mon 12:00-21:00
Tue 12:00-21:00
Wed 12:00-21:00
Thu 12:00-21:00
Fri 12:00-21:00
Sat 12:00-21:00
Sun 12:00-16:00

The opening hours of the premises
--

Standard Hours:

Mon 12:00-21:00
Tue 12:00-21:00
Wed 12:00-21:00
Thu 12:00-21:00

Fri 12:00-21:00
Sat 10:00-21:00
Sun 12:00-16:00

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

Off Premises

Part 2

Name, (registered) address, telephone number and email (where relevant) of holder of premises licence

Craig McIntyre
8 Leather Road
London
E8 4PH

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

Not Applicable

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

Mr Ali Koz

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

Personal licence number:

Issuing Authority:

Date of grant: 22 October 2009



**David Tuitt
Team Leader - Licensing**

Annex 1 - Mandatory Conditions Supply of Alcohol (Off Premises)

1. No supply of alcohol may be made under the premises licence:

(a) At a time when there is no designated premises supervisor in respect of the premises licence.

(b) At a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.

2. Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

3. 3.1. The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sales or supply of alcohol.

3.2 The designated premises supervisor in relation to the premises licences must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.

3.3. The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either:-

(a) a holographic mark or

(b) an ultraviolet feature.

Minimum Drinks Pricing

4. 4.1 A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

4.2 For the purposes of the condition set out in paragraph 4.1 above -

(a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;

(b) "permitted price" is the price found by applying the formula -

$$P = D + (D \times V)$$

Where -

(i) P is the permitted price,

(ii) D is the rate of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;

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

(i) the holder of the premises licence,

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

(iii) the personal licence holder who makes or authorises a

supply of alcohol under such a licence;

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

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

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

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

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

Annex 2 - Conditions consistent with the Operating Schedule

5. CCTV system shall be installed and maintained . Recordings to be kept for 28 days and made available to police and council officers on request.
6. All staff shall be fully trained and made aware of the challenge 25 procedure and in dealing with potentially aggressive customers
7. The licence holder / staff at the premises will ask persons who appear to be under the age of 25 years for photographic ID such as proof of age cards, the Connexions card, Citizen Card, photographic driving licence or passport, an official identity card issued by HM Forces, or by an EU country bearing the photograph and date of birth of the bearer
8. There shall be a trained first aider on the premises during the licensed hours.
9. All refusals shall be recorded in the refusal book.
10. Signage will be posted up and maintained reminding customers to respect neighbours and leave the area quietly.
11. All waste generated by the premises will be dealt with appropriately.
12. Children under the age of 16 shall not be allowed on the premises unless accompanied by an adult

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

13. The supply of alcohol shall be restricted to wine only.

14. 'A sign providing a contact number for the DPS will be displayed and maintained in the window at the premises.

APPENDIX D



• Mailing addresses

NORTH

Scale: 1:1250 at A4

Hackney

47 Broadway Market

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Tuesday, June 7, 2022	email:	