

For Consideration By	Licensing Sub-Committee
Meeting Date	17 January 2023
Type of Application	Vary a Premises Licence
Address of Premises	NuDawn, 206 Well Street, London, E9 6QT
Classification	Decision
Ward(s) Affected	Hackney Wick
Group Director	Rickardo Hyatt

1. **Summary**

- 1.1. This is an application to vary a a premises licence to allow authorisation for
- To extend the hours for the sale of alcohol (on-sales)
 - To include the hours for the sale of alcohol (off-sales)
 - To include the hours for the late night refreshment
 - To include the hours for the recorded music

2. **Application**

- 2.1. Mr Kevin Jones has made an application to vary a premises licence under section 34 of the Licensing Act 2003.
- 2.2. The premises is not located within a special policy area.
- 2.3. A hearing was scheduled on 25 August 2022 and after hearing from all parties, The Licensing- Sub- Committee decided to grant the applicant an adjournment to meet with the local councillor and the landlord to try and resolve the issues in dispute with a view to amending their application to hours that would be acceptable.
- 2.4. The applicant is seeking authorisation for the following licensable activities and times:

Recorded Music	Standard Hours: Mon 11:00-22:30 Tue 11:00-22:30
-----------------------	--

	Wed 11:00-22:30 Thu 11:00-22:30 Fri 11:00-02:00 Sat 11:00-02:00 Sun 11:00-22:30
Late Night Refreshment	Standard Hours: Fri 23:00-02:00 Sat 23:00-02:00
Supply of Alcohol (On and Off sales)	Standard Hours: Mon 11:00-22:30 Tue 11:00-22:30 Wed 11:00-22:30 Thu 11:00-22:30 Fri 11:00-02:00 Sat 11:00-02:00 Sun 11:00-22:30
The opening hours of the premises	Standard Hours: Mon 08:00-23:00 Tue 08:00-23:00 Wed 08:00-23:00 Thu 08:00-23:00 Fri 08:00-02:30 Sat 08:00-02:30 Sun 08:00-23:00

2.5. The application is attached as Appendix A. The applicant has proposed some additional measures to address the licensing objectives.

3. **Current Status/History**

3.1. The current premises licence was granted on 5 September 2017(attached as Appendix D).

3.2. Temporary Event Notices have given in last 12 months at this premises as follows:

<u>Date of the event(s)</u>	<u>Hours</u>
29/01/2022-30/01/2022	20:00-02:00
04/02/2022-05/02/2022	20:00-02:00
12/03/2022-13/03/2022	20:00-02:00
18/03/2022-19/03/2022	20:00-02:00

26/03/2022-27/03/2022	20:00-02:00
22/04/2022-24/04/2022	20:00-02:00
29/04/2022-30/04/2022	20:00-02:00
18/06/2022-19/06/2022	20:00-02:00
22/10/2022-23/10/2022	20:00-02:00
28/10/2022-29/10/2022	20:00-02:00
04/11/2022-06/11/2022	20:00-02:00

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)	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	Representation has been withdrawn based on additional/replace conditions as set out in para 8.1
Licensing Authority (Appendix B)	Representation received on the grounds of The Prevention of Crime and Disorder and Prevention of Public Nuisance
Health Authority	No representation received

5. **Representations: Other Persons**

From	Details
2 representations received from and on behalf of local residents. (Appendices C1 & C2)	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. Licensing Sub-Committee is required to have regard to the London Borough of Hackney's Statement of Licensing Policy ("the Policy) adopted by the Licensing Authority.
- 7.2. The Policy applies to applications where relevant representations have been made. With regard to this application, policies, LP1 (General Principles), LP2 (Licensing Objectives), LP3 (Core Hours), LP4 (Off Sales of Alcohol), LP5 (Planning Status) and LP11 (Cumulative Impact-General) are relevant.

8. **Officer Observations**

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

Replace condition 21 with:

A minimum of 1 SIA door supervisors shall be employed on a Friday and Saturday after 2000hrs when the venue is open after midnight and at other times on a risk assessment basis. When employed, all SIA staff shall wear a high visibility armband or vest to be easily identifiable. They shall enter their name, address, SIA number and times they begin and finish their shift in a daily register. If employed by an agency all agency contact details shall be recorded also.

Additional condition:

A dispersal policy is to be provided to police by the venue.

9. **Reasons for Officer Observations**

- 9.1. Additional and replace conditions have been agreed with Police.

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 responsible authorities

Appendix C: Representations from other persons

Appendix D: Current licence

Appendix E: Location map

Background documents

Licensing Act 2003

LBH Statement of Licensing Policy

Report Author	Name: Shan Uthayasangar Title: Licensing Officer Email: shan.uthayasangar@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

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 Kevin Jones

(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

088094

Part 1 – Premises Details

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

NuDawn, 206 Well Street

Post town

Hackney

Postcode

E9 6QT

Telephone number at premises (if any)

██████████

Non-domestic rateable value of premises

£13,250

Part 2 – Applicant details

Daytime contact telephone number

██████████

E-mail address (optional)

██████████

Current postal address if different from premises address			
Post town		Postcode	

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>We are a bar/café located on Well Street, Hackney and have been in business at this address for over 9 years. We have a premises licence which enables us to sell alcohol and other refreshments both on and off the premises (off premises provided food is purchased too).</p> <p>In addition to selling food and beverages, we host a number of events from community meetings, art exhibitions, book launches and poetry nights to supper clubs, birthday celebrations and funeral wakes. Often, we submit a TENS to enable us to continue trading until 2am.</p> <p>Like many, our business has struggled during the COVID pandemic as a result of lockdowns and restrictions forced upon the hospitality industry.</p> <p>We are applying for a variation to our licence which will allow us to extend our licensing hours on a Friday and Saturday till 2am. During these licensing hours we intend to serve hot/cold food, soft drinks and alcohol until 2 am with all customers leaving the premises by 2.30am.</p> <p>Please note: we do not intend to open till 2.30am every Friday and Saturday.</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)
- b) films (if ticking yes, fill in box B)
- c) indoor sporting events (if ticking yes, fill in box C)
- d) boxing or wrestling entertainment (if ticking yes, fill in box D)
- e) live music (if ticking yes, fill in box E)
- f) recorded music (if ticking yes, fill in box F)
- g) performances of dance (if ticking yes, fill in box G)
- h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H)

Provision of late night refreshment (if ticking yes, fill in box I)

Supply of alcohol (if ticking yes, fill in box J)

In all cases complete boxes K, L and M

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	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 5) Recorded music is utilised occasionally on Friday and Saturdays.		
Mon	1100 -----	2230 -----			
Tue	1100 -----	2230 -----	State any seasonal variations for the playing of recorded music (please read guidance note 6)		
Wed	1100 -----	2230 -----			
Thur	1100 -----	2230 -----	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)		
Fri	1100 -----	0200 -----			
Sat	1100 -----	0200 -----			
Sun	1100 -----	2230 -----			

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	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
				Both	<input checked="" type="checkbox"/>
Mon	.....	.....	Please give further details here (please read guidance note 5) We would like to extend our late night and refreshment sales to the following times: Friday: 2300 till 0200 Saturday: 2300 till 0200 We would like to sell takeaway food and drink at the following times on a Friday and Saturday: 2300 till 0200 (midnight)		
Tue	.....	.....	
Wed	.....	.....	
Thur	.....	.....	State any seasonal variations for the provision of late night refreshment (please read guidance note 6)		
Fri	2300	0200			
Sat	2300	0200			
Sun	.....	.....	

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)

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 type="checkbox"/>
				Off the premises	<input type="checkbox"/>
				Both	<input checked="" type="checkbox"/> x
Day	Start	Finish	State any seasonal variations for the supply of alcohol (please read guidance note 6) 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)		
Mon	1100 -----	2230 -----			
Tue	1100 -----	2230 -----			
Wed	1100 -----	2230 -----			
Thur	1100 -----	2230 -----			
Fri	1100 -----	0200 -----			
Sat	1100 -----	0200 -----			
Sun	1100 -----	2230 -----			

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

<p>Hours premises are open to the public Standard days and timings (please read guidance note 8)</p>			<p>State any seasonal variations (please read guidance note 6) We would like to extend our licence to the following times:</p>
Day	Start	Finish	<p>Friday: 0800 till 0230 Saturday: 0800 till 0230</p> <p>Please note: We do not intend to open till these times every week.</p>
Mon	0800	2300	
Tue	0800	2300	
Wed	0800	2300	
Thur	0800	2300	
Fri	0800	0230	
Sat	0800	0230	
Sun	0800	2300	
			<p>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)</p>

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.

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)

Risk assessments checking for any hazards at regular intervals.

Ensuring staff are trained regularly to ensure trading standards and guidelines are understood and no illegal sales are made.

Being aware of customers and their activity in and around the premises.

b) The prevention of crime and disorder

Ensuring no alcohol is served to those under 18 and clearly displaying signs stating this.

Not supplying alcohol to those approaching or overly intoxicated people.

Making sure there are clear signs letting customers know that CCTV is in operation both inside and just outside the premises.

c) Public safety

No glasses or bottles to be taken outside.

d) The prevention of public nuisance

Keeping any amplified music within suitable noise levels.

No supplying of alcohol to over intoxicated people or anyone under 18. Staff will be trained to challenge those who appear under 21 and signs will be displayed detailing this.

We adopt a zero tolerance of rude, abusive or unruly behaviour.

e) The protection of children from harm

All glassware to be kept on the premises and any breakages cleared up immediately. No glass bottles will be allowed off site.

No alcohol to be supplied to those under 18 years of age.

Checklist:

Please tick to indicate agreement

- I have made or enclosed payment of the fee; or x
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. x
I have sent copies of this application and the plan to responsible authorities and others where applicable. x
I understand that I must now advertise my application. x
I have enclosed the premises licence or relevant part of it or explanation. x
I understand that if I do not comply with the above requirements my application will be rejected. x

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	Kevin Jones
Date	26 May 2022
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	
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.
 - 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 audience does not exceed 1000. Combined fighting sports – defined as a contest, exhibition or display which combines boxing or wrestling with one or more martial arts – are licensable as a boxing or wrestling entertainment rather than an indoor sporting event.
 - Live music: no licence permission is required for:



Dispersal Policy

- Call last orders 20 mins prior to closing.
- Turn any music off 10 mins prior to closing time.
- All lights turned on to the brightest 10 mins before any music to be turned off.
- A staff member and/or security walks around thanking each group or individual in the premises for their custom and letting them know the premises are closed and advising them that they should leave as quickly as possible.
- Staff are directed to start cleaning up and glass collection.
- Ensure our signage encouraging customers to respect our neighbours and leave quietly are visible.
- Staff and/or security remain just outside and inside the premises encouraging customers who are leaving to do so; with no open drinks, quietly and to move away from the premises as quickly and orderly as possible.
- Provide information to customers who are in need of a taxi.
- Lollipops and sweets given to customers as they leave the premises to limit noise.

This policy is due for review: October 2022

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

NAME OF AUTHORITY	Licensing Authority
ADDRESS OF AUTHORITY	Licensing Service 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

Premises	Nu Dawn 206 Well Street London E9 6QT
Applicant	Kevin Jones

COMMENTS

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

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

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

I write to make a representation in relation to this application.

The hours being sought in the application exceed those as set out in LP3 (Core Hours) of the Council's Licensing Policy. It is noted that residential property is located above the commercial properties surrounding the premises. This could have a negative impact on the promotion of the licensing objectives, most notably, the prevention of public nuisance. The applicant's attention is drawn to this policy which states:

LP3 Core Hours
<p>Hours for licensable activity will generally be authorised, subject to demonstrating LP 1 and LP2, as follows:</p> <ul style="list-style-type: none"> • Monday to Thursday 08:00 to 23:00 • Friday and Saturday 08:00 to 00:00 • Sunday 10:00 to 22:30 <p>Hours may be more restrictive <u>dependent</u> on the character of the area and if the individual circumstances require it.</p> <p>Later hours may be considered where the applicant has identified any risk that may undermine the promotion of the licensing objectives and has put in place robust measures to mitigate those risks.</p>

It is also noted from planning records that the planning permission ref: 2017/2980 restricts the hours of use to 09:00 to 23:00 Monday to Saturday and 09:00 to 20:30 on Sundays. The applicants attention is therefore drawn to LP5 (Planning) of the Council's Licensing Policy which states:

LP5 Planning Status
<p>Licence applications should normally be from premises where:</p>
<p>(a) The activity to be authorised by the licence is a lawful planning use or is a deemed permitted development pursuant to the General Permitted Development Order (1995) as amended.</p>
<p>(b) The hours sought do not exceed those authorised by any planning permission.</p>
<p>The Licensing Authority may take into account the lack of planning permission or an established lawful use in deciding whether there is likely to be any harm to the licensing objectives.</p>

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

The Licensing Act 2003, guidance issued by the Home Office under s182 of the Licensing Act 2003

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

Discussion with the applicant re the issues raised above.

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

8 July 2022

Fwd: NuDawn license application

1 message

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

24 June 2022 at 10:48

To: Shan Uthayasangar <shan.uthayasangar@hackney.gov.uk>, "Licensing (Shared Mailbox)" <licensing@hackney.gov.uk>

FYA

Suba Sriramana
Principal Licensing Officer (Acting)
Tel: 0208 356 4915
Email: Subangini.Sriramana@Hackney.gov.uk
www.hackney.gov.uk/licensing

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

From: **Jessica Webb (Cllr)** <jessica.webb@hackney.gov.uk>
Date: Fri, 24 Jun 2022 at 10:15
Subject: NuDawn license application
To: Subangini Sriramana <Subangini.Sriramana@hackney.gov.uk>
Cc: Christopher Kennedy (Cllr) <christopher.kennedy@hackney.gov.uk>, Joseph Ogundemuren (Cllr) <joseph.ogundemuren@hackney.gov.uk>

On behalf of the Wick ward councillors, I write to express concern about the requested extension of license for the consumption of alcohol up to 2am Friday and Saturday for NuDawn, [206 Well Street](#). This is in the heart of a residential area and believe this extension outside our normal licensing hours would cause increased disturbance to their neighbours.

--

Cllr Jessica Webb
Hackney Wick Ward
London Borough of Hackney

Disclaimers apply, for full details see: <https://hackney.gov.uk/email-disclaimer>Disclaimers apply, for full details see: <https://hackney.gov.uk/email-disclaimer>

Our Ref: [REDACTED]

London Borough of Hackney
Licensing Service

275 Mare Street
London
E8 1GR

and

1 Hillman Street
London
E8 1DY

By Email and Special Delivery
licensing@hackney.gov.uk



6 July 2022

Dear London Borough of Hackney

Premises Licence: 088094 ("the Premises Licence")**Premises: Ground Floor, 206 Well Street, Hackney, London, E9 6QT ("the Premises")****Application to Vary the Premises Licence - Extended Hours - dated 26 May 2022 made by Mr Kevin Jones ("the Application")**

We are instructed by [REDACTED] ("the Freeholder").

We write to notify the Licensing Authority that the Freeholder **objects** to the granting of the Application.**BACKGROUND**

[REDACTED] are the freehold owner of the building at 206, Well Street, Hackney, which includes the Premises.

The ground floor unit is let to [REDACTED] pursuant to a lease dated 13 November 2012 ("the Lease"), and where Mr Kevin Jones is the guarantor of the tenant's obligations under the Lease.

The Lease demises only the ground floor unit of 206 Well Street, Hackney, London.

[REDACTED] are the freehold owner of not only the Premises, but also the properties at [REDACTED] Well Street registered under HM Land Registry title No [REDACTED].

That property owned by the Freeholder comprises currently adjoining commercial units at ground floor level and residential accommodation on the two/three floors above.

The Freeholder has become aware of the Application and note the deadline to object as specified on the Licensing Authority's website is 8 July 2022. This letter of objection is being sent prior to that deadline.

Whilst it is accepted by the Freeholder that the Premises Licence has been granted, under the terms of the Lease, the tenant is only permitted to use the Premises "as a coffee shop or for any other use within use class 1A of the Town & Country Planning (Use Classes) Order 1987 as at the date this lease is granted...".

[REDACTED]

Accordingly, use as a bar/café is not permitted under the Lease.

The Freeholder reserves their position in that regard, including to take enforcement action under the Lease but would specifically make clear that this is not the only ground upon which they object to the Application.

The Freeholder accordingly has a legal interest in the freehold of the Premises, and an entitlement for their objections to the Application to be considered.

THE APPLICATION

The existing Premises Licence allows the supply of alcohol to 23:30 on Fridays and Saturdays, with the opening hours of the Premises being permitted until 00:00.

By the Application, the applicant seeks to extend the hours of operation to 2:30am with the playing of recorded music, the provision of late-night refreshment and the supply of alcohol to 2am, each being extended by two and a half hours.

By seeking permission for off-sales, the Application does not satisfy LP4 of the Statement of Licensing Policy 2018-2023 ("**the Policy**").

It is further noted these extended hours are outside the Licensing Authority's Core Hours, and contrary to the Policy, the applicant has not put in place robust proposals to mitigate those risks to the Licensing Objectives.

Cumulative impact is also relevant, particularly in respect of off-sales where it is stated in the Policy that Hackney already has a large number of venues selling alcohol into the early hours of the morning to supplement "on-trade".

The Freeholder also suggests (for the reasons set out below) that the applicant has not demonstrated an understanding/sufficient understanding to comply with the Policy's General Principles at LP1.

Within the Application, it is suggested that the applicant hosts a number of events at the Premises from community meetings, art exhibitions, book launches and poetry nights to supper clubs, birthday celebrations and funeral wakes.

It is suggested that save in respect of some birthday celebrations (and perhaps a limited number of funeral wakes) the extended hours the Applicant seeks would not be necessary for such uses.

The applicant also makes reference to the apparent intent to only "occasionally" play recorded music and that he does not intend to open until 2:30am on every Friday or Saturday.

However, the Application includes no such limitation on the frequency of the playing of recorded music/opening hours and therefore (if granted) would permit opening until 2:30am on every Friday and Saturday.

The Freeholder does not know whether the applicant has indeed made applications/been granted TENs, but it is suggested that this is more appropriate in any event for the occasional extension of licensable activities if that is what the applicant seeks.

Within the Application, the applicant states:

"We have a premises licence which enables us to sell alcohol and food both on and off the premises...."

However, the Premises License sent to us by the Licensing Authority specifically states "On Premises" only.

It would therefore appear the applicant is already operating in contravention of the Premises Licence, or at the very least, misunderstands what licensable activities the Premises Licence permits.

THE LICENSING OBJECTIVES

The Freeholder submit that the Application demonstrates little regard has been had to how the Application would impact upon the Licensing Objectives.

The Freeholder set out their objections below by reference to the relevant Licensing Objectives:

1 THE PREVENTION OF CRIME AND DISORDER

The Premises Licence relates specifically to licensable activities carried out "On Premises".

The Freeholder submits that to vary the Premises Licence to permit off-sales of both food and drink (which is what the variation seeks) would substantially increase the risk of crime and disorder taking place in and/or in the immediate vicinity outside the Premises.

It is suggested highly likely that those patrons buying food and drink for consumption off the Premises are (to a potentially significant degree) likely to seek to consume the same in the street(s) nearby.

There is no reference to the provision of any door supervisors or similar.

There is no suggestion as to how the applicant would seek to mitigate or reduce such risks.

The applicant suggests that no glasses or bottles would be taken outside - but it is therefore unclear how (for example) the applicant would propose to sell beer and other alcoholic drinks for consumption off the Premises.

No suggestion is made as to whether the intention is that alcohol for consumption off the Premises would be provided in "opened" or "closed" containers.

In the event of closed containers, there is of course the potential for use as offensive weapons.

It is submitted that permitting the Premises to be open from 8am with alcohol supplied from 11am until 2:30am on Fridays and Saturdays will increase the risk of crime and disorder.

The applicant suggests within the Application it will make sure there are clear signs letting customers know that CCTV is in operation both inside and just outside the Premises.

The Premises Licence (conditions 9-12) already requires the provision of a CCTV system.

It is also noted that the Policy highlights the impact of public disorder associated with the provision of late-night supply of alcohol.

2 PUBLIC SAFETY

The applicant merely suggests that no glasses or bottles are to be taken outside the Premises.

The applicant does not explain how he proposes to deal with off-sales of alcohol.

Condition 15 to the Premises Licence already requires that there be no glass, drinks or open containers taken outside of the Premises at any time.

It is suggested there may also be issues in relation to public safety resulting from groups of patrons congregating outside the Premises (which fronts onto a relatively narrow pavement and through public highway).

It is note that the Premises Licence provides there shall be a maximum of five smokers outside the venue at any one time, and this limitation suggests a potential issue.

3 PREVENTION OF PUBLIC NUISANCE

This is of significant concern to the Freeholder and a primary reason for objecting to the Application.

As stated, the Freeholder own the property at [REDACTED] [REDACTED] [REDACTED] Well Street.

Above each commercial unit is residential occupation.

The Freeholder are accordingly most concerned as to the impact of noise and nuisance upon any residential occupiers.

This concern relates not only to residential accommodation above the commercial parade at [REDACTED] [REDACTED] Well Street, but there is also residential accommodation opposite and in the near vicinity.

There is already a condition (Condition 22) to the Premises Licence providing:

“No noise should be audible in the nearest noise sensitive premises”.

As stated, there is residential accommodation immediately above the Premises.

It is not clear what noise insulation nor other noise reduction measures are in place or that the applicant proposes to put in place. The applicant certainly does not propose within the Application the implementation of any additional noise reduction measures.

Instead, the applicant also seeks to extend the current above condition, by stating that any music will only be kept *“within suitable noise levels”*. This is very different to the condition requiring *“no noise” to be audible.....”*

There is no suggestion what the applicant considers *“suitable”* to be, nor how it is proposed to be monitored/enforced. The applicant does not state he proposes to install noise limiters.

No evidence has been adduced to seek to persuade the Licensing Authority to relax Condition 22.

The Freeholder accordingly submit there are very grave concerns that by granting the Application, there will be a significant risk public noise nuisance.

There is also, it is submitted, an increased risk of intoxicated patrons demonstrating rude, abusive or unruly behaviour outside of the Premises until 2:30am and for a period afterwards.

Whilst the applicant states it will adopt a “zero tolerance” policy, it fails to explain what it in fact actually proposes to do to mitigate the risks of public nuisance.

On the assumption that the applicant adheres to Condition 23, there could be up to 70 patrons leaving the Premises at or around 2:30am every Friday and Saturday.

There is residential accommodation both immediately above the Premises, on the upper floors of the parade and opposite the Premises on Wells Street and Crescent Road.

The Freeholder are also unclear how the applicant proposes to address the risk of littering etc by extending the licensable activities to "off sales".

4 PROTECTION OF CHILDREN FROM HARM

It is submitted little thought has been given to this Licensing Objective.

Will children be permitted in the Premises during such extended hours?

Will off-sales of food be permitted to those underage, and how will this be managed in practice?

CONCLUSION

Our client objects to the Application and asks the Licensing Authority to reject it.

It is our client's intention to make representations at the hearing of the Application.

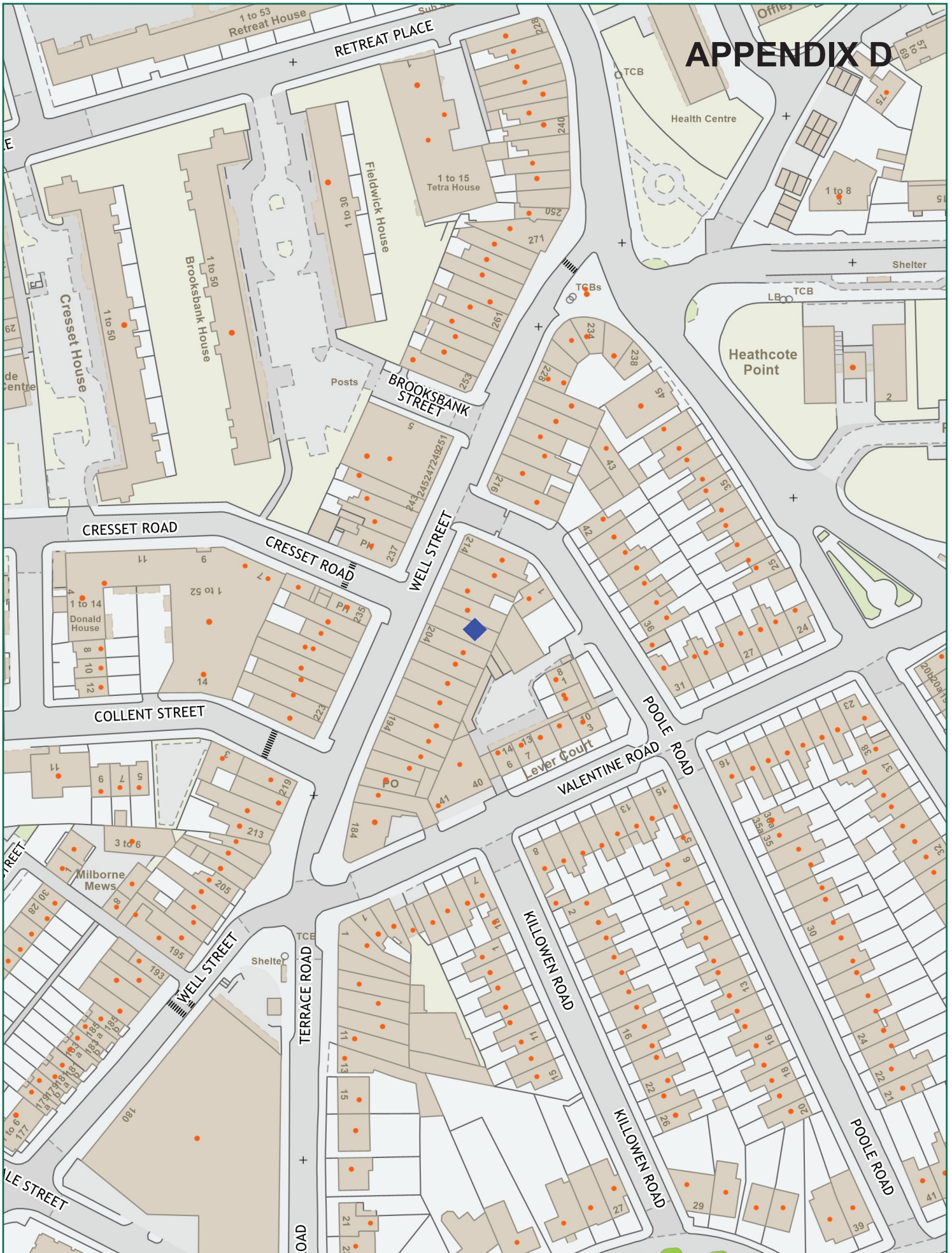
We would ask that the Licensing Authority notes our instruction in this matter, and addresses any future correspondence to our [REDACTED] and [REDACTED]

Yours faithfully

[REDACTED]

Charles Russell Speechlys LLP

APPENDIX D



Scale: 1:1250 at A4

NuDawn, 206 Well Street, E9 6QT



Ref:
Monday, August 15, 2022

Produced by: unspecified
email:

please specify copyright statement