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| For Consideration By | Licensing Sub-Committee |
| Meeting Date | 24 January 2023 |
| Type of Notice | TEMPORARY EVENT NOTICE – COUNTER NOTICE |
| Address of Premises | The Baths, 80 Eastway, London E9 5JH |
| Classification | Decision |
| Ward(s) Affected | Hackney Wick |
| Director | Rickardo Hyatt |

1. **Summary**

- 1.1. The Environmental Protection have given the Licensing Authority and the premises user notice of objection to Temporary Event Notice for an event to be held on **29/01/2023** from **00:00** finishing on **29/01/2023** at **05:00am** at above premises. The Licensing Authority must hold a hearing to decide whether or not to allow the event to proceed.

2. **Current Status/History**

- 2.1. The premises licence was granted at the Licensing Sub-Committee hearing on 17 November 2022 and the decision is attached as Appendix C.

3. **TEMPORARY EVENT NOTICE FOR EVENT TO BE HELD 29/01/2023 - 29/01/2023**

- 3.1. A TEN has been submitted to allow licensable activities to take place on the premises. A copy of the Temporary Event Notice is attached as Appendix A.

4. **Objections**

- 4.1. The Environmental Protection have objected to the TEN on the grounds of the prevention of public nuisance. A copy of the objection is attached as Appendix B.

5. **Guidance Considerations**

- 5.1. That the Licensing Sub-Committee consider the issuing of counter notices if it is satisfied that any of the licensing objectives would be undermined if the premises were to be used in accordance with the temporary event notice.

6. **Policy Considerations**

- 6.1 When considering an objection to a TEN the Council will:

- Expect that any existing conditions will be maintained (where relevant) in circumstances where an event is to take place at a premises that has an existing authorisation.
- Assess any history of complaints as a result of licensable activity that may or may not have been authorised by a TEN.
- Consider the track record of the premises user

- 6.2 Consider any other control measures proposed to mitigate the objection

7. **Human Rights Act 1998 Implications**

- 7.1. **There are implications for;**

- **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.

8. **Members; Decision Making**

- 8.1. **Option 1**

That the Licensing Authority decides not to give a counter notice.

- 8.2. **Option 2**

That the Licensing Authority decides to give a counter notice, giving the reasons for the decision.

9. **Conclusion**

- 9.1. That Members decide whether or not to issue a counter notice for the event scheduled to take place on **29/01/2023** from **00:00** finishing on **29/01/2023** at **05:00am** at location **above**.

Appendices:

Appendix A – Temporary Event Notice

Appendix B – Objection from the Responsible Authority

Appendix C – Premises Licence Decision

Appendix D – Location Map

| | |
|----------------------|---|
| Report Author | Name: Suba Sriramana Title: Principal Licensing Officer Email: Subangini.Sriramana@hackney.gov.uk Tel: 020 8356 4915 |
|----------------------|---|

Temporary Event Notice

Before completing this notice, please read the guidance notes at the end of the notice. If you are completing this notice by hand, please write legibly in block capitals. In all cases, ensure that your answers are inside the boxes and written in black ink or typed. Use additional sheets if necessary. You should keep a copy of the completed notice for your records. You must send at least one copy of this notice to the licensing authority and additional copies must be sent to the chief officer of police and the local authority exercising environmental health functions for the area in which the premises are situated. The licensing authority will give to you written acknowledgement of the receipt of the notice.

I, the proposed premises user, hereby give notice under section 100 of the Licensing Act 2003 of my proposal to carry on a temporary activity at the premises described below.

| | | | |
|---|--|------------|------------|
| 1. The personal details of premises user (Please read note 1) | | | |
| 1. Your name | | | |
| Title | Mr x Mrs <input type="checkbox"/> Miss <input type="checkbox"/> Ms <input type="checkbox"/> Other (please state) | | |
| Surname | McDonald | | |
| Forenames | Neil | | |
| 2. Previous names (Please enter details of any previous names or maiden names, if applicable. Please continue on a separate sheet if necessary) | | | |
| Title | Mr x Mrs <input type="checkbox"/> Miss <input type="checkbox"/> Ms <input type="checkbox"/> Other (please state) | | |
| Surname | [REDACTED] | | |
| Forenames | [REDACTED] | | |
| 3. Your date of birth | [REDACTED] | [REDACTED] | [REDACTED] |
| 4. Your place of birth | [REDACTED] | | |
| 5. National Insurance Number | [REDACTED] | | |
| 6. Your current address (We will use this address to correspond with you unless you complete the separate correspondence box below) | | | |
| [REDACTED] | | | |
| Post town | [REDACTED] | Postcode | [REDACTED] |
| 7. Other contact details | | | |
| Telephone numbers Daytime | [REDACTED] | | |
| Evening (optional) | | | |
| Mobile (optional) | | | |
| Fax number (optional) | | | |

| | | |
|--|------------|-----------------|
| E-Mail address (if available) | [REDACTED] | |
| 8. Alternative address for correspondence (If you complete the details below, we will use this address to correspond with you) | | |
| The Baths, 80 Eastway | | |
| Post town | London | Postcode E9 5JH |
| 9. Alternative contact details (if applicable) | | |
| Telephone numbers: Daytime | | |
| Evening (optional) | | |
| Mobile (optional) | | |
| Fax number (optional) | | |
| E-Mail address (if available) | | |

| | |
|--|--|
| 2. The premises | |
| Please give the address of the premises where you intend to carry on the licensable activities or, if it has no address, give a detailed description (including the Ordnance Survey references) (Please read note 2) | |
| The Baths, 80 Eastway, London E9 5JH | |
| Does a premises licence or club premises certificate have effect in relation to the premises (or any part of the premises)? If so, please enter the licence or certificate number below. | |
| Premises licence number | |
| Club premises certificate number | |
| If you intend to use only part of the premises at this address or intend to restrict the area to which this notice applies, please give a description and details below. (Please read note 3) | |
| The entire premises will be used and managed in accordance with this license | |
| Please describe the nature of the premises below. (Please read note 4) | |
| Arts and community centre, event space, affordable workspace, education space | |

Please describe the nature of the event below. (Please read note 5)

Beauty and the Beat is a regular, DJ-focussed dance night that has taken place at various venues, almost all in Hackney, since 2005. These events have never generated problems for police or the local authority. The music played is a mixture of jazz, house, reggae and disco along with various international genres that generally receive little exposure elsewhere, and the events are known for attracting a calm, mutually-respectful and socially diverse crowd, with a median age in the early 30s. These events use a unique combination of very high quality audio components to provide attendees with a relaxed experience, and the night has a notable reputation as a safe space for women to dance socially without fear of harassment. In 2022 Beauty and the Beat held several successful events at the Baths with licensed 5:00am finishing times.

| 3. The licensable activities | | |
|---|-------------------------------------|-------------------------------------|
| Please state the licensable activities that you intend to carry on at the premises (please tick all licensable activities you intend to carry on). (Please read note 6) | | |
| The sale by retail of alcohol | <input checked="" type="checkbox"/> | |
| The supply of alcohol by or on behalf of a club to, or to the order of, a member of the club | <input type="checkbox"/> | |
| The provision of regulated entertainment (Please read note 7) | <input checked="" type="checkbox"/> | |
| The provision of late night refreshment | <input checked="" type="checkbox"/> | |
| Are you giving a late temporary event notice? (Please read note 8) | | |
| Please state the dates on which you intend to use these premises for licensable activities. (Please read note 9) | <input checked="" type="checkbox"/> | |
| 29.01.2023 | | |
| Please state the times during the event period that you propose to carry on licensable activities (please give times in 24-hour clock). (Please read note 10) | | |
| Sunday 24:00 - 05:00 | | |
| Please state the maximum number of people at any one time that you intend to allow to be present at the premises during the times when you intend to carry on licensable activities, including any staff, organisers or performers. (Please read note 11) | 350 | |
| If the licensable activities will include the sale or supply of alcohol, please state whether these will be for consumption on or off the premises, or both (please tick as appropriate). (Please read note 12) | On the premises only | <input checked="" type="checkbox"/> |
| | Off the premises only | <input type="checkbox"/> |
| | Both | <input type="checkbox"/> |

Please state if the licensable activities will include the provision of relevant entertainment. If so, please state the times during the event period that you propose to provide relevant entertainment (including, but not limited to lap dancing and pole dancing). (Please see note 13)

The Licensable activity will include the provision of entertainment in the form of live performance of music, recorded music. No performance if nudity will be provided.

4. Personal licence holders (Please read note 14)

| | | | |
|---|------------|-------------------------------------|-------------------------------------|
| Do you currently hold a valid personal licence? (Please tick) | | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> |
| If "Yes" please provide the details of your personal licence below. | | | |
| Issuing licensing authority | [REDACTED] | | |
| Licence number | [REDACTED] | | |
| Date of issue | [REDACTED] | | |
| Any further relevant details | | | |

5. Previous temporary event notices you have given (Please read note 15 and tick the boxes that apply to you)

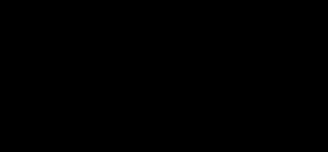
| | | |
|--|---------------------------------|---------|
| Have you previously given a temporary event notice in respect of any premises for events falling in the same calendar year as the event for which you are now giving this temporary event notice? | Yes x | No |
| If answering yes, please state the number of temporary event notices (including the number of late temporary event notices, if any) you have given for events in that same calendar year | 1 | |
| Have you already given a temporary event notice for the same premises in which the event period: a) ends 24 hours or less before; or b) begins 24 hours or less after the event period proposed in this notice? | Yes <input type="checkbox"/> | No x |

6. Associates and business colleagues (Please read note 16 and tick the boxes that apply to you)

| | | |
|--|---------------------------------|---------|
| Has any associate of yours given a temporary event notice for an event in the same calendar year as the event for which you are now giving a temporary event notice? | Yes x | No |
| If answering yes, please state the total number of temporary event notices (including the number of late temporary event notices, if any) your associate(s) have given for events in the same calendar year. | 1 | |
| Has any associate of yours already given a temporary event notice for the same premises in which the event period: a) ends 24 hours or less before; or b) begins 24 hours or less after the event period proposed in this notice? | Yes <input type="checkbox"/> | No x |
| Has any person with whom you are in business carrying on licensable activities given a temporary event notice for an event in the same calendar year as the event for which you are now giving a temporary event notice? | Yes <input type="checkbox"/> | No x |
| If answering yes, please state the total number of temporary event notices (including the number of late temporary event notices, if any) your business colleague(s) have given for events in the same calendar year. | | |
| Has any person with whom you are in business carrying on licensable activities already given a temporary event notice for the same premises in which the event period: a) ends 24 hours or less before; or b) begins 24 hours or less after the event period proposed in this notice? | Yes <input type="checkbox"/> | No x |

| 7. Checklist (Please read note 17) | |
|--|--------------------------|
| I have: (Please tick the appropriate boxes, where applicable) | |
| Sent at least one copy of this notice to the licensing authority for the area in which the premises are situated | x |
| Sent a copy of this notice to the chief officer of police for the area in which the premises are situated | x |
| Sent a copy of this notice to the local authority exercising environmental health functions for the area in which the premises are situated | x |
| If the premises are situated in one or more licensing authority areas, sent at least one copy of this notice to each additional licensing authority | <input type="checkbox"/> |
| If the premises are situated in one or more police areas, sent a copy of this notice to each additional chief officer of police | <input type="checkbox"/> |
| If the premises are situated in one or more local authority areas, sent a copy of this notice to each additional local authority exercising environmental health functions | <input type="checkbox"/> |
| Made or enclosed payment of the fee for the application | x |
| Signed the declaration in Section 9 below | x |

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| 8. Condition (Please read note 18) |
| It is a condition of this temporary event notice that where the relevant licensable activities described in Section 3 above include the sale or supply of alcohol that all such supplies are made by or under the authority of the premises user. |

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|--|--|
| 9. Declarations (Please read note 19) | |
| The information contained in this form is correct to the best of my knowledge and belief. | |
| I understand that it is an offence: | |
| (i) to knowingly or recklessly make a false statement in or in connection with this temporary event notice and that a person is liable on summary conviction for such an offence to a fine of any amount; and | |
| (ii) to permit an unauthorised licensable activity to be carried on at any place and that a person is liable on summary conviction for any such offence to a fine of any amount, or to imprisonment for a term not exceeding six months, or to both. | |
| Signature |  |
| Date | 13/01/2023 |
| Name of Person signing | Neil McDonald |

For completion by the licensing authority

| | |
|---|--------------------------------------|
| 10. Acknowledgement (Please read note 20) | |
| I acknowledge receipt of this temporary event notice. | |
| Signature | On behalf of the licensing authority |
| Date | |
| Name of Officer signing | |



Re: Tens application - 29.01.2022 - BATB - TEN/290123/80EAST

1 message

Gurch Patti <gurch.patti@hackney.gov.uk>

19 January 2023 at 17:02

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

Cc: HackneyLicensingUnit-GN@met.police.uk, Subangini Sriramana <Subangini.Sriramana@hackney.gov.uk>, Olalekan Olaosebikan <Olalekan.Olaosebikan@hackney.gov.uk>, Ashraful Haque <ashraful.haque@hackney.gov.uk>

TEN - OBJECTION

Dear Licensing Team,

Please see comments from the Environmental Protection Team below.

In respect to the temporary event notice scheduled for:

Start Date : 29-01-2023 End Date : 29-01-2023**Start time: 00:00 End Time: 05:00**The Environmental Protection Team **objects** to the above Temporary Event Notice.**Grounds of Objection**The Prevention of Public Nuisance:

Environmental Protection has received complaints from nearby residents alleging disturbances from music and patrons during dispersal. The most recent complaint was during a TEN on 02/01/2023. Environmental Protection (EP) have concerns with the addition of regulated entertainment this event could amount to a statutory noise nuisance hence undermining the licensing objective (Public Nuisance). Environmental Protection would like to see evidence of a noise management plan and dispersal plan for this TEN.

Kind regards,

Gurch

On Mon, 16 Jan 2023 at 12:27, Licensing (Shared Mailbox) <licensing@hackney.gov.uk> wrote:

Attached TEN for your comments.

Kind Regards,

Licensing Service
London Borough of Hackney
Tel: 020 8356 2431

Application for a Premises Licence – The Baths, 80 Eastway, Hackney, London E9 5JH - Approved

The decision of 17th November 2022

The Licensing Sub-Committee, in considering this decision from the information presented to them within the report and at the hearing today and having regard to the promotion of the licensing objectives:

- The prevention of crime and disorder
- Public safety
- Prevention of public nuisance
- The protection of children from harm

The application for a premises licence has been approved in accordance with the Council's Statement of Licensing and the proposed conditions set out in paragraph 8.1 of the report, with the following amendments:

The opening hours and the hours for licensable activity are:

Opening Hours:

| | |
|---------------------|---------------|
| Monday to Thursday | 09:00 – 23:30 |
| Friday and Saturday | 09:00 – 00:30 |
| Sunday | 10:00 - 23:00 |

Plays:

| | |
|---------------------|---------------|
| Monday to Thursday | 09:00 – 23:00 |
| Friday and Saturday | 09:00 – 00:00 |
| Sunday | 10:00 - 22:30 |

Films:

| | |
|---------------------|---------------|
| Monday to Thursday | 09:00 – 23:00 |
| Friday and Saturday | 09:00 – 00:00 |
| Sunday | 10:00 - 22:30 |

Indoor Sporting Events:

| | |
|---------------------|---------------|
| Monday to Thursday | 09:00 – 23:00 |
| Friday and Saturday | 09:00 – 00:00 |
| Sunday | 10:00 - 22:30 |

Live Music:

| | |
|---------------------|---------------|
| Monday to Thursday | 09:00 – 23:00 |
| Friday and Saturday | 09:00 – 00:00 |
| Sunday | 10:00 - 22:30 |

Recorded Music:

| | |
|---------------------|---------------|
| Monday to Thursday | 09:00 – 23:00 |
| Friday and Saturday | 09:00 – 00:00 |
| Sunday | 10:00 - 22:30 |

Performance of Dance:

| | |
|---------------------|---------------|
| Monday to Thursday | 09:00 – 23:00 |
| Friday and Saturday | 09:00 – 00:00 |
| Sunday | 10:00 - 22:30 |

Anything of similar description:

| | |
|---------------------|---------------|
| Monday to Thursday | 09:00 – 23:00 |
| Friday and Saturday | 09:00 – 00:00 |
| Sunday | 10:00 - 22:30 |

Late Night Refreshment:

| | |
|---------------------|---------------|
| Friday and Saturday | 23:00 – 00:00 |
|---------------------|---------------|

Supply of Alcohol (on the premises):

| | |
|---------------------|---------------|
| Monday to Thursday | 11:00 – 23:00 |
| Friday and Saturday | 11:00 – 00:00 |
| Sunday | 11:00 - 22:30 |

- Remove Boxing from the licence.
- Remove off-sales from the licence.
- Remove non-standard hours from the licence.
- The licensee shall provide a detailed acoustic report that shall be carried out by a competent person and should be submitted to the Licensing Authority within two months (23 January 2023). Recommendations in the report should be approved by the Environmental Protection Team.
- The licensee shall provide information on the mobile saunas used at the premises to confirm if a licence is required.

- The licensee shall submit to the Licensing Authority a clear revised site plan of the licenced area.
- The licensee shall provide the Licensing Authority with a copy of their Risk Assessment.

And the following additional conditions:

- The maximum number of persons permitted on the premises at any one time shall not exceed 350 persons.
- No smokers shall be permitted at the front of the premises at any time.
- No more than 20 persons will be permitted in the designated smoking area at the back of the premises after 22:00.
- All external doors at the premises shall be kept closed after 22:00, other than for access and egress, when regulated entertainment is taking place.
- Use of the outdoor area (shown on the plan) shall cease at 22:00 and any tables and chairs to be rendered unusable.
- The licensee shall display a contact number or email address of the Designated Premises Supervisor (DPS) or a 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 be 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.
- The Licensee shall hold and publicise liaison meetings with local residents every 4 months to attempt to address any concerns or complaints.
- A written Dispersal Policy shall be submitted to and approved by the Licensing Authority and the Police, and a copy shall be kept on the premises and made available to the Police or other authorised officers upon request.
- The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of a Metropolitan Police Crime Prevention Officer. All public areas and each 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 authorised officer.

- 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.
- Signs will be prominently displayed at all entrance and exit points reminding customers to leave quietly and respect local residents.
- 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.
 - g. Any refusal of the sale of alcohol.
 - h. Any visit by a relevant authority or emergency service.
- Premises to operate zero tolerance policy to drugs and comply with Hackney Police Drugs and Weapons policy where appropriate.
- All instances of crime and 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.
- Patrons shall not be permitted to take glass drinks or open containers off the premises and into external areas of the premises at any time.
- 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.
- All staff engaged in the sale of alcohol shall be fully trained and made aware of the legal requirements relating to underage sales and other legal requirements relating to the sale and supply of alcohol. Such training must take place on a 12 monthly basis and written records of the training must be maintained on the premises for inspection by the

Police or Authorities. This training is to include WAVE (Welfare And Vulnerability Engagement) training.

- SIA door supervisors shall be employed on an operational risk assessment basis whenever licensable activity is taking place and always when licensable activity is to finish after 0000hrs.
- All door supervisors shall enter their full details in the premises daily register at the commencement of their work. They shall record their full name, home address and contact telephone number, their SIA registration number and the times they commence and conclude working. If the door supervisor is provided by an agency, the name, registered business address and contact telephone number will also be recorded. This register will be made available to the Police or other authorised officer upon request.
- All door supervisors and other members of staff shall verbally request customers as they exit the premises to leave quietly and respect local residential neighbours.

Reasons for the decision

The Application for a premises licence has been approved with the above amendments because members of the Licensing Sub-committee were satisfied that the licensing objectives would not be undermined.

The Sub-committee took into consideration that the Environmental Enforcement Team had withdrawn their representations, and agreed conditions with the Applicant in advance of the hearing. The Sub-committee noted that the Applicant also agreed to conditions with the Metropolitan Police Service (“the Police”).

The Sub-committee heard representations from the Licensing Authority and the Metropolitan Police Service who objected to this application following noise complaints received from local residents, the excessive hours until 05:00, no agreed dispersal policy with the Responsible Authorities, and the capacity of the premises also being excessive. After hearing from the Applicant that they agreed to the above amendments to their application and the additional conditions that they agreed to this has alleviated their concerns about the premises. The Sub-committee took into account that the Police had recently visited the premises and discussed the application with the Applicant.

The Sub-committee took into account that Other Persons (a local resident) objected to the Application due to concerns about public nuisance, public safety, and the impact this premises will have on the area. The Sub-committee heard the Applicant’s submission that the six noise complaints

were made following events that were not late at night and they were not weekly events.

The Sub-committee heard representations from the Council's Property Services who the Applicant is currently negotiating a new lease to replace the existing lease for this Council property.

The Sub-committee heard submissions from the Applicant that they have been at the premises for some time and it was a non-profit organisation. The Applicant made submissions that they have operated a number of venues in the London area, and they provide creative projects and affordable workspaces. The Sub-committee heard that the Applicant had previously used Temporary Events to test their process and procedures for late night events which is part of their Partner companies brand, and the Applicant had used all of the Temporary Event Notices available to them this year.

The Sub-committee heard that the sale of alcohol on the premises is supplemental to the yoga and health treatments that the premises offers. The Sub-committee took into consideration that the Applicant agreed to remove off-sales and boxing from their Application.

The Sub-committee took into account that the Applicant did communicate with local residents prior to the hearing. The Sub-committee felt that the Applicant's business is trying to provide a community service for the area, and they wanted to facilitate that as much as possible, however, not to inconvenience local residents in the area.

The Sub-committee felt that the conditions agreed with the Responsible Authorities would help the premises operate responsibly, and to prevent public nuisance in the area late at night.

The Sub-committee felt that the Applicant demonstrated that he was an experienced operator of other premises over a number of years and that he could operate the premises responsibly. The Sub-committee felt that the Applicant demonstrated that he was willing to work with local residents and the Responsible Authorities to prevent public nuisance.

The Sub-committee were reassured to hear that the Applicant agreed to reduce the hours to core hours. The Sub-committee felt that the Applicant needed to demonstrate over a period of time that they can operate the premises responsibly within core hours under Policy LP3 and not cause nuisance or disturbance to local residents. The Sub-committee felt that they could not grant a 05:00 licence in a residential area.

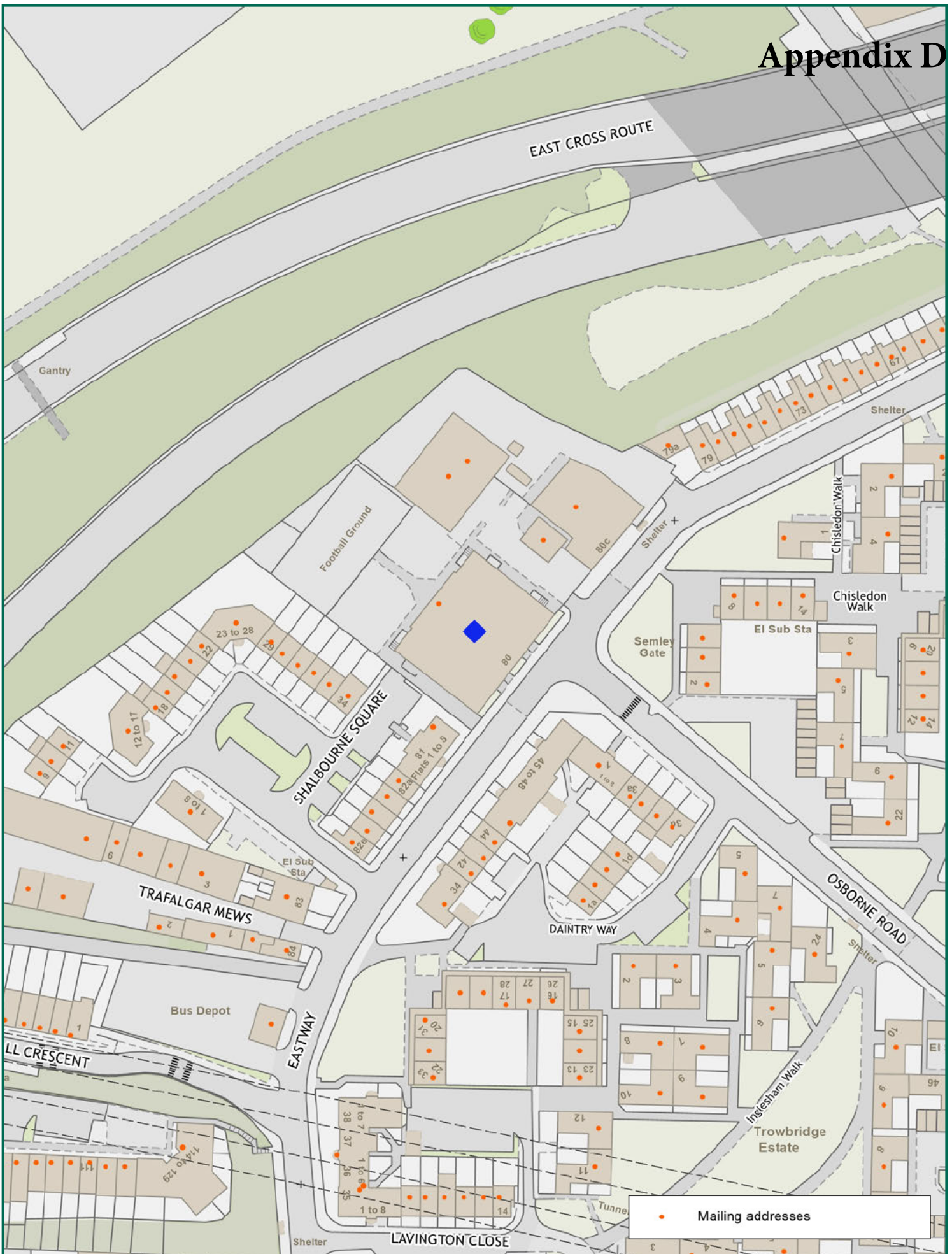
Having taken all of the above factors into consideration the Sub-committee was satisfied that by granting this premises licence with significantly reduced hours, and robust conditions, that the licensing objectives would not be undermined.

Public Informative

The Applicant is encouraged to continue working with local residents and Responsible Authorities to prevent any public nuisance or negative impact in the area.

Your right to appeal

If you are aggrieved by any term, condition or restriction attached to this decision, you have the right to appeal to the Thames Magistrates Court, 58 Bow Road, London E3 4DJ within 21 days of the date you receive this written decision.



NORTH

Scale: 1:1250 at A4

Hackney

80 Eastway, London E9 5JH

Ref: Thursday, January 12, 2023

Produced by: unspecified email:

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