



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

Thursday 21 September 2023 at 2.00 pm

Supplementary Paper Agenda Item 4: Minutes of the meeting of the Licensing Sub-Committee on 7 September 2023

Members of the Committee:

Councillor Zoe Garbett
Councillor Anya Sizer
Councillor Gilbert Smyth

Contact: Natalie Kokayi
Governance Officer
governance@hackney.gov.uk

Licensing Sub Committee D

Thursday 21 September 2023

Order of Business

- 4 Minutes of the Previous Meeting (Pages 3 -8)**



MINUTES OF A MEETING OF THE LICENSING SUB COMMITTEE E

THURSDAY 7 SEPTEMBER 2023

Councillors Present: **Councillor Gilbert Smyth in the Chair**
Cllr Anya Sizer

Officers in Attendance: Amanda Nauth – Licensing and Corporate Lawyer
Suba Sriramana – Principal Licensing Officer
David Tuit - Business Regulation Team Leader
Rabiya Khatun – Governance Officer

Also in Attendance: **Variation - 63 Nevill Road**

Randy Kellman & Jacqueline Yawson - Applicants

1 Election of Chair

1.1 Cllr Gilbert Smyth was duly elected as the Chair of the meeting.

2 Apologies for Absence

2.1 There were no apologies for absence.

3 Declarations of Interest - Members to declare as appropriate

3.1 There were no declarations of interest.

4 Minutes of the Previous Meeting - To Follow

4.1 The Sub-Committee considered the previous minutes.

RESOLVED

The minutes of the previous meeting, held on 17 August 2023 be approved as an accurate record of the meeting.

5 Licensing Sub-Committee General Information & Hearing Procedure

5.1 The meeting participants noted the hearing procedure for the meeting.

6 Application for a premises licence: 63 Nevill Road, London, N16 8SW (Ward: Clissold)

6.1 The sub-committee heard from the Principal Licensing Officer and the Applicants, and representations from the Licensing representative and Other Persons.

6.2 During the course of submissions and a discussion of the application, the sub-committee noted the following:

- The Applicants advised that they had refurbished the premises and wanted to operate as a restaurant serving alcohol with a meal, they would be serving pastries and coffee from 10.00 until 12.00 and from noon customers could enjoy a glass of rum distilled from the premises or wine with their food. During the weekends the Applicants would be serving roast dinners and they were trying to create a nice sit down dining experience. To address the concerns raised relating to crime and disorder they had installed CCTV, training would be provided to staff and new electronic shutters would be installed to reduce noise nuisance. They had been serving Sunday roasts from last month without any issues or disorder. Alcohol would be sold ancillary to food and the garden would be used to grill food during the summer. They wanted to foster good community relations and make a peaceful eating space and were working with the previous chef to bring back some of the previous traditional best-selling meals.
- The Licensing representative clarified they had no concerns about the application and the hours being sought. The representation related to having an accurate plan of the premises and the layout within the premises. The Applicants offered to submit a new plan explaining that the submitted plan was out of date as they had partitioned the room to create a kitchen and areas were being used for different purposes.
- The Other Persons, local residents' objections related to the premises being located in a predominantly residential area, the hours for sale of alcohol, noise nuisance late at night and from the use of the garden, and the adverse impact on local residents in the area and in particular the residents living above the premises.
- The Applicants had tried to address the local residents' concerns and wanting to co-exist with the local residents and to prevent noise breakout and minimise disturbance in the evening they planned to install windows either double or triple glazed, to replace the current noisy shutters with electronic shutters and add acoustic panels inside the premises. Alcohol would be sold ancillary to a table meal.
- The Applicants replied that they did not encourage smoking but four smokers could be allowed to smoke.
- The toilet and garden in the basement would only be used by staff and for grilling food in the summer and the Applicants assured Members that the basement would be used as a storage area only.
- The premises was small and the capacity was for eight tables inside the premises and a coffee workspace with no more than 20 people at any one time inside the premises. The premises also had outdoor seating with two tables and four chairs at each table, and no alcohol would be served to the patrons seated on the outside tables.
- The Applicant clarified that the rum would be made off the premises by a company.
- In response to a question, the Applicants confirmed they had joined the residents WhatsApp group, continued to engage with the neighbours and intended to attend future PubWatch meetings. They planned to continue the traditions at the premises, expand and evolve further following feedback from local residents in order to continue the good relations with local residents.

- In response to a question from Members, the Applicants confirmed that they would be willing to hold regular meetings with the local residents and provide a contact number for people to report their complaints or concerns.
- To address the concerns raised by the Other Persons in their representations, the Applicants agreed to reduce the hours for alcohol to 21:00 hours and close the premises at 22:00 hours to minimise disturbance late at night for locals living in the vicinity of the premises, bring inside the two tables and chairs in the external area by 19.00 hours and attend Hackney Nights training.
- The Applicant emphasised that there would be no off-sales and the associated crime and public nuisance. They had a waste contract in place and currently recycled and used sustainable containers for takeaway meals and offered a discount to customers bringing their own containers for takeaway meals.

The decision

The Licensing Sub-Committee in considering this decision from the information presented to it within the report and at the hearing today has determined that having regard to the promotion of all the licensing objectives:

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

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

- The hours for licensable activities, shall be, as agreed:

Supply of Alcohol

Monday - Sunday 12:00 - 21:00

Opening hours

Monday - Sunday 10:00 - 22:00

- A revised Plan of the premises to be submitted to the Licensing Authority
- Amend Condition 14 as follows:

“The Licence holder shall display the telephone number/email address of the Designated Premises Supervisor or the manager on duty for use by any Responsible Authority or any person who may wish to make a complaint about the premises to a duty manager, a responsible person or a member of the management team at the premises as and when they occur. These contact details shall be on display in a prominent external location at the premises that is easily accessible to the public, and shall be included on the website of the premises”.

- External seating area to be closed with furniture rendered unusable by 19:00 each day.

- The Licence holder to hold and publicise quarterly liaison meetings every 4 months with local residents to address any concerns or complaints about the premises from local residents to prevent public nuisance.

Reasons for the decision

The application for a premises licence has been approved because the Licensing Sub-committee was satisfied that the licensing objectives would not be undermined.

The Sub-committee took into consideration the objection made by the Licensing Authority whose objection related only to the plan of the premises and the layouts within the premises. The Sub-committee noted that the Licensing Authority did not have concerns about the application, the hours were modest, and they only required clarification on the plan.

The Sub-committee took into consideration the 5 objections made by Other Persons (local residents) who had concerns about the hours of the sale of alcohol, noise nuisance late at night, the use of the garden, and the impact on local residents in the area. The Sub-committee noted that local residents live above the premises and this was a predominantly residential area.

The Sub-committee took into consideration the Applicants' representations that they had refurbished the premises and wanted to run the premises as a restaurant serving mainly Rum or wine with a table meal. The Applicants contended that the premises had previously been open, by the previous owner, from 12 noon until 10 pm and now they were proposing to operate from 10 till 12 noon, serving pastries and coffee, and after 12 noon under their current menu they would like customers to enjoy their food with a glass of wine. On weekends they have been serving roast dinners. The Sub-committee heard that the Applicants are trying to create a sit down place with a nice dining experience together with wine.

The Sub-committee took into account that the Applicants demonstrated that they took on board the representations made by the local residents regarding crime and disorder, noise and other issues that may affect the residential area. The Applicant said that they felt that they could co-exist with the local residents in the area and they did not intend to sell alcohol without food. The Sub-committee noted that the Applicants did not intend to use the garden for public purposes or public use. The garden will only be used for staff breaks and to grill food. The Sub-committee noted new electric shutters will be installed to reduce the noise of the current shutters.

The Sub-committee heard from the Applicants that they intended to install windows either double or triple glazed to prevent noise breakout and any disturbance to local residents. The Applicants also intended to add acoustic panels to the premises at a later date again to reduce any noise impact in the evening.

The Sub-committee heard from the Applicants that the basements will not be used for anything other than storage because they needed a storage area. The Sub-committee took into consideration that the capacity of the premises will be eight tables inside the premises. The Applicants would also like to have a workspace for coffee which will be no more than 20 people at any one time inside the premises. The Sub-committee noted that the rum was produced by a company and not made on the premises.

The Sub-committee took into consideration that the Applicants wanted to foster good relations with local residents and to be part of the community. The Sub-committee noted the Applicants were currently working with the previous chef and bringing back previous traditions, which were popular with customers. The Sub-committee thanked the Applicants for their efforts made to communicate with local residents and to address their concerns. The Applicants confirmed that they are on the residents WhatsApp group, and they will continue to engage with the neighbourhood. The Applicants confirmed that they will attend PubWatch in the future when the next meetings are held.

The Sub-committee took into account that the Applicants agreed to hold regular meetings with local residents to address any issues with the premises, and they agreed to consider the Hackney Nights training to ensure customers safety. The Sub-committee were pleased that the Applicants agreed to reduce the alcohol hours to 21:00 hours and close at 22:00 hours to ensure that local residents that live close to the premises are not disturbed late at night.

After taking into consideration all the representations from the Licensing Authority and from Other Persons (local residents) the Sub-committee felt that the premises were continuing a tradition that was already there and they were evolving and responding to feedback from local residents. The Sub-committee were impressed with the Applicants aspirations to have harmonious and good relations with local residents. The Sub-committee was impressed with the efforts the Applicants were making to communicate with local residents and address their concerns.

The Sub-committee were content with the conditions proposed to operate the premises responsibly including that the alcohol will be served with a substantial table meal on the premises. The Sub-committee took into account that there will be no off-sales of alcohol, only on-sales of alcohol. The Sub-committee felt that as the premises were serving alcohol until 21:00 hours and closing the premises at 22:00 hours, that the concerns raised by the local residents would be significantly reduced.

The Sub-committee felt that the Applicants demonstrated that they have control of their waste and recycling and use of sustainable containers. The Sub-committee took into consideration that the premises have outdoor seating of two tables with chairs, four chairs at each table, and that no alcohol will be served to the outside tables. The Sub-committee heard that they do use sustainable containers for takeaway meals. The Sub-committee also noted that the Applicants have an incentive for customers that if they bring their own containers they would receive a discount on their takeaway meal.

The Sub-committee had concerns about the grilling, but about the frequency of the grilling of food in the garden, which would result in smells, odours and fumes that may affect local residents and the Applicants needed to monitor this.

The Sub-committee felt that the premises due to its size and capacity would have less of a negative impact on the residential area.

Having taken all of the above factors into consideration, the Licensing Sub-committee was satisfied, when granting this application for a premises licence, that the licensing objectives would be upheld.

Public Informatives

The Premises Licence Holder is encouraged to work with the local residents to deal with any issues arising relating to noise or other nuisance from the premises and the impact on the local area.

The Premises Licence Holder should monitor any food odours and smoke when grilling food in the garden and be mindful of any potential impact on local residents.

The Premises Licence Holder is advised as part of the rigorous monitoring and checking process that the recruitment of staff are to be well trained and to undertake the required training including Wave training, training for vulnerable persons and other training offered by the Council's Hackney Nights portal.

The Premises Licence holder is strongly encouraged to use sustainable cutlery, plates, cups, food containers, and recyclable materials to avoid using single-use plastic disposable items to protect the local area, to prevent litter, and to protect the environment.

7 Variation of premises licence: So Local, 175 Mare Street, London, E8 3RH (Ward: London Fields)

7.1 This application was DEFERRED at the request of the applicant.

8 Temporary Event Notices - Standing Item

8.1 The TEN application for Gillett Square Cultural Centre, Gillett Square, London was withdrawn by the premises user.

Duration of the meeting: 2.00- 2.40pm