



L I C E N S I N G S U B C O M M I T T E E

S U P P L E M E N T A R Y A G E N D A P A C K

Tuesday, 14th April, 2020

at 2.00 pm

Remote meeting

Councillors sitting:

**Cllr Caroline Selman, Cllr Peter Snell and
Cllr Emma Plouviez (Substitute)**

**TIM SHIELDS
Chief Executive**

Contact:
Clifford Hart, Senior Governance Services Officer
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11 April 2020

SUPPLEMENTARY AGENDA PACK

Tuesday, 14th April, 2020

ORDER OF BUSINESS

Title	Ward	Page No
6 Application for a premises licence - Gyoza Town, Ground Floor, 354 Mare Street, E8 1HR Additional submissions attached	Hackney Central	(Pages 1 - 16)

Licensing Sub-Committee E

14 APRIL 2020

Item 6

**Application for a premises licence -
Gyoza Town, Ground Floor, 354
Mare Street, E8 1HR**

**Additional documents submitted by
Applicant's representatives**

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GYOZA TOWN

Conditions (numbered as per Officer's Report pages 7 to 11)

8. Substantial food and substantial beverages other than intoxicating liquor (including drinking water) shall be available until at least 22:00 hours in all parts of the premises where intoxicating liquor is sold or supplied.
9. 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.
10. 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 to view immediately and copies will be provided with minimum delay upon the request of Police or authorised officer.
11. 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.
12. Premises to operate zero tolerance policy to drugs and comply with Hackney Police Drugs and Weapons policy where appropriate.
13. The premises shall adhere to Hackney Police Theft, Weapons and Drugs Policies and any updates thereof.
14. All instances of crime and disorder witnessed by staff members or reported to staff members to be reported by the Designated Premises Supervisor or responsible member of staff to an agreed police contact point as agreed with the police.
15. All staff shall receive training on the legislation relating to the sales of alcohol to underage persons and drunken persons and shall have refresher training every 12 months. There shall be written records of such training which will be kept on the premises and produced to a police officer or other authorised officer upon request.
16. Locations of fire safety and other safety equipment subject to change in accordance with the requirements of the responsible authorities or following a risk assessment.
17. The Licensee shall ensure that all relevant staff are fully trained and made aware of the legal requirement of businesses to comply with their responsibility as regards the disposal of waste produced from the business premises.
18. Checks shall be undertaken prior to opening to ensure that all public areas are kept clear and fire exits unlocked and capable of use in an emergency.

19. A complaints log ("the log") will be maintained in either electronic or physical format and any complaints by residents in relation to noise or other potential public nuisance issues, such as odour from cooking etc, will be noted in the log. The log will record the date, time and name of the person making the record, along with the nature of the complaint and any action taken to rectify the complaint. A copy of the log will be made available to the council Licensing or Environment Protection team upon request.

20. During the hours of operation of the premises, the licence holder shall ensure sufficient measures are in place to remove and prevent litter or waste arising or accumulating from customers in the area immediately outside the premises, and that this area shall be swept and or washed, and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements by close of business.

21. Signs will be prominently displayed at all entrance and exit points reminding customers to leave quietly and respect local residents.

22. A Challenge 25 policy will be implemented at the premises and all staff shall be trained in the enforcement of the policy prior to being permitted to sell alcohol. Training records to be made available to the licensing authority on request. ID accepted as part of this policy will include a valid passport, photo ID, driving licence, ID cards with Pass Mark or European ID cards or digital ID where a secure form of ID (as detailed above) has been registered with the digital ID provider as proof of age.

23. The Licensee shall ensure that all staff are fully trained and made aware of the legal requirement of businesses to comply with their responsibility as regards the disposal of waste produced from the business premises. The procedure for handling and preparing for disposal of the waste shall be in writing and displayed in a prominent place where it can be referred to at all times by staff.

24. The Licensee shall ensure that any contract for general and recyclable waste disposal shall be appropriate in size to the amount of waste produced by the business. The Licensee shall maintain an adequate supply of waste receptacles provided by his registered waste carrier (refuse sacks or commercial waste bins) in order to ensure all refuse emanating from the business is always presented for collection by his waste carrier and shall not use any plain black or unidentifiable refuse sacks or any other unidentifiable or unmarked waste receptacles.

25. If the business is on a Time Banded Street

A The Licensee's premises are situated in an area within which refuse may only be left on the public highway at certain times (time bands). If the Licensee's waste carrier cannot or does not comply by collecting the refuse within an hour after the close of any time band imposed by the waste authority, the Licensee must remove the refuse from the public highway and/or keep it within the premises until such time as their waste carrier arrives to collect the refuse.

Or, if the business is not on a Time Banded Street

B. In order to minimise the amount of time any waste remains on the public highway in readiness for collection, the Licensee will ensure the timeframe within which it may expect its waste carrier to collect is adhered to.

Or, if the business is on a street which is being considered for Time Banding

C. In streets or areas where the London Borough of Hackney imposes a requirement that refuse may only be left on the public highway at certain times the Licensee must ensure he complies with any orders or notices served by the Council AND if the Licensee's waste carrier cannot or does not comply by collecting the refuse within an hour after the close of any time band imposed by such order or notice, the Licensee must remove the refuse from the public highway and/or keep it within the premises until such time as his/her waste carrier arrives to collect the refuse).

26. The Licensee shall instruct members of staff to make regular checks of the area immediately outside the premises and remove any litter, bottles and glasses emanating from the premises. A final check should be made at close of business.

27. The Licensee shall provide a safe receptacle for cigarette ends to be placed outside for the use of customers, such receptacle being carefully placed so as not to cause an obstruction or trip.

28. The current trade waste agreement/duty of care waste transfer document shall be conspicuously displayed and maintained in the window of the premises where it can be conveniently seen and read by persons standing in the PREMISES (Gyoza Town). This should remain unobstructed at all times and should clearly identify:-

- the name of the registered waste carrier
- the date of commencement of trade waste contract
- the date of expiry of trade waste contract
- the days and times of collection
- the type of waste including the European Waste Code

29. The only external areas permitted to be used by customers will be those agreed in conjunction with the landowner and evidenced on a plan that will be provided to the police or licensing authority on request.

30. Any external areas will be substantially enclosed by barriers. Furniture and barriers will be removed and stored in the premises when the area is not being traded.

31. An external area management plan (the 'EAMP') will be drawn up and implemented at the premises and will cover any external area in use. The EAMP will set out the following:

- the areas designated for customer use, with reference to a plan showing the areas
- the numbers permitted to use the external areas
- the management procedures to be put in place to ensure that EAMP is complied with
- the times that any such areas are permitted to be used
- policy for putting out and removing furniture
- policy for dealing with non-customers within the area
- policy for dealing with aggressive begging
- policy for dealing with customer complaints
- policy for cleaning up litter both within and in the vicinity of the external areas
- policy for ensuring customers only use the designated external areas

32. CCTV will cover any external area in use, with recordings made available to the police in the course of any investigation into a criminal offence.

33. The need for door supervisors will be risk assessed by the management to ensure that the licensing objectives are promoted. Such risk assessment will be made available to police and licensing on request.

34. Signage will be displayed at the exits of the premises notifying customers that only the enclosed external spaces can be used and that otherwise, taking drinks or food outside is prohibited.

35. The premises will trade solely as a 'gyoza bar' where gyoza is available to customers until a minimum of 22:00 hours daily. Any changes to the operation must be notified to the police in advance of an application being submitted to vary this condition.

36. Customers will only be permitted to stand in the premises if at a standing table or in the bar area.

37. The premises will draw up and implement a dispersal policy to ensure that as far as practicable customers disperse quickly and quietly at the end of trading. This policy will be made available to the licensing authority or environmental protection officer on request.

38. A complaints log will be kept at the premises where complaints made by local residents will be logged, alongside any action taken to rectify the complaint. This log will be made available to the licensing authority or environmental protection officer on request.

Proposed amendments to the conditions (numbered as per above numbering)

8. Substantial food and substantial beverages other than intoxicating liquor (including drinking water) shall be available in all parts of the premises where intoxicating liquor is sold or supplied until 30 minutes prior to closing daily.

35. The premises will trade solely as a 'gyoza bar' where gyoza is available to customers until 30 minutes prior to closing daily. Any changes to the operation must be notified to the police in advance of an application being submitted to vary this condition.

36. Customers will only be permitted to stand in the premises if at a standing table or in the bar area where no more than 20 persons will be permitted to stand.

Additional Conditions

The external areas shall be closed to the public at 22:00 hours daily and shall not re-open until the start of trade the following day, with the exception of smokers immediately outside the front of the premises who will not be permitted to take drinks outside after 22:00 hours.

A maximum number of 30 seats will be placed in the external area to the rear of the premises and notices will be displayed advising customers that the area is for seated customers only. Any customer not seated will be asked to leave the area. Service to this area on Thursday, Friday and Saturday nights between 17:00 hours and close will be by waiter/ waitress only (between the months of April and September).

Customers will not be permitted to take drinks into any area not enclosed by barriers. Signs will be displayed to this effect in each area.

Draft external area management plan

Measures taken for supervision and management of guests outside of the premises

It is envisaged that the main external area will be on the square behind the premises. It is envisaged that a smaller external area may be used directly outside the front of the premises. Both areas are on land owned by the church and permission will need to be granted. You will be told which areas are in use and a plan will be drawn up showing where these areas are. The manager will take staff through the management plan prior to staff being asked to work in the external area.

General management

The use of the external area is subject to the following conditions:

- The external areas shall be closed to the public at 22:00 hours daily and shall not re-open until the start of trade the following day, with the exception of smokers immediately outside the front of the premises who will not be permitted to take drinks outside after 22:00 hours.
- A maximum number of 30 seats will be placed in the external area to the rear of the premises and notices will be displayed advising customers that the area is for seated customers only. Any customer not seated will be asked to leave the area. Service to this area on Thursday, Friday and Saturday nights between 17:00 hours and close will be by waiter/ waitress only.
- Customers will not be permitted to take drinks into any area not enclosed by barriers. Signs will be displayed to this effect in each area.
- The only external areas permitted to be used by customers will be those agreed in conjunction with the landowner and evidenced on a plan that will be provided to the police or licensing authority on request.
- Any external areas will be substantially enclosed by barriers. Furniture and barriers will be removed and stored in the premises when the area is not being traded.
- An external area management plan (the 'EAMP') will be drawn up and implemented at the premises and will cover any external area in use. The EAMP will set out the following:
 - the areas designated for customer use, with reference to a plan showing the areas
 - the numbers permitted to use the external areas
 - the management procedures to be put in place to ensure that EAMP is complied with
 - the times that any such areas are permitted to be used
 - policy for putting out and removing furniture
 - policy for dealing with non-customers within the area
 - policy for dealing with aggressive begging
 - policy for dealing with customer complaints
 - policy for cleaning up litter both within and in the vicinity of the external areas
 - policy for ensuring customers only use the designated external areas
- CCTV will cover any external area in use, with recordings made available to the police in the course of any investigation into a criminal offence.
- A complaints log will be kept at the premises where complaints made by local residents will be logged, alongside any action taken to rectify the complaint. This log will be made available to the licensing authority or environmental protection officer on request.

Management plan specifics

When the outside area is likely to be busy, in particular from 5pm Thursday and Friday evenings and potentially on Saturday/ Sunday peak trading times during hot, sunny weather, the Duty Manager will appoint a single person to supervise the areas ('the supervisor') for the duration of that period (5pm to 10pm Thursday and Friday nights; midday to 3pm and again from 6pm to 10pm on Saturday and Sunday).

Service to this area on Thursday, Friday and Saturday nights between 5pm and close will be by waiter/ waitress only. Customers are to be made aware by signage in the area and by staff members serving the area.

The supervisor will be instructed that their sole duty will be the supervision of the outside areas until they close or unless for any other reason it is empty (such as bad weather forcing all or most guests inside). If needed, the supervisor will liaise with the manager in relation to provision of additional staff.

The area to the front of the premises will also be enclosed by barriers and whilst customers will be able to take their own plates/ drinks outside into this area at any time, they will be managed to ensure that they use the stand-up tables and the area does not get overcrowded.

The supervisor will also be responsible for keeping the outside areas tidy of glass, crockery and ensuring that any breakages are dealt with immediately.

The supervisor may be given additional roles and responsibilities that are located outside as required.

Guests will be supervised to ensure that they stay in the barriered areas. Anyone found outside is to be asked firmly and politely to move back into the designated area.

Guests acting unreasonably, such as shouting, singing or swearing excessively, or not moving on request will be reminded that as a courtesy to neighbours and other guests that noise must be kept to a reasonable level. If the guests persist, the Duty Manager should be informed.

If required, The Duty Manager should again ask the guests to reduce the noise to a reasonable level or they will be asked to leave the outside area. If they continue to make noise, they will be required to leave the outside area.

No glasses will be permitted to be taken outside from 10pm. Thereafter, only smokers will be permitted outside and only in the area immediately outside the front of the premises.

Signage and other information to be used to remind guests using the outside areas do so in a way which will not cause a public nuisance to nearby residents.

Should street drinkers or beggars seek to use the area or otherwise cause a nuisance to customers, staff will politely but firmly ask them to please leave the area. If they do not get a response, remind them that CCTV cameras cover the area and summon the manager to deal with the matter. Should the person refuse to move or keeps on causing a nuisance, then caution them that the police may be called. It is our experience that most if not all street drinkers or beggars move on in such circumstances without the need for further action.

For particularly busy times, or if there are issues arising, such as street drinkers causing a nuisance then the manager will risk assess whether to employ door supervisors. If the risk assessment determines that door supervisors would assist, then they are to be employed in the numbers and at the times identified by the manager.

Dealing with complaints from residents or customers

In the event of any complaint being received this will be dealt with immediately by a member of the management team and the details recorded in writing. A complaints record book will be collated and a record will be kept at all times. This will be regularly reviewed by the management team to identify

any reoccurring incidents. All management team will be effectively trained on how to deal with complaints and accurate record keeping.

All staff members required to undertake duties in relation to this management plan will be asked to read a copy of this plan and a copy will be available to staff during their shifts if needed.

Packing away furniture

Furniture cannot be left out at night and must all be put away at the end of each trading session. This means that barriers, tables and chairs from the main seating area to the rear must be packed away and moved to the front of the premises where they will be secured behind barriers. At the end of trading all furniture and barriers will be stored inside the premises.

Draft Dispersal Policy

Dispersal policy

THE INSTRUCTIONS CONTAINED IN THIS NOTE ARE EFFECTIVE IMMEDIATELY AND MUST BE FOLLOWED

OUR OBJECTIVE IS TO REDUCE THE NOISE IMPACT FROM DISPERSAL ON OUR NEIGHBOURS

Operational Management during dispersal at the end of any trading session

This policy is to be implemented as required, in order to ensure that customers do not cause unreasonable disturbance when they leave the premises. This policy is to be enforced when:

1. At the end of any busy trading session on a given day (where there is more than 20 customers on the premises at closing)
2. An event has taken place at the premises and therefore a large number of customers will be leaving at the same time
3. A particular group at the premises is considered more likely to be noisy when leaving than would normally be expected

Policy

- The Duty Manager will at all times be responsible for the proper dispersal of customers at the end of trading.
- Very importantly, the dispersal at the end of the night must be monitored to ensure noise is kept to a reasonable level
- Any customer who is shouting, singing loudly, causing a high level of noise or behaving in an unreasonable manner that is deemed by the duty manager likely to cause offence or disturbance to neighbours will be asked politely to stop
- Those customers must be reminded that as a courtesy to our neighbours, noise must be kept to a reasonable level.
- If they continue to make noise, the duty manager should consider whether to take further action such as barring the customer for a period (1 or 2 nights, or longer as required)
- Any customers ordering or waiting for taxis will be permitted to wait for the taxis inside. Any taxis called for customers by staff will be asked not to park outside the residential properties adjoining the pub, but wait further outside the car-park side of the premises.

Signs will be placed at the exit reminding customers leaving to respect the rights of neighbours to not be disturbed.

Any complaints are to be recorded in the complaints log, along with the name of the complainant, the time and nature of the complaint and any action taken.

Draft Notes for recording matters in the complaints log

Note to staff

We have an obligation to record any complaints relating to noise from customers or complaints from customers about street drinking/ begging in the complaints log. Should you receive any complaint, you must record the following:

- Date
- Time
- Your name
- Name of the person making the complaint (if known)
- Location of complainant (inside, outside, by phone/ email etc)
- Nature of the complaint in as much detail as you can
- Steps taken to resolve the complaint

The manager will check the complaints log to make sure that you are recording complaints properly. **This is an important part of your job to make sure that our customers get the best experience and our neighbours are not disturbed!**

From Reverend Al Gordon to Mark Walton, Director Bloomsbury Leisure (applicant) on Friday 6 December 2019

Hey Mark,

One of my guys Aaron has passed on to me that Bloomsbury might be looking at the lease on the Hackney Old Town Hall - if that's the case it would be very good news indeed. I'd be thrilled, as it's a site we want to see brought back to life as a cultural quarter. The church owns the outside space (half the square) and the area adjacent to the old tower. Be great to see something cool happen there, and let me know how we can help?

Al
Rev'd Al Gordon
Rector of Hackney

ST JOHN AT HACKNEY
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Licensing Sub-Committee E

14 APRIL 2020

Item 6

**Application for a premises licence -
Gyoza Town, Ground Floor, 354
Mare Street, E8 1HR**

**Additional Objection submitted to
the Application**

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354 Mare Street

1 message

4 March 2020 at 13:07

Reply [redacted]
To: licensing@hackney.gov.uk

To Hackney Council

I wish to object to the application for a premises licence for [354 Mare Street, London E8 1HR](#).

It is my view that the hours should be restricted to 2300 on all days on grounds of prevention of crime and disorder and prevention of public nuisance.

While in a shopping street, the premises are also close to homes including more than 60 apartments in the Hackney Gardens development (grounds of St John at Hackney church), which will shortly be occupied. They are in an area rife with anti-social behavior at all times of the day and night. Curtailing the hours would minimise the nuisance.

The issue arose recently in planning application no 2019/3436. The Metropolitan Police advised the applicant that access from Mare Street to St John at Hackney should be gated after dusk to avoid anti-social behaviour. I will be a resident of that development when it is completed.

This is what the Council's planning officer wrote:

"... securing the space after dusk would be beneficial in preventing criminal and anti-social behaviour..."

Also later, he wrote ... (my italics): "In addition a gate to the southern entrance of the proposed site from the Narrowway has been moved closer to the public highway, thus preventing public access to an area of the site adjacent to St Augustine's Tower. This is not considered to be a concern as this area is poorly surveyed due to the high churchyard walls. There would be no public benefit in accessing this space and its unsurveyed character may attract anti social behaviour."

-
(Note St Augustine's Tower is immediately behind the application site.)

Thank you

[redacted]

[redacted]

[Poole Street](#)

London N1 [redacted]

[redacted]

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