



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

Tuesday 18 April 2023 at 2.00 pm

Supplementary papers pack: Item 7 German Doner and Grand Chips: Proposed conditions and witness statement

Members of the Sub-Committee:

Councillor Gilbert Smyth
Councillor Sheila Suso-Runge

Mark Carroll
Chief Executive
Monday 17 April 2023
www.hackney.gov.uk

Contact: Gareth Sykes
Governance Officer
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Licensing Sub Committee D

Tuesday 18 April 2023

Supplementary papers pack: Item 7 German Doner and Grand Chips: Proposed conditions and witness statement

- 7 Application for a Premises Licence: German Doner and Grand Chips ,
Unit 1b Kingsland Shopping Centre, Kingsland High Street, E8 2LX
(Pages 3 - 20)**

Dear Amanda

With reference to the Committee Hearing tomorrow in relation to German Doner, Grand Chips, on behalf of the applicant we would like to offer and agree the below proposed conditions:

- 1. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of a Metropolitan Police Crime Prevention officer. All entry and exit points will be covered to enable 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 of 31 days with time and date stamping. Recording shall be made available immediately upon the request of Police or authorized officers throughout the preceding 31 days period, providing the request complies with the Data Protection Act or any other Primary Legislation*
- 2. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when it is open to the public. This staff member shall be able to show the Police or the Licensing Authority recent data or footage with the absolute minimum of delay when requested, providing the request complies with the Data Protection Act or any other Primary Legislation.*
- 3. The licence holder shall maintain an Incident Book at the premises to record the following:--
all crimes reported to the venue-all ejections of patrons
any complaints received
any incidents of disorder
seizures of drugs or offensive weapons and their location.
any faults in the CCTV system
any visits by a relevant authority or emergency service.*
- 4. Premises to operate a zero-tolerance policy to drugs and comply with the Hackney Police/Council Community Safety Unit Drugs and Weapons Policy where appropriate*
- 5. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.*
- 6. Notices shall be prominently displayed at the exit requesting patrons to respect the needs of local residents and leave the area quietly.*
- 7. After 23:00 Customers will not be permitted to openly bring alcohol inside the premises and signage will be placed at the entrance informing customers they are not permitted to bring open containers of alcohol onto the premises.*
- 8. A management plan will be provided to the licensing authority detailing the procedures in place for waiting and collection of orders by delivery drivers/riders and for the control and management of customers.*
- 9. After midnight, customers will only be able to order food in person at the premises and no professional delivery company will be engaged to operate at the premises.*
- 10. After 23:00 there shall be no more than 5 customers smoking outside of the premises at any one time.*

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

12. *On Fridays and Saturdays from 23:00 hours a SIA registered door supervisor will be employed to manage customers ordering, waiting, consuming food, smoking and leaving the premises in accordance with a management plan. Such plan to be provided to the police and licensing authority in writing.*

13. *Staff will be trained as appropriate in first aid, crime scene management and WAVE training.*

14. *A wc will be available for use by customers and delivery drivers/riders until close. The WC entrance will be monitored by cctv and will be supervised.*

The below conditions have been agreed with EHO:

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. 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.

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.

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.

I look forward to hearing from you in relation to the proposed conditions.

Kind regards

Angie

Angie Message

PA to Robert Sutherland
RDSLAW Ltd

Expert Witness Report

**German Doner & Chips
Unit 1B Kingsway Shopping Centre
Kingsway High Street
Dalston
London
E8 2LX**

Personal Introduction:

- 1. I retired from the police service in April 2016 having served in both Sussex and Metropolitan Police Services. On retirement I was issued with a certificate of service detailing that my career had been exemplary.**
- 2. Throughout my three decades of service, I served in many differing roles in both uniform and detective roles including major crime branches, community policing and on retirement as a substantive sergeant I was responsible for the police licensing team in the City of Westminster. I have also managed several departments as an acting Police Inspector.**
- 3. I qualified as a divisional and major crime branch detective at the National Criminal Investigation Centre in Maidstone, Kent. Following on from this I qualified as an Advanced Interviewer, Family Liaison Officer, Exhibits Officer, and Disclosure Officer. I have also worked on Divisional Drug Squads, Sussex Police Corporate Development Department, Sussex Police Unsolved Crime Investigations, Metropolitan Police City of Westminster Homeless Unit. I am a qualified Key Decision maker on CPS Charging Standards and worked for two years within the country's busiest custody at Charing Cross Police Station fulfilling this role. Following this I was the Crime Operations Manager for the Oxford Street, Regent Street and Bond Street crime team working from West End Central Police Station. Through this period, I was the co-author of Operation Blizzard which is a Policing initiative used through the busy autumn nights and Christmas period in the West End of London. The initiative was designed to support West End Business Improvement Districts (BIDS) responsible for both night – time and day-time economies within this high-profile area of the City of Westminster. Such was its success with its policing to demand methodology and the subsequent success in driving down crime and disorder, the Mayor of London firmly embedded the operation within the Capitals Policing plan.**

4. **My final role within the police was the Licensing Sergeant for the City of Westminster working in partnership with the City of Westminster Licensing Authority. I was responsible for over 6,500 licensed premises across Westminster. This gave me a great deal of knowledge in dealing with and advising on Licensing issues, Crime & Disorder within premises, reviews, and problem solving in with a partnership approach.**
5. **Finally, my service within Sussex Police gave me the opportunity to work with Licensed Premises in rural towns, villages and bigger coastline towns and cities.**
6. **I have been awarded two commendations for bravery, and a merit for my direct involvement in assisting the Metropolitan Police in recovering a kidnap victim whilst a member of the Major Crime Branch in Sussex Police.**
7. **I understand that my duty is to help the licensing authority and court to promote the licensing objectives in an appropriate and proportionate way by giving independent assistance by way of objective unbiased opinion on matters within my expertise, both in preparing reports and giving oral evidence. I understand that this duty overrides any obligation to the party by whom I am engaged or the person who has paid or is liable to pay me. I can confirm that I have complied with and will continue to comply with that duty.**

Background:

8. **I have been instructed by the owners and operators of German Doner & Chips, Unit 1B Kingsway Shopping Centre, Kingsway High Street, Dalston, London, E8 2LX. The premises owned by Mr Marc Lai who is the sole proprietor has applied for a Late-Night Refreshment Licence. The application has been made to the London Borough of Hackneys licensing authority. Mr Lai has owned the business since December 2022.**
9. **The application has been made to apply for a Late Night Refreshment Licence to operate between 2300Hrs to 0200Hrs Sunday to Thursday each week and 2300Hrs to 0400Hrs Fridays and Saturdays.**
10. **The premises is located approximately half-way along Kingsway High Street between the Balls Pond Road and Dalston Road junction and Stoke Newington Road. The Kingsway High Street is of a type you would expect to find in a similar or like London Borough. It hosts varied high street branded shops and local businesses. Public Houses, clubs and bars can be found along its length with many varied fast-food outlets with late night refreshment licenses.**
11. **The premises operates as a fast-food takeaway and restaurant. Primarily focused on the sale of doner kebabs and wraps, salads, chips and soft drinks. It currently operates between the hours of 1100Hrs and 2300Hrs seven days each week.**
12. **The premises was operated as a similar styled business prior to Mr Lai purchasing the business and taking on the lease of the venue. Mr Lai has invested a great deal**

of money in refurbishing the premises. It now has a completely new layout. The premises is bright, clean, and a pleasant addition to Kingsway High Street.

13. Mr Lai currently employs 7 local people and contributes to the local economy in Dalston and the borough of Hackney.

Personal Visit/Observations:

14. I conducted a personal to the premises between the times of 2214Hrs on Friday 24th March 2023 and 0420Hrs Saturday 2023. The purpose of my visit was to observe the general operation of the venue and the local area. The intention to give my expert opinion on the crime and disorder impact the premises would have in the local area, if any.
15. The premises was operating on a Temporary Event Notice (TEN) between the hours of 2300Hrs and 0400Hrs. The primary purpose for this TEN was to provide evidence for the responsible authorities involved in the application that the premises is and can be managed to the highest level and not negatively affect the cumulative impact as detailed in the Dalston Special Policy Area.
16. The premises is located in the centre in of the Kingsland High Street which in-turn is in the centre of Dalston. The area is made up of various shops and commercial premises. High street brand names are intertwined with small personal local businesses. It is located close to the Ridley Road market which I am sure is a bustling area in the daytime. Pubs, bars, cafés and various restaurants and fast-food outlets make up this busy and vibrant area of London. It gave me the impression the area was becoming popular with young professionals.
17. The German Doner & Grand Chips has been completely refurbished. It forms part of the Kingsland Shopping Centre frontage. It affords the use of the centre's security when open.
18. The premises has been completely refurbished prior to opening in December 2023. It is bright clean and gives the impression of a professionally run business. The counter and service area can be found just inside the main entrance door. This affords the staff and management a good view of all activities both inside and outside of the premises.
19. There is a larger focus on patrons using the restaurant area through the day. The staff will prepare and serve clients at the table.
20. At 2300Hrs the menu changes and the electronic boards changed to reflect this. The emphasis moves towards take-away and fast food approach. All glassware and metal cutlery are no longer used. Drinks are served in their own vessels. Customers are still allowed to sit within the restaurant and consume their food. Food is ordered and prepared and individual allocated numbers are given to each order.
21. The queues are well managed and food is swiftly prepared and simply wrapped in branded cones or foil. Waste is kept to a minimum and can be crushed down and easily disposed of.
22. The premises attracts and older client base of young professionals. The average age group would be between 25 and 40. Mostly couples or groups who have been out for the evening.

- 23. The pricing is higher than you would expect in most fast-food services of this nature. The food is of a very good quality. The venue is clean and pleasant and the staff very attentive and professional. This all reflects in the costs and Mr Lai has very high expectations of his staff.**
- 24. The premises inside and out is kept spotlessly clean. Toilets are checked and signed off every 30 mins. The public toilet consists of two small rooms, which house one toilet and a wash basin. This is easily managed with only one person at a time comfortably using the facilities.**
- 25. The outside chairs and tables are brought inside at 2300Hrs. This assists with the management of the premises outside and stops customers remaining in the area any longer than required.**
- 26. Staff within the premises constantly check and clean both inside and outside the premises. A separate cupboard within the premises contains a large, wheeled bin. This in turn is emptied into the Kingsland Shopping centre rubbish collection area to the rear of the building. No rubbish is ever placed out onto the main High Street.**
- 27. The business does operate with third party couriers. This activity is stopped by Mr Lai at around midnight to ensure he and the staff focus entirely on the fast food and takeaway business through the small hours.**
- 28. Throughout the evening I took the opportunity to spend time both inside and outside of the premises. I walked around the local area to view the area, and the operation and impact of other premises in the area. I walked the entire Kingsland High Street from Dalston Lane/Balls Pond Road to the start of Stoke Newington Road. I walked on a number of occasions John Campbell Road and Boleyn Road and through Ridley Road market and the surrounding streets. Bars and Clubs can be found in most areas with outside drinking and smoking areas. All of which have a far greater impact on the local area than the German Doner & Grand Chips will ever have. Many of the like businesses that offer similar fast-food outlets are not of the standard and as well managed as the German Doner & Grand Chips.**
- 29. The Police, Local Authority and any other responsible authorities have far more concerning issues with venues in the area than the German Doner & Grand Chips will ever offer.**
- 30. Mr Lai is extremely hands on and attentive throughout. He is passionate about his work and business. He has respectful staff; he respects his staff. He respects the local area and his position in it. He appreciates that he has to operate at the highest level. He has worked in hospitality since childhood within his families' restaurants in Paris and here in London for the past 10 years. Mr Lai has a great knowledge of hospitality and a huge respectful work ethic. He is a bright hardworking entrepreneurial character.**

Application & Representations:

- 31. This application for a late-night refreshment licence may cause concern for the responsible authorities. The venue sits within the Dalston Special Policy Area (DSPA) and will be looking to operate outside of the core hours policy.**

32. Representations have been made by The Police who have highlighted potential for the business to add to the cumulative impact and the licensing objectives not being met with regard to crime and disorder and public nuisance. They make comment on their concerns on the following
- Inside area being managed.
 - People dispersed from the area.
 - Third party couriers.
 - The public use of the toilet and criminal activity therein.
33. I can assure the police can be confident all these concerns are adequately covered and considered and there will be no adverse effect on the licensing objectives being met.
34. Both the Licensing Authority and the Local Authority Community Safety and Enforcement Service have both made representations against the application stating the licensing objectives will not be met around Public Nuisance. In essence they have both quoted the DSPA. There is comment about the premise operating outside of the core hours. Also, the fact is highlighted that the premises must demonstrate it will not impact on the DSPA. I can assure again that both the responsible authorities can be confident that this premises is extremely well managed and operated they and the licensing sub-committee can be confident there will be no adverse impact.
35. I note there have been representations from members of the public. Firstly, from an unknown person. The representation is made up of one line and without any substantial evidence to support. From my experience the representation has come from a like business operator. The second public objection comes from an unknown resident of John Campbell Road some three or four minute walk north from the German Doner & Grand Chips. The representation is lengthy and I am sure encompasses issues residents have been subject of being located in the area adjacent to more alcohol related businesses. However, I explored the area through the night and witnessed no issues. The area around the junction between John Campbell Road and Kingsland High Street was the most densely populated by revellers. However, I am extremely confident that going forward the operation of the German Doner & Grand Chips will not impact at any level in this residential area.

Conclusion:

36. I have taken the opportunity to research the crime figures for the Dalston Police area. These figures have been taken from the Police UK website and I have to presume they are accurate as they are available for public view.
37. The figures themselves are consistent and what you would expect to see in a borough and area of London of this nature. The monthly, rolling yearly and three yearly figures have remained at a level and appear to have reduced slightly since the pandemic. The crime types and numbers are what you would find and expect to see in a London Borough of this size and nature.

38. The crime hotspot maps detail the crime activity in and around the area of the German Doner & Grand Chips. I have taken the details from the recorded figures available to me which covers the first three months of trading by the premises. As you will see the hotspots appear to be adjacent to the nearby McDonalds and opposite at Dalston Kingsland station and the Marks & Spencer store.
39. I would suggest as the Police have made no comment about crime and disorder at the premises and cited any anti-social behaviour issues we can accurately conclude this premises is not and very unlikely to be a crime generator in the area of Dalston. This would support the fact that the premises will not add to the cumulative impact of the Dalston Special Policy Area.
40. Taking all the evidence I have presented the Licensing Sub-Committee, Local Licensing Authority. Local Police teams, all other responsible authorities, together with local residents can be confident all the licensing objectives will be met by this professionally operated business and also be confident in granting this license.

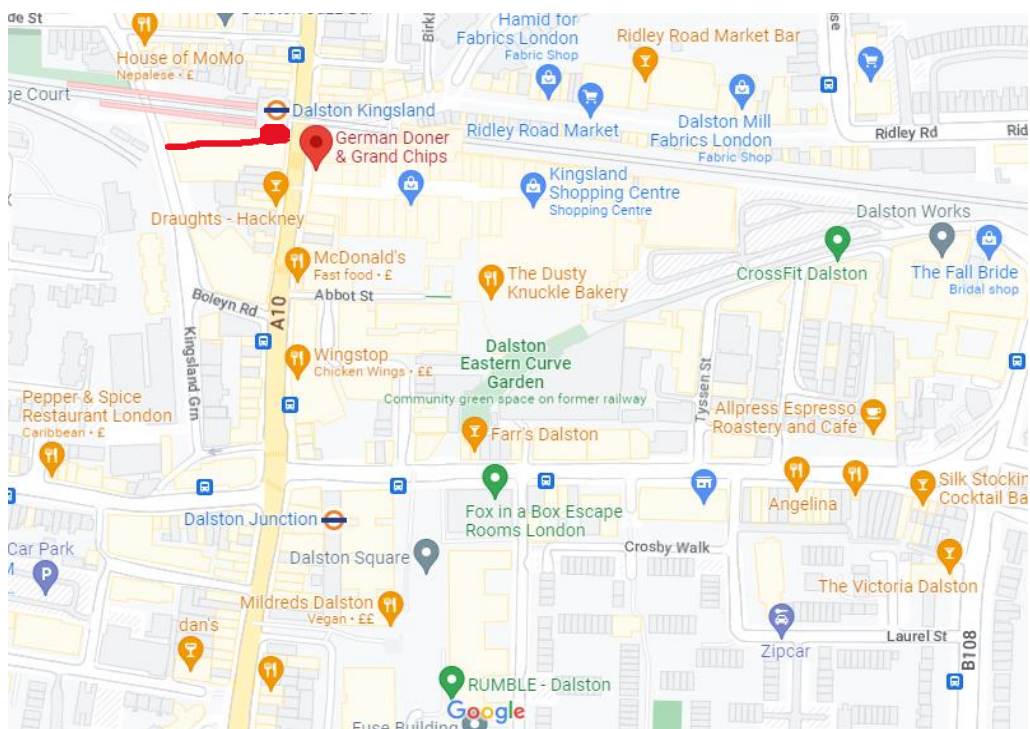


Image 1 – Map Locating German Doner & Grand Chips

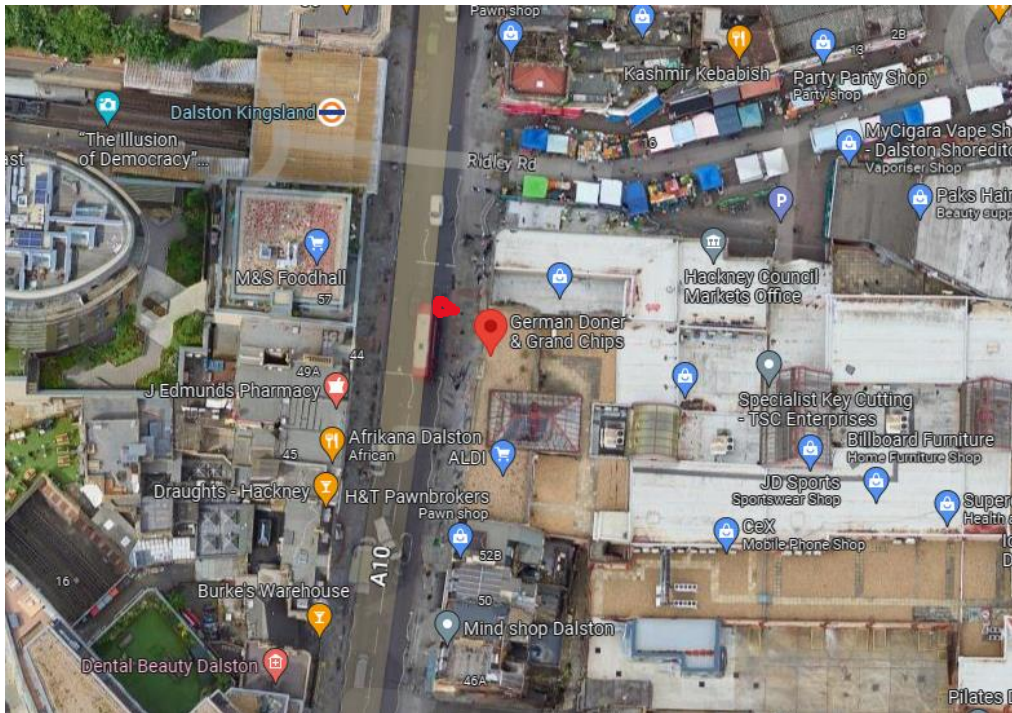


Image 2 – Satellite Image German Doner & Grand Chips



Image 3 – Frontage German Doner & Grand Chips



Image 4 – Interior of German Doner & Grand Chips



Image 5 – Service Area German Doner & Grand Chips



Image 6 – Electronic Price Boards German Doner & Grand Chips

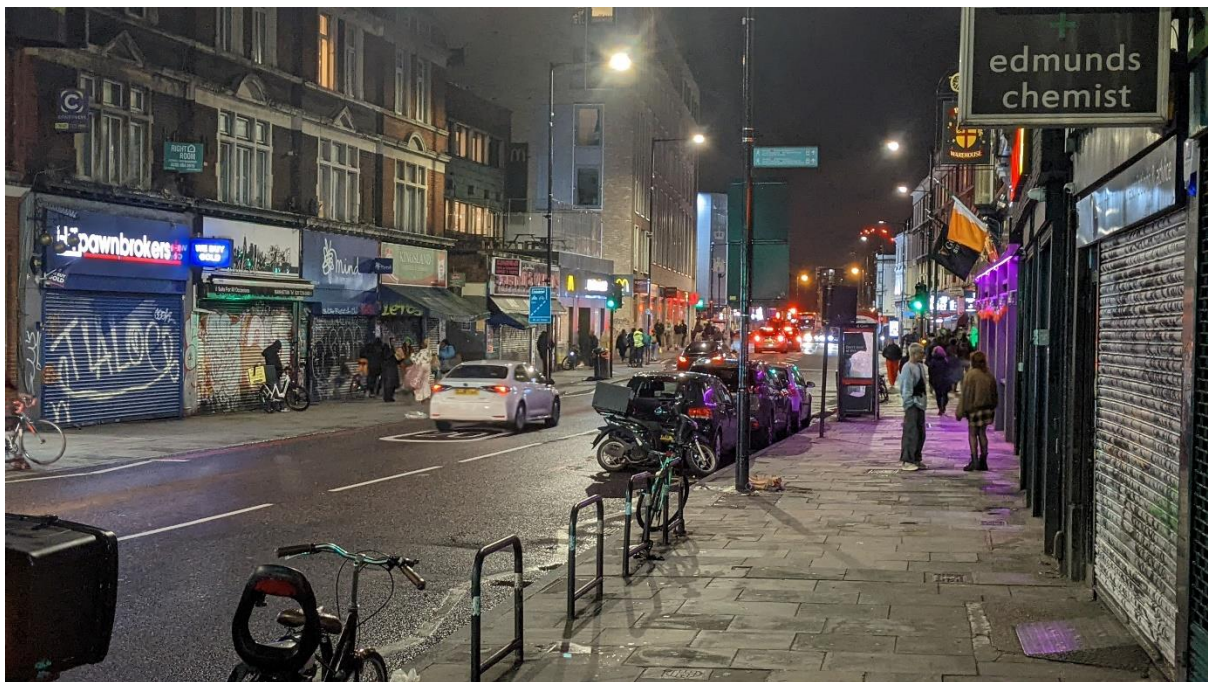


Image 7 – Kingsland High Street (South)



Image 8 – Kingsland High Street (North)



Image 9 – View Ridley Road Market



Image 9 – John Campbell Road N16



Image 10 – John Campbell Road N16

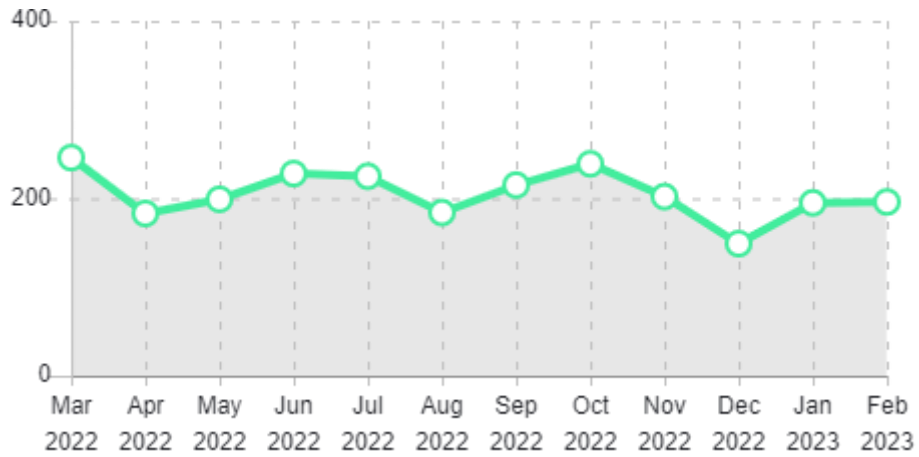


Image 11 - Rolling 12 Month Crime Figures – Dalston

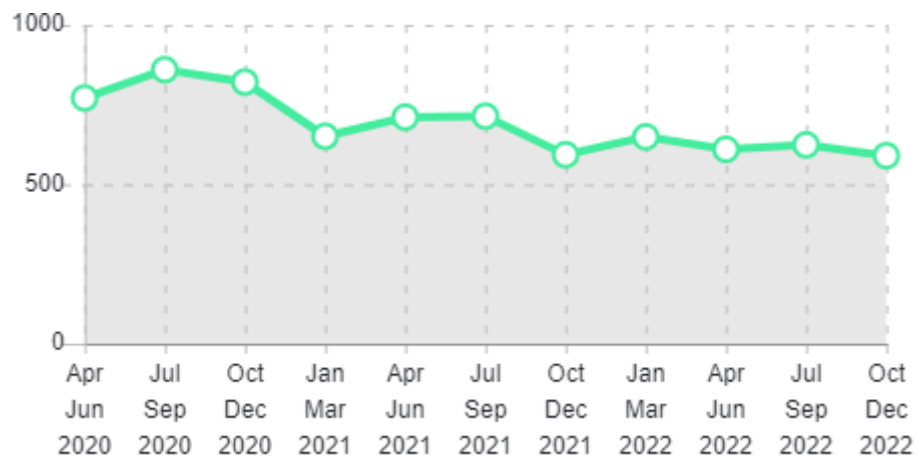


Image 12 - Rolling 3 Year Crime Figures – Dalston

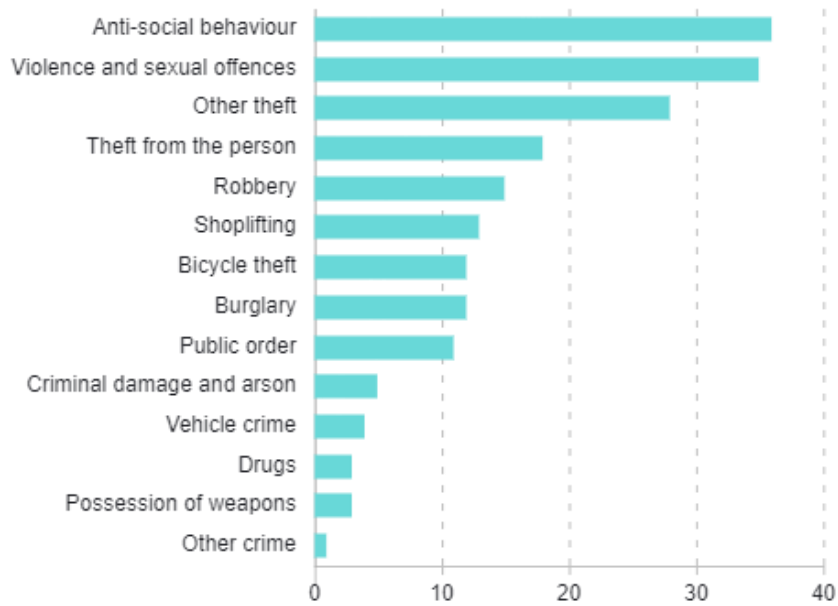


Image 13 - Crime Figures Last Recorded Month February 2023 – Dalston

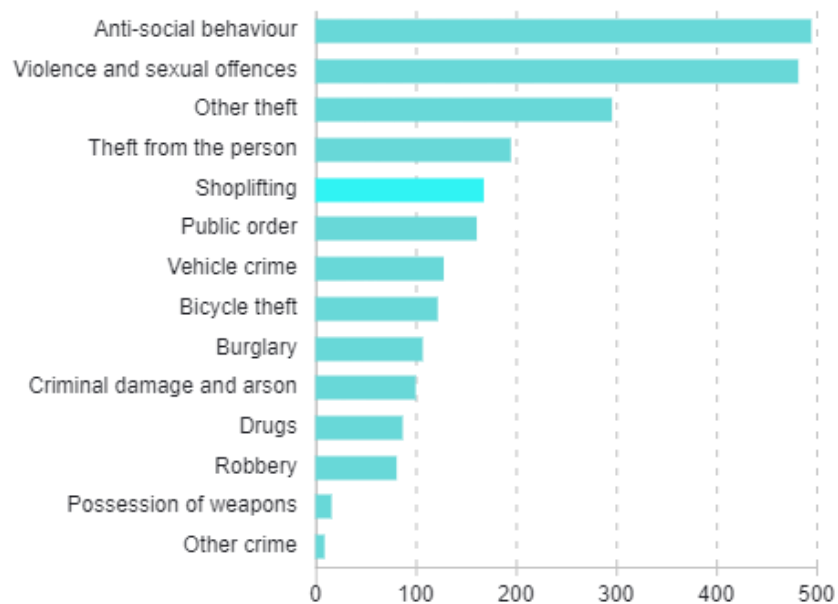


Image 14 - Recorded Crime Figures Last 12 Months to February 2023 – Dalston

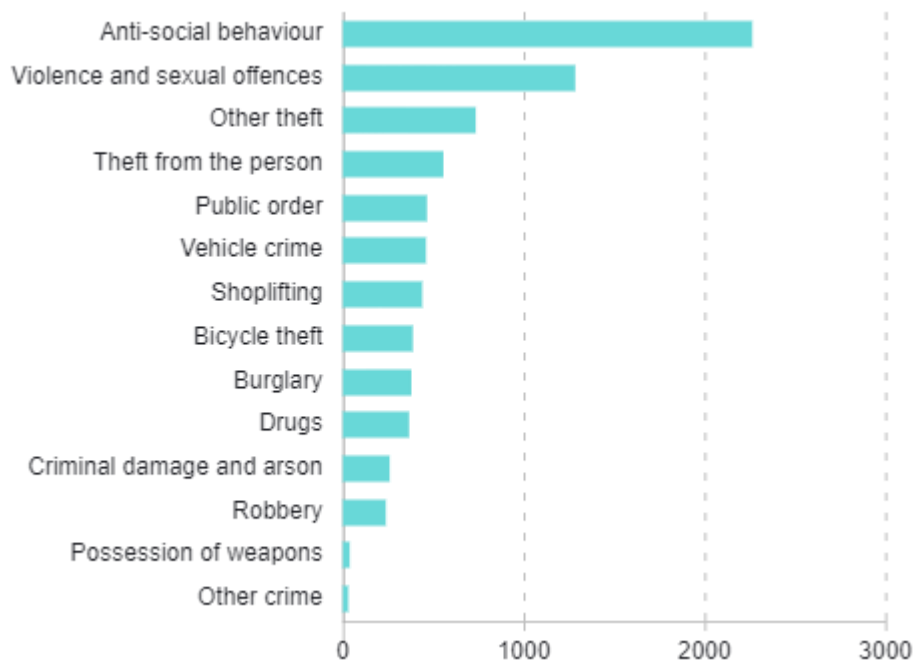


Image 15 - Recorded Crime Figures Last 3 Years to February 2023 – Dalston

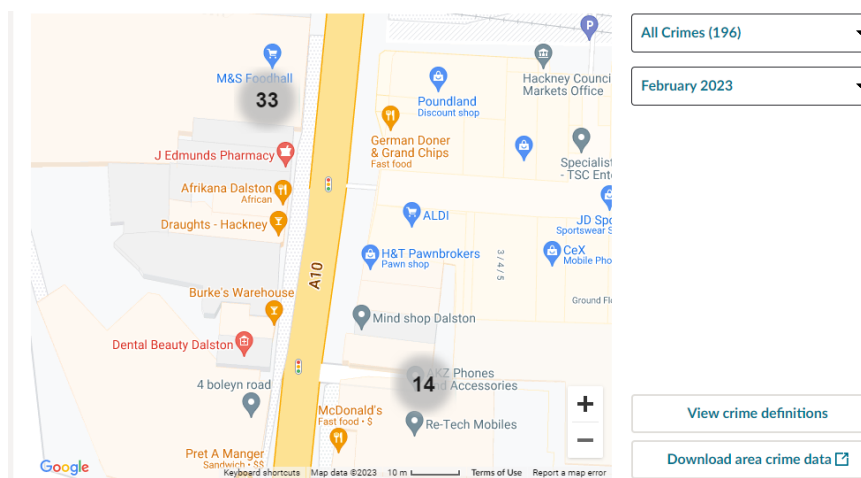


Image 16 – Crime Map Dalston Police area February 2023

Richard Bunch
Crime & Disorder Consultant
Complete Licensing
March 2023

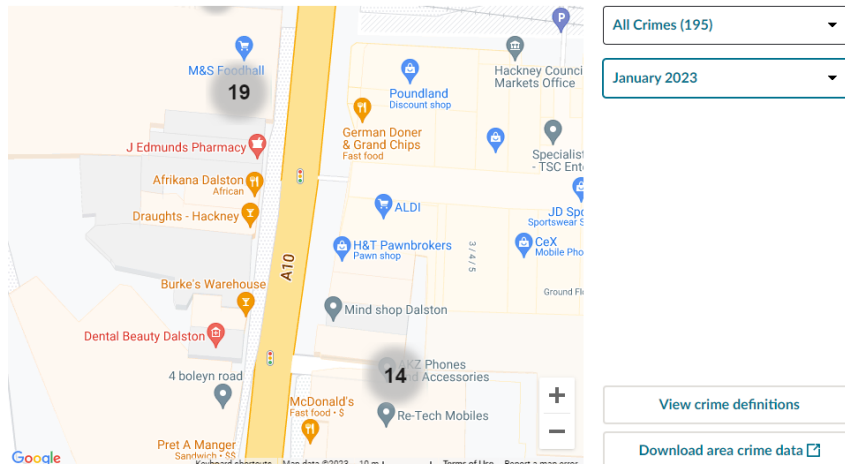


Image 17 – Crime Map Dalston Police Area January 2023

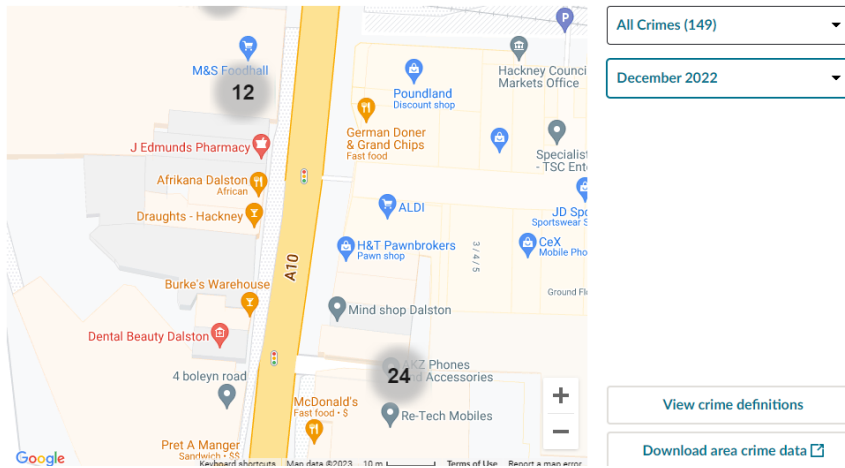


Image 18 – Crime Map Dalston Police Area December 2023

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