



# L I C E N S I N G S U B - C O M M I T T E E A S U P P L E M E N T A R Y A G E N D A

Thursday, 19 October 2023 at 7.00 pm

Until further notice, all Licensing Sub-Committees  
will be held remotely

Live stream link: <https://youtube.com/live/YrUqGdWtecl>

Back up link: <https://youtube.com/live/eR53KD-z4yl>

Members of the Committee:

Cllr Sophie Conway, Cllr Gilbert Smyth and Cllr Penny Wrout

**Dawn Carter-McDonald**  
Interim Chief Executive  
Published on: 18 October 2023  
[www.hackney.gov.uk](http://www.hackney.gov.uk)

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# **Licensing Sub-Committee A**

**Thursday, 19 October 2023**

**4 Minutes of the Previous Meeting (Pages 13 - 34)**

- 28 July 2022
- 27 July 2023
- 21 September 2023

**7 Alba,11 Boundary Street, E2 5PW – Additional Information from the Applicant (Pages 35 - 54)**

## **Licensing Sub-Committee Hearings**

This guide details the procedure for Licensing Sub-Committee hearings under the Licensing Act 2003. Whilst this will be used in most cases, the procedure will be altered in exceptional circumstances and when for example Personal Licences, Temporary Event Notices and Reviews are considered.

Until further notice, all Licensing Sub-Committee Hearings will be held remotely using the Google Meets platform. Licensing Sub-Committee Hearings are public meetings that are live-streamed. Hearings are available to be viewed by the public online.

### **A Licensing Sub-Committee will be held if:**

- The applicant has applied for a Premises Licence, Provisional Statement, Club Premises Certificate or expressed their intention to vary their existing licence/certificate and has advertised this in a local newspaper and displayed a distinctive blue notice at the premises, following which representations have been made by a Responsible Authority or Other Person/s.
- A Review has been requested by a Responsible Authority or Other Person/s and the Review has been advertised by displaying a distinctive blue notice at the premises and also at the Council's office and website.
- An application is made to transfer a Premises Licence or for interim authority and the Police have issued an objection
- The applicant has made a Personal Licence application and the Police have objected to the Licence being granted.
- A Temporary Event Notice has been given and the Police and/or those in the Council that exercise environmental health functions have issued an objection.

### **Prior to your item being heard:**

- The Licensing team upon receiving representations will form a view as to whether the representations are irrelevant, frivolous, vexatious or for review applications; repetitious.
- The Licensing team would have provided written notice to all parties in advance of the hearing and would have responded to any request relating to personal details being removed from the agenda.

If you do not believe this to have happened, please contact the Licensing Service on 020 8356 4970 or email [licensing@hackney.gov.uk](mailto:licensing@hackney.gov.uk) as soon as possible. For further information on the application process, please see the guidance notes at [www.hackney.gov.uk/licensing](http://www.hackney.gov.uk/licensing).

## **Making decisions on the items being heard:**

Hearings will normally be held in public unless the Sub-Committee believe it not to be in the public interest to do so. Although the Chair will try to make the proceedings as informal as possible, these hearings are of a quasi-judicial nature, and the rules of natural justice shall apply.

Only those Responsible Authorities and Other Persons who have made a relevant representation in writing at the consultation stage **can register to speak at a subsequent hearing**. Applicants, Other Persons and Responsible Authorities will all be given a fair opportunity to put their case and the Sub-Committee will take these representations into account when making their decision. The Sub-Committee may still make a decision on any matter even if any party fails to attend the hearing. However, in these circumstances, it will only be that party's written representation that may be taken into account.

For new applications relating to Premises Licences and Club Premises Certificates, Members can grant with additional conditions attached to the licence, exclude any licensable activities, refuse a Designated Premises Supervisor (DPS) if appropriate or reject the application.

Members when making decisions on variation applications regarding a Premises Licence or Club Premises Certificate, can modify (add, delete or amend) conditions on the licence or reject the application in whole or part. Members will be considering the request for a variation and the impact that this may have. Therefore, representations should be focused on the impact of the variation, although concerns relating to the existing terms of the licence may be relevant in considering the track record of the applicant. However, Members may consider other issues which relate to the promotion of the licensing objectives, although only if it is reasonable and proportionate to do so.

For Provisional Statements, Members can consider any steps that are necessary having regard to the representations made in order to ensure the licensing objectives are not undermined.

Members when deciding a Review application can modify (add, delete or amend) the conditions of the licence, exclude any licensable activities, remove a DPS if appropriate, suspend the licence/certificate for up to 3 months or revoke the licence/certificate completely.

For transfer of Premises Licences, interim authority requests and Personal Licence applications Members can only refuse or grant the application.

Members when deciding on an objection made against a Temporary Event Notice (TEN) will determine whether or not to issue a Counter Notice, which if issued will prevent the proposed event from proceeding. If a TEN has been given for a premises that already has a licence/certificate, Members may impose any of those conditions from the existing licence/certificate to the TEN.

### **Before the meeting starts:**

The Sub-Committee Members are requested to report for business no more than half an hour before the meeting starts to deal with any administrative/procedural issues. This will allow Members to consider;

- the appointment for any substitutes if required
- the appointment of the chair
- any procedural issues
- obtain the list of attendees
- late documents delivered prior to the meeting and to ensure all the paperwork is in order

The Sub-Committee will not be considering any of the actual points raised within the Report itself and no Responsible Authority or Other Person/s shall be present when the Sub-Committee deal with the above issues.

### **Attending the hearing that concerns you:**

All Applicants, Other Persons and Responsible Authorities involved will be informed in writing of the date and time that their application will be considered by the Licensing Sub-Committee. Please contact the Licensing Service on 020 8356 4970 or email [licensing@hackney.gov.uk](mailto:licensing@hackney.gov.uk) to confirm whether you wish to attend and/or register to speak at the Sub-Committee hearing or if you wish for someone else to speak on your behalf. If you are unable to attend, the application may be heard in your absence.

All parties should arrive promptly at the outset of the scheduled meeting regardless of when the item is listed to be heard on the agenda.

Please contact the Licensing Service for advice within 4 working days from the date on the notice letter if any of the following apply;

- you have special requirements to help make your representation, because of a disability or you need a translator for example
- you wish to supply additional [documentary] information such as photographs and videos/DVDs

Please note that if you wish to provide additional relevant information, this should be given at least **5 working days** before the hearing. Any additional information provided once the hearing has started will only be accepted if all parties agree. Please note that the use of videos/DVDs is at the Sub-Committee's discretion – requests to show these should be made in advance to the Committee Officer.

### **Timings**

In most cases the application will last no longer than 1 hour, and the times to be allocated to each section are shown on the relevant hearing procedure. If you think that your evidence is likely to exceed this time period, please let the Licensing Service know **within 4 working days of the date on the notice letter** and the Sub-

Committee will be advised. If your request is agreed, all parties will also be granted the same extension of time.

### **Lobbying of Councillors**

If a person or an organisation wants to make a representation to the Licensing Sub-Committee, they must **NOT** contact Sub-Committee Members directly. Licensing Sub-Committee Members have to retain an open mind on any application and determine it on its merits. Members cannot be in anyway biased towards a party. Therefore, if a Member of the Sub-Committee has had any prior involvement they must ensure that they come to the hearing with an open mind.

Local ward councillors may be able to speak on behalf of objectors if requested to do so, provided that if they have a disclosable pecuniary interest (further information provided below) they leave the meeting room when the application is being considered unless they have been granted dispensation.

### **Reports**

Agendas and Reports for Licensing Sub-Committees are published on the Council's website ([www.hackney.gov.uk](http://www.hackney.gov.uk)) 5 working days before the hearing takes place. Copies are also available by contacting Governance Services on 0208 356 3578 or email [governance@hackney.gov.uk](mailto:governance@hackney.gov.uk). Copies of applications together with the detail of any objections will be included in the report.

### **Appeals**

Applicants or any party to the hearing can appeal against the decision made by the Sub-Committee. The appeal to the Thames Magistrates Court must be made within 21 days of the decision being sent formally in writing. However, TEN's have the added restriction that no appeals can be made later than 5 working days before the event is scheduled to take place.

### **Withdrawal of an Item or Cancellation of a Hearing**

An item may be withdrawn from the agenda of a Licensing Sub-Committee meeting at short notice due to the withdrawal or resolution of the representations or objections to an application or notice. A hearing by the Licensing Sub-Committee may therefore be cancelled at short notice if there are no substantive items remaining on the agenda.

As much advance notice as is practicable of the withdrawal of an item on the agenda or cancellation of a meeting of the Licensing Sub-Committee will be provided on the Council's website but please note that this might be as little as a few hours before the hearing if the applicant chooses to leave it that late to satisfactorily address any representation or objection giving rise to the need for a hearing.

## Contacts

If you have a query about Licensing Sub-Committee procedures and protocols then please contact Governance Services: [governance@hackney.gov.uk](mailto:governance@hackney.gov.uk)

.If your query relates general licensing matters or to specific applications then you are advised to speak to the Licensing Service. They can be contacted at:

Telephone: 020 8356 4970

E-mail: [licensing@hackney.gov.uk](mailto:licensing@hackney.gov.uk)

## Relevant Extracts from Hackney's Statement of Licensing Policy

Below are relevant extracts from the Statement of Licensing Policy 2018.

### LP1 General Principles

The Council expects applicants to demonstrate:

- a) That they have an understanding of the nature of the locality in which the premises are located and that this has been taken into consideration whilst preparing the operating schedule.
- b) Where the application is for evening and night-time activity, that the proposal reflects the Council's aspiration to diversify the offer, whilst at the same time promoting the licensing objectives.

### LP2 Licensing Objectives

**Prevention of Crime and Disorder** Whether the proposal includes satisfactory measures to mitigate any risk of the proposed operation making an unacceptable contribution to levels of crime and disorder in the locality.

**Public Safety** Whether the necessary and satisfactory risk assessments have been undertaken, the management procedures put in place and the relevant certification produced to demonstrate that the public will be kept safe both within and in close proximity to the premises.

**Prevention of Public Nuisance** Whether the applicant has addressed the potential for nuisance arising from the characteristics and style of the proposed activity and identified the appropriate steps to reduce the risk of public nuisance occurring.

**Protection of Children from Harm** Whether the applicant has identified and addressed any risks with the aim of protecting children from harm when on the premises or in close proximity to the premises.

### LP3 Core Hours

Hours for licensable activity will generally be authorised, subject to demonstrating LP 1 and LP2, as follows:

- Monday to Thursday 08:00 to 23:00
- Friday and Saturday 08:00 to 00:00
- Sunday 10:00 to 22:30

Hours may be more restrictive depending on the character of the area and if the individual circumstances require it.

Later hours may be considered where the applicant has identified any risk that may undermine the promotion of the licensing objectives and has put in place robust measures to mitigate those risks. *It should be noted that this policy does not apply to*



*those who are making an application within a special policy area (see section 3) unless they have been able to demonstrate that the proposed activity or operation of the premises will not add to the cumulative impact that is already being experienced.*

#### **LP4 Off' Sales of Alcohol**

Hours for the supply of alcohol will generally be restricted to between 08:00 and 23:00.

#### **LP5 Planning Status**

Licence applications should normally be from premises where:

- a) The activity to be authorised by the licence is a lawful planning use or is a deemed permitted development pursuant to the General Permitted Development Order (1995) as amended.
- b) The hours sought do not exceed those authorised by any planning permission.

The Licensing Authority may take into account the lack of planning permission or an established lawful use in deciding whether there is likely to be any harm to the licensing objectives.

#### **LP6 External Areas and Outdoor Events**

The Licensing Authority will normally restrict external areas and outdoor activity to between 08:00 and 22:00 unless the applicant can demonstrate that comprehensive control measures have been implemented that ensure the promotion of the licensing objectives, in particular the public nuisance objective. Notwithstanding any proposed control measures, the Licensing Authority may restrict the hours and/or activity even further.

#### **LP7 Minor Variations**

The Council expects applications to be made in the following circumstances only:

- Small changes in the layout/structure of the premises
- The addition of voluntary/agreed conditions
- Removal of conditions that are dated and have no impact on the operation of the premises
- Reduction of hours for any licensable activity

#### **LP8 Temporary Event Notices**

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

- Consider any other control measures proposed to mitigate the objection

### **LP9 Personal Licences**

- (a) The Council will consider whether a refusal of the licence is appropriate for the promotion of the crime prevention objective and will consider the:
- (i) Seriousness and relevance of any conviction(s) (ii) The period that has elapsed since committing the offence(s) (iii) Any mitigating circumstances that assist in demonstrating that the crime prevention objective will not be undermined.

### **LP10 Special Policy Areas – Dalston and Shoreditch**

It is the Council's policy that where a relevant representation is made to any application within the area of the Dalston SPA or Shoreditch SPA, the applicant will need to demonstrate that the proposed activity and the operation of the premises will not add to the cumulative impact that is currently being experienced in these areas.

This policy is to be strictly applied.

It should also be noted that the;

- quality and track record of the management;
- good character of the applicant; and
- extent of any variation sought

May not be in itself sufficient. It should be noted that *if an applicant can demonstrate that they will not add to the cumulative impact in their operating schedule and at any hearing, then the Core Hours Policy within LP3 will apply.*

### **LP11 Cumulative Impact – General**

The Council will give due regard to any relevant representations received where concerns are raised and supported around the negative cumulative impact the proposed application has on one or more of the licensing objectives.

## Advice to Members on Declaring Interests

If you require advice on declarations of interests, this can be obtained from:

- The Monitoring Officer;
- The Deputy Monitoring Officer; or
- The legal adviser to the meeting.

It is recommended that any advice be sought in advance of, rather than at, the meeting.

### Disclosable Pecuniary Interests (DPIs)

You will have a Disclosable Pecuniary Interest (\*DPI) if it:

- Relates to your employment, sponsorship, contracts as well as wider financial interests and assets including land, property, licenses and corporate tenancies.
- Relates to an interest which you have registered in that part of the Register of Interests form relating to DPIs as being an interest of you, your spouse or civil partner, or anyone living with you as if they were your spouse or civil partner.
- Relates to an interest which should be registered in that part of the Register of Interests form relating to DPIs, but you have not yet done so.

If you are present at any meeting of the Council and you have a DPI relating to any business that will be considered at the meeting, you **must**:

- Not seek to improperly influence decision-making on that matter;
- Make a verbal declaration of the existence and nature of the DPI at or before the consideration of the item of business or as soon as the interest becomes apparent; and
- Leave the room whilst the matter is under consideration

You **must not**:

- Participate in any discussion of the business at the meeting, or if you become aware of your Disclosable Pecuniary Interest during the meeting, participate further in any discussion of the business; or
- Participate in any vote or further vote taken on the matter at the meeting.

If you have obtained a dispensation from the Monitoring Officer or Standards Committee prior to the matter being considered, then you should make a verbal declaration of the existence and nature of the DPI and that you have obtained a dispensation. The dispensation granted will explain the extent to which you are able to participate.

### Other Registrable Interests

You will have an 'Other Registrable Interest' (ORI) in a matter if it

- Relates to appointments made by the authority to any outside bodies, membership of: charities, trade unions,, lobbying or campaign groups, voluntary organisations in the borough or governorships at any educational institution within the borough.
- Relates to an interest which you have registered in that part of the Register of Interests form relating to ORIs as being an interest of you, your spouse or civil partner, or anyone living with you as if they were your spouse or civil partner; or
- Relates to an interest which should be registered in that part of the Register of Interests form relating to ORIs, but you have not yet done so.

Where a matter arises at any meeting of the Council which affects a body or organisation you have named in that part of the Register of Interests Form relating to ORIs, **you must** make a verbal declaration of the existence and nature of the DPI at or before the consideration of the item of business or as soon as the interest becomes apparent. **You may** speak on the matter only if members of the public are also allowed to speak at the meeting but otherwise must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation.

### **Disclosure of Other Interests**

Where a matter arises at any meeting of the Council which **directly relates** to your financial interest or well-being or a financial interest or well-being of a relative or close associate, you **must** disclose the interest. **You may** speak on the matter only if members of the public are also allowed to speak at the meeting. Otherwise you must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation.

Where a matter arises at any meeting of the Council which **affects** your financial interest or well-being, or a financial interest or well-being of a relative or close associate to a greater extent than it affects the financial interest or wellbeing of the majority of inhabitants of the ward affected by the decision and a reasonable member of the public knowing all the facts would believe that it would affect your view of the wider public interest, you **must** declare the interest. You **may** only speak on the matter if members of the public are able to speak. Otherwise you must not take part in any discussion or voting on the matter and must not remain in the room unless you have been granted a dispensation.

In all cases, where the Monitoring Officer has agreed that the interest in question is a **sensitive interest**, you do not have to disclose the nature of the interest itself.



## MINUTES OF A MEETING OF THE LICENSING SUB-COMMITTEE D

THURSDAY, 28 JULY 2022 AT 2:00 PM

THIS MEETING WAS LIVE STREAMED AND CAN BE VIEWED HERE:

<https://youtu.be/9IXihTQHEvE>

<p><b>Councillors Present:</b></p>	<p><b>Cllr Susan Fajana-Thomas( Chair)</b></p> <p><b>Cllr Sem Moema</b> <b>Cllr Gilbert Smyth</b></p>
<p><b>Officers in Attendance:</b></p>	<p><b>Amanda Nauth – Licensing and Corporate Lawyer</b> <b>Suba Sriramana – Principal Licensing Officer</b> <b>David Tuitt - Licensing Authority Representative</b> <b>Natalie Williams - Senior Governance Officer</b></p>
<p><b>Also in Attendance:</b></p>	<p><b><u>Agenda item 5 - The Adam and Eve, 155 Homerton High Street E9 6AS.</u></b></p> <p>Stephen Mulgrave - Applicant Felicity Tulloch - Applicant's Agent Other Persons - Cllr Sharon Patrick, Tom Rahilly, Catherine Armstrong and Tiffany Okhort, Emma Davenport, Pamela Harvey, and Marcia Harvey,</p> <p><b><u>Agenda Item 6 - Tesco Express, 48 Matthias Road, N16 8LH</u></b></p> <p>Jeremy Bark - Applicant's legal representative Lee Coveney - Area manager Other Persons - Representative from the Waldron House Residents Association, Stanislas Weinberger, David and Maria Aranzazu, Gabriela Lacaci Marco Bensa and Maureen Verbraeken</p>

**1. Election of Chair**

1.1 Cllr Fajana-Thomas was duly elected as Chair.

**2. Apologies for Absence**

2.1 There were no apologies received.

### **3. Declarations of Interest**

3.1 Cllrs Fajana-Thomas, Moema and Smyth declared an interest in relation to agenda item 5. It was noted that Cllr Sharon Patrick and Cllr Lynne Troughton who were registered as 'Other Persons' to speak in objection to the application were both known to them as current Councillor colleagues. It was further noted that former Councillors Tom Rahilly and Rebecca Rennison who were also registered to speak as 'Other Persons' were also known to them as former Members of the Council. It was confirmed that they had not discussed the application with any of the 'Other Persons'.

### **4. Licensing Sub-Committee General Information and Hearing Procedure**

4.1 The Licensing and Corporate Lawyer outlined the hearing procedure to be followed.

### **5. Premises Licence: The Adam and Eve - 165 Homerton High Street, E9 6AS**

5.1 The sub-committee heard from the Principal Licensing Officer, the Applicant's legal representative, the applicant, the Licensing Authority and Other Persons. The sub-committee noted the additional information submitted by the Applicant and Other Persons as well as correspondence between Applicant and 'Other Person'. The application sought regulated entertainment, late night refreshment and on and off sales of alcohol.

5.2 During the course of submissions and a discussion of the application, the following points were highlighted:

- The premises operated as a pub. The Applicant's legal representative stated that the purpose of the application was to replace the existing licence which the Applicant considered to be outdated and no longer fit for purpose. The licence in place did not reflect the layout of the premises, the conditions did not address the issues of use of the external area(s) and noise control of patrons.
- The application requested a narrower remit with no bank holiday extended hours.
- The new licence would have 60 conditions which have been approved by the Responsible Authorities. Subsequently the Police and Environmental Health had withdrawn their objections.
- An acoustic report was commissioned, copies of which had been circulated and its findings implemented.
- Rose Pubs had operated the premises for over 10 years
- Two meetings had been held with local residents which were facilitated by the Licensing Authority following which the acoustic report as well as other suggested measures were implemented.

- The Licensing Authority's objection to the application primarily related to noise nuisance following a series of complaints. Concerns were also raised about the boundary walls of the garden which extended beyond the current plan.
- No planning issues or irregularities were reported.
- Representations submitted by 'Other Persons' were predominantly concerning noise nuisance emanating from the beer garden at the rear of the premises. Residents believed that the use of the rear garden had been extended without planning permission to include the bottle store which bordered residential premises.
- Residents had requested involvement in choosing the acoustic consultant to ensure neutrality but this was declined. It was believed that the report did not include peak noise levels.
- The pub was located in a largely residential area. Noise nuisance was described as crowd noise which included jeering, chanting, shouting and singing which happened even when relatively small numbers of people were present. This had significantly impacted the mental health of some neighbours in the vicinity.
- Residents believed that the application was submitted due to the likelihood of the licence being reviewed and therefore to normalise use of unauthorised areas.
- The Applicant reported that the outdoor space was used in a more prolific way during the pandemic. In the new plans, any areas that bordered neighbours' property were noted as having no customer access.
- Residents confirmed when use of the rear garden was as per the existing licence, there were no issues. Problems arose due to the unauthorised use of the wider space. Residents raised concerns regarding the incorporation of previously unlicensed areas of the garden which were included in the application.
- The Applicant and his legal representative confirmed that alcohol had never been served in the areas in question in the rear garden (bottle stores and covered area). Due to having off sales on the current licence, alcohol could be consumed in these areas.
- The capacity of the outside area based on the fire risk assessment was reported by the Applicant to be 120 people. All findings of the acoustic assessment as well as recommendations from Environmental Enforcement have been implemented.
- The Applicant was amenable to having a seated only condition for the outside area, but did not agree to the suggested limit of 40 patrons.
- Members raised concerns relating to the capacity of the outdoor area and lack of an operational management plan specifically for the outside area.

**RESOLVED:** 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;
- The protection of children from harm; t



The application to vary a premises licence has been refused in accordance with Licensing Policies LP1, LP2, LP3, LP4, LP6 and LP11 within the Council's Statement of Licensing Policy.

**Reasons for the decision**

The Licensing Sub-committee, having heard from the Licensing Authority and Other Persons believed that granting the application would result in the licensing objectives being undermined, and would have a negative impact on the area. The Sub-committee took into consideration the representations of the Licensing Authority who objected to this application due the impact it would have on local residents. The Sub-committee also took into consideration 10 representations received on behalf of local residents who strongly objected to this application on the grounds of public nuisance. The Sub-committee noted that Environmental Enforcement and the Metropolitan Police Service withdrew their objections in advance of the hearing as they agreed conditions with the applicant.

The Sub-committee took into consideration the Licensing Authority and Other Persons (local resident's) representations that there were a number of noise complaints received since December 2020 relating to the conversion of the "Bottle Store" and the "Covered Yard" in the customer areas and within the existing licensed area. The SubCommittee heard that the Licensing Authority raised the noise complaints with the Applicant before the Coronavirus lockdown, however the Applicant failed to take any action and the noise complaints continued when the lockdown eased from April 2021.

The Sub-committee heard representations from the Licensing Authority that following ongoing noise complaints from April 2021 they visited the premises and found that additional seating had been installed in external areas abutting the boundary walls. The Applicant was asked to cease using the additional external areas, the "Bottle Store" and the "Covered Yard", and take steps to mitigate the noise nuisance that was continuing to affect the local residents.

The Sub-committee took very seriously that while the use of the external areas abutting the boundary walls ceased the Applicant did not take measures to prevent customers accessing the external areas even though they were aware of the impact that this would have on a number of local residents who live within close proximity of the existing premises. The Applicant's failure to take the necessary measures to prevent noise nuisance that was brought to their attention a number of times which was very disappointing to the Sub-committee and showed that they had no regard for their neighbours and the impact the noise nuisance was having on them.

The Sub-committee felt that the grant of a new licence will exacerbate the existing problems causing further noise nuisance and will continue to undermine the licensing objectives. The Sub-committee were concerned that there is nothing in the new application that addresses the existing problems given the concerns and unresolved problems of the existing premises. The Sub-committee were disappointed that the Applicant did not take the time to make the policy documents (Dispersion Policy and Smoking and Alfresco Dining Policy submitted specific to the premises to try and address the existing issues.



The Sub-committee had no confidence that the Applicant would uphold the licensing objectives in particular public nuisance.

The Sub-committee took seriously the concerns raised in the Licensing Authority's representations that instead of the Applicant trying to resolve the problems and issues associated with the premises for some time they decided to concentrate their efforts to increase the footprint of the premises to directly abut the perimeter wall.

The Sub-committee took into consideration the Noise report but felt the changes proposed were not enough to resolve the noise issues.

The Sub-committee felt the current premises licence is fit for purpose and does cover the back external areas, however, the Applicant has failed to manage the premises. The Sub-committee felt the Applicant needed to work on meeting conditions of the current licence and not renew or obtain a new licence.

The Sub-committee noted the Applicant wanted a new licence because they felt it would be better and would meet the licensing requirements.

The Sub-committee took into consideration the use of the outside space and felt the details were not clear.

The Sub-committee took into account local residents' concerns about the capacity of 120 outside. The Sub-committee were disappointed that no information on the capacity and the outside area was provided in advance of the hearing.

The Sub-committee are really concerned the Applicant may be in breach of their current licence. The Sub-committee felt it would be wrong to give a new licence when they cannot operate under the existing licence which is subject to enforcement action.

The sub-committee felt the Applicant did not prove their case and why a new licence should be granted. The sub-committee took into consideration the complaints from local residents and felt the Applicant needed to sort out their process and procedures and that should be demonstrated.

The sub-committee took into consideration that the licensee had implemented mitigation measures and was offering an external area management plan, however, it is not clear what impact these would have had. The noise report stated that the noise had reduced but the local residents have informed that the measures have made no difference.

The Sub-committee took into consideration that the Applicant is now seeking to regularise the external areas of the premises with operational hours in line with the internal areas. The sub-committee after considering the evidence presented felt that by granting this licence would lead to significant noise nuisance and disturbance to local residents in the area who have been reporting noise nuisance at the premises for some time. Therefore, the Sub-committee decided to refuse this application in its entirety.

**6. Premises Licence: Tesco Express, Newington Gate Development 48 Mathias Road, Newington Green N16 8LH**

6.1 The sub-committee heard from the Principal Licensing Officer, the Applicant's legal representative, the area Manager, the Licensing Authority and Other Persons. The application was for late night refreshment and to authorise the sale of alcohol for off sales. Environmental Enforcement had withdrawn their representations following agreement of conditions with the applicant. Representations remained from Environmental Protection who were not present and Other Persons.

6.2 During the course of discussion, the following points were noted:

- Tesco Express is its smallest form of convenience store aimed at people living and working in the area.
- Following discussions with residents the Applicant sought to reduce the opening hours and sale of alcohol to 0600 hours to 2300 hours subsequently removing late night refreshment.
- The Applicant believed this application not to be in a stress area and reported that Tesco was the first company to introduce Think 21 and Think 25.
- Employees were required to undertake induction and refresher training which was validated externally. There was extensive CCTV on the premises.
- Alcohol was described as a small and limited part of the offer typically accounting to approx 5-12% with spirits located behind the counter
- Planning permission was in place which limited deliveries between 0700 hours and 1900 hours.
- Representations submitted by 'Other Persons' in objection to the application, related to crime and disorder, public safety and public nuisance. Residents felt that the licence would exacerbate issues of forced entry into building, vandalism and antisocial behaviour which resulted in residents feeling unsafe.
- 'Other Persons' reported that the building comprised 73 flats and over three quarters of the apartments in the same building were occupied by vulnerable residents including over 55s, with mobility issues, children, single women and expectant mothers.
- Residents requested a later opening time in line with other shops in the locality and suggested that it would be useful if Tesco agreed to collect parcels for Waldron Road residents given the spate of thefts and anti-social behaviour.
- It was felt that the presence of a Tesco Express store would encourage drinking and loitering in the public courtyard area as well as tailgating into the building. It was also believed that the loading of cages at the front of the premises would limit access to the building.
- The Applicant's legal representative confirmed that Tesco would be content, if necessary for condition 12 to be imposed.
- Conditions 13-18 to be replaced by extra conditions
- The Applicant's legal representative confirmed that Tesco was the tenant. It was believed that Hackney Council was the freeholder for the building, with a sub lease to Anchor Housing. Separate service charging and refuse collection arrangements were in place

- It was confirmed that Tesco would be amenable to further reducing the opening hours and open at 0700 hours. Additionally, it was confirmed that there was adequate space in the warehouse at the back of the store to house empty cages, rubbish cages as well as the deliveries.
- The premises was approximately 300 metres away from the Newington Green store
- The legal representative did not believe that the store's presence would exacerbate any issues and instead said that the store would have a deterrent effect.
- Tesco was prepared to commit to regularly meet/liaise with residents and suggested the following condition ' The premises licence holder would liaise regularly with residents as required and where necessary will arrange meetings with the local residents'
- Members suggested quarterly meetings with residents using the Resident Association structure already in place.
- Residents expressed concerns relating to the lack of commitment from Tesco to assist in addressing any potential anti-social behaviour.

**RESOLVED:** The Licensing Sub-Committee in considering this decision from the information presented to it within the report and at the hearing 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 as applied for with the following amendments agreed with the Applicant.

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

### **Supply of Alcohol**

Monday to Sunday            07:00 - 23:00

### **Hours open to the public**

Monday to Sunday            07:00 - 23:00

- Conditions 13 to 18 to be removed from the licence.
- Conditions 10 and 11 to be removed from the licence.
- Late night, refreshment to be removed from the licence.

### **And additional conditions:**

- The Premises Licence Holder shall organise and publicise a meeting for local residents to discuss the operation of the premises and address any issues at least every 3 months. The frequency of meetings may be varied by agreement between the Premises Licence Holder and local residents.

### **Reasons for the decision**

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

The Sub-committee considered both written representations and representations from the 22 local residents including from Walrond Residents Association objecting to the application. The Sub-committee also considered that there was a petition submitted objecting to the application for off sales of alcohol. The Sub-committee noted that there are 75 flats in the local residents building.

The Sub-committee also considered the representations made by Environmental Enforcement, who agreed conditions with the Applicant before the hearing, the Sub-committee also considered the representations of the Environmental Protection team and the conditions that they proposed, and it decided that conditions Conditions 10 and 11 are not necessary because they related to on sales and only condition 12 from Environmental Protection would remain on the premises licence.

The Sub-committee heard representations from the Applicants legal representative that the application has been amended with reduced hours from 06:00 to 23:00 in accordance with Policy LP4. The Sub-committee heard that this is one of the Applicants smallest stores, that they are a good operator, that they follow best practices and that the premises is not in a stress area. The Applicants legal representative contends that unless there was good evidence in accordance with Government guidance that the application should be granted. The Applicants representative made submissions that the Applicant uses Think 21 policy. The Applicant does have extensive auditing and they have training for staff on alcohol sales. The Sub-committee heard that the Applicant has a detailed licensing policy in their stores and CCTV on the entrance and tills and in the alcohol areas of the store. The Applicants representative stated that 5% of store products are alcohol.

The Sub-committee heard that they have two bins outside the store and they are cleared regularly, and the premises had a delivery policy from 07:00 to 19:00.

The Sub-committee heard that three quarters of the residential flats had vulnerable residents over the age of 55 and felt that they were not being considered by the Applicant when making an application for an alcohol licence. The Sub-committee heard that the local residents were seeking reduced opening hours, and delivery hours to mitigate any noise impact. The Sub-Committee heard that there were 65 incidents reported in the area.

The Sub-committee heard that local residents were not consulted about the application. The local residents made representations that if the hours would not be reduced that they would like the application to be refused because there is a high risk of antisocial behaviour and public nuisance if the premises is allowed to operate until late at night. The Sub-committee heard that there had been a number of issues with Tesco opening long hours. The Sub-committee heard there was a large courtyard for people to drink until all hours of the night. The Sub-committee heard that this courtyard and open space encourages noise nuisance which bounces off and affects local residents in the flats above. The Sub-committee was asked to reject the application by the local residents because there already appeared to be a pattern of behaviour, which makes it difficult for local residents to live in the area.

The Sub-committee also heard that store cages were left at the front of the premises on a regular basis, and it adds to security and loitering issues and also they make a great deal of noise which affects local residents.

The Sub-committee heard from local residents that they are opposed to the application because the Applicant would not consider what happens to their customers after they leave the premises and the impact on the area immediately outside the premises which leads to anti-social behaviour and public nuisance. The local residents were not confident that the Applicants staff were trained sufficiently. The local residents said that they had seen bicycles stolen from the area and they also had experiences of families and children being concerned about tailgating and safety concerns in their residential building.

The Sub-committee heard that the Applicant is responsible for the premises and the front entrance. The Applicant does not own the building or the courtyard outside. The Applicant's Representatives confirmed that after receiving the representations, the Applicant decided to reduce their hours to consider the local residents and because the Applicant wanted to work with them. The Applicant does not feel the fears and concerns of the local residence will materialise. The Applicant confirmed that they will be active and will clean and maintain the area immediately outside of the shop.

The Sub-committee took into account that the Applicant had a delivery assessment and they have a process for using the cages in front of the premises. They cannot use the space at the back of the premises for the cages.

The Sub-committee took into consideration that the Applicant agreed to reduce the hours further by opening from 07:00 closing by 23:00. They noted that space is a premium at this store. They have taken into consideration how their Newington Green Store is operated. The Applicant confirmed that the loading and unloading will not be at the front of the premises, which they hope will reassure local residents. There will be no late night refreshment as a result of the reduced hours, and that they have security teams who can help with issues.

The Sub-committee took into consideration that the Applicant agreed to have quarterly meetings with the local residence or more frequently if they choose, which will assist them in dealing with any issues arising. The Applicant's legal representative confirmed that the Applicant will be a good neighbour and they will do their best to listen to residents' concerns and meet with them regularly.

The Sub-committee heard that local residents had paid for two benches to be moved in the courtyard area which are now situated outside the Applicant's premises. The Sub-committee heard that the local residents were disappointed that the Applicant could not restrict drinkers outside of the premises.

The Sub-committee took into account that local residents felt that the Applicant needs to demonstrate that the licensing objectives have been met, and that the sale of alcohol does not lead to crime and disorder and antisocial behaviour in the residential area.

The Sub-committee informed the local residents during the hearing that while they sympathise with local residents and their concerns and experiences they do not want to give false hope that the objections will mean a refusal of the alcohol licence.

The Sub-committee made it clear that they cannot put responsibility on the Applicant as to what happens once customers leave the premises. They cannot control how the Applicant operates their premises beyond the scope of the Licensing regime. This is an application for an alcohol licence to supply alcohol that is taken off the premises.

The Sub-committee considers each application on its own merits.

The Sub-committee took into consideration that there was no evidence that concerns would be exacerbated. The Sub-committee heard that the Applicant, Tesco are a tenant of the premises and there were concerns about litter and antisocial behaviour occurring outside of the premises which impacts the local residents in the area. The Sub-committee heard concerns from local residents about how the issue of litter and social behaviour and public nuisance will be monitored if the Applicant starts using the outside space and what enforcement action can be taken to prevent public nuisance in the area.

The Sub-committee was satisfied that with the conditions and reduced hours in accordance with Policy LP4 for alcohol off sales that would help the premises operate responsibly, and the concerns of local residents would be overcome. The Sub-committee took into consideration that the Applicant agreed to the Environmental Enforcement conditions and they agreed to have regular meetings with the local residents.

Having taken all of the above factors into consideration the Licensing Sub-committee was satisfied that this application could be approved without the licensing objectives being undermined.

**Public Informative:**

The Premises Licence holder is advised to inform the Licensing Authority of the Planning Permission they have obtained for the premises.



Close of meeting.

**Duration of Meeting** - 2:00 - 5.50pm

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## MINUTES OF A MEETING OF THE LICENSING SUB-COMMITTEE D

THURSDAY, 27 JULY 2023

- Councillors Present:** Cllr Penny Wrout in the Chair  
Cllr Zoë Garbett and Cllr Gilbert Smyth
- Officers in Attendance:** Rabiya Khatun – Governance Officer  
Amanda Nauth – Licensing and Corporate Lawyer  
David Tuitt - Business Regulation Team Leader
- Also in Attendance:** Unit 7 2-4 Orsman Road  
David Dadds- Applicant's Legal Representative

1 **Election of Chair**

1.1 Cllr Penny Wrout was duly elected as chair of the meeting.

2 **Apologies for Absence**

2.1 There were no apologies.

3 **Declarations of Interest - Members to declare as appropriate**

3.1 There were no declarations of interest.

4 **Minutes of the Previous Meeting**

4.1 There were no minutes for consideration.

5 **Licensing Sub-Committee General Information and Hearing Procedure**

5.1 The hearing procedure was noted by all present.

6 **Variation of Premises Licence: Unit 7 2-4 Orsman Road, London, N1 5FB**

6.1 The Sub-committee heard from the Business Regulation Team Leader and Applicant's legal representative, and also took into consideration the written representations submitted by the Other Persons.

6.2 All parties noted the confidential information received from the Applicant and Other Persons. The parties agreed that the information should not be in the public domain due to the nature of the allegations made against Hande Sezgin.

6.3 During the course of submissions and a discussion of the application, the Sub-committee noted the following:

- The Business Regulation Team Leader outlined the application seeking to remove condition 46 on the licence relating to Ms Sezgin being excluded from the premises, and advised that the late representation received following the consultation period was not relevant to the application and would not be taken into consideration at the meeting.
- The Applicant's legal representative stated that condition 46 should be removed as it was no longer relevant due to the passage of time, the Applicant upholding the licensing objectives and no incidents of crime and disorder at the premises. Ms Sezgin was of good character with no criminal convictions, had obtained the personal licence and SIA badge qualifications, had family connections to the venue, and no representations from the Responsible Authorities in particular Licensing and the Police.
- The Applicant's legal representative clarified that the Applicant had previously proposed condition 46 to address the Sub-committee's concerns relating to lack of trust and management skills following a breach of a condition relating to food. This condition was no longer relevant and had been removed from the current licence. The premises licence holder had been holding TENs events without any issues, the representation regarding the Stop Notice issued by Planning to cease using the outdoor area had been withdrawn today, and the issue of noise nuisance was being resolved.
- The Applicant's legal representative emphasised that many vexatious allegations that Ms Sezgin had been visiting the premises daily and being involved in management were uncorroborated allegations.
- The Business Regulation Team Leader confirmed that the council had received complaints relating to the premises during normal operating hours however, some specific complaints could not be corroborated by CCTV footage.
- The Sub-committee believed the Other Persons' complaints were not vexatious but there was a breakdown and history of poor community relations between the venue and local residents.
- The Applicant's legal representative confirmed that Mr Ozturk was the DPS and also premises licence holder (PLH). He had engaged with his neighbours and local residents and had sent letters to the residents about the application and had installed soundproofing to address the noise nuisance. He had received no responses or complaints.
- The Sub-committee expressed their disappointment at Ms Sezgin's absence at the hearing and to be able to speak directly to her.
- The Applicant's legal representative argued that remote meetings did not enable him to have a private discussion with his client and that the removal of this previous condition was not relevant to this application. The Sub-committee stated that any condition removed due to a safeguarding concern was a relevant consideration.
- The Applicant's legal representative reassured members that Ms Sezgin would not be involved fully in the management of the venue and would

only be on the premises to work or help out at the business as her partner owned another premises nearby. The current PLH and DPS would continue to manage the premises. The resident complaining of Ms Sezgin's behaviour had one previous interaction with her.

- The Sub-committee noted that some of the Other Person's concerns regarding Ms Sezgin's behaviour towards residents and the applicants and her mismanagement could not be explored in a committee setting as the Other Persons were not present and conflict resolution was needed between the parties.
- It was noted that the complainants needed to complain directly to the management and not the council.
- The Applicant's legal representative confirmed that the processes in place to deal with complaints included displaying the Applicant's telephone for residents to complain and they had not received any complaints from residents.
- In response to a question on how the Applicant planned to foster better relations with residents, the Applicant's legal representative offered to mediate between the residents/complainants and the management.

## **RESOLVED:**

### The decision

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 to vary 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 following condition will be added to the premises licence:

The Premises Licence holder to instruct and pay at their own cost for an independent expert mediator in conflict resolution, for example the Civil Mediation Council or a similar organisation, to seek to bring all parties together (the Premises Licence holder, the management and staff of the premises, local residents and the Licensing Authority) to find a way forward to resolve the issues between the local residents and the management of the premises within the next 3 months.

### Reasons for the decision

The Application to vary this premises licence has been approved to remove condition 46 from the premises licence as members of the Licensing Sub-committee were satisfied that the licensing objectives would not be undermined.

The Sub-committee took into consideration that the Responsible Authorities raised no objection to this Application to remove condition 46 from the premises licence. The Sub-committee noted the Temporary Events that had been acknowledged between 2022 - 2023.

The Sub-committee took into account that Other Persons (local residents) objected to the Application and their concerns about the venue. The Sub-committee noted that no crime reports had been provided by the Police.

The Sub-committee has no jurisdiction over Planning issues. However, what became apparent is that there are poor relations between the venue and local residents and more needs to be done to work harmoniously with neighbours.

The Sub-committee noted that condition 32 requires the contact details of the Designated Premises Supervisor to be on display for local residents or members of the public to make contact with the premises if they have any concerns.

The Sub-committee felt that given that the Responsible Authorities did not object to this Application they could not continue to have condition 46 on the premises licence. However, given the history of the premises they felt that a condition should be added to the premises licence that the premises undertake mediation at its own costs to try and resolve the concerns by local residents.

The Sub-committee would have liked the opportunity to speak to Hande Sezgin and to hear from her regarding this Application.

Having taken all of the above factors into consideration the Sub-committee was satisfied that by granting this variation to the premises licence, the licensing objectives would continue to be promoted.

### **Public Informative**

The Licence holder is encouraged to work with local residents to reduce noise nuisance, and prevent any negative impact in the area.

## **7 Temporary Event Notices - Standing Item**

7.1 There were no temporary event notices.

**Duration of the meeting:** 2:00pm

## MINUTES OF A MEETING OF THE LICENSING SUB COMMITTEE D

THURSDAY, 21 SEPTEMBER 2023

THIS MEETING WAS LIVE STREAMED AND CAN BE VIEWED HERE:

<https://youtube.com/live/MDNKdZRm-N4>

**Councillors Present:** Cllr Gilbert Smyth in the Chair

Cllr Zoe Garbett and Cllr Anya Sizer

**Officers in Attendance:** Amanda Nauth, Licensing Lawyer  
Suba Sriramana, Principal Licensing Officer (acting)  
Natalie Kokayi, Governance Officer

**Also in Attendance:** **Agenda Item 6: Application for a Premises Licence:  
International Food Store, 283 Mare Street E8 1PJ**

Applicant:

Engin Akin and Guy Hicks (Agent)

Responsible Authorities:

None.

Other Persons:

Local Resident – not in attendance

### 1 **Election of Chair**

1.1. Cllr Gilbert Smyth was duly elected as the Sub-Committee Chair.

### 2 **Apologies for Absence**

2.1 There were no apologies for absence.

### 3 **Declarations of Interest - Members to declare as appropriate**

3.1. None.

#### 4 **Minutes of the Previous Meeting**

4.1 The Sub-Committee approved the minutes of the following previous meetings:

- 2 August 2022; and
- 7 September 2023

#### **RESOLVED:**

The minutes of the previous meeting, held on 2 August 2022 and 7 September 2023, be approved as an accurate record of the meetings' proceedings.

#### 5 **Licensing Sub-Committee Hearing Procedure**

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

#### 6 **Application for Premises Licence: International Food Store, 283 Mare Street, E8 1PJ**

6.1 The Licensing Sub-Committee heard from Hackney Council's Acting Principal Licensing Officer and the Applicant's Agent. There were no representations from Responsible Authorities. The Other Person, who had not attended the hearing, had made representations on the grounds of the four licensing objectives in particular crime and disorder and public nuisance.

6.2 During the course of the meeting there was a discussion where the following points were raised:

- The agent for the Applicant noted the premises would sell international food and craft beers.
- The Applicant was of good character.
- Hours proposed were for core hours
- The Applicant's agent had written to the Other Person, through the Council, in order to allay concerns.
- There were no residential properties above the premises.
- The Applicant had agreed conditions to encourage people to leave quietly and had agreed a condition (17) to provide visible contact details if any issues arose.
- The Applicant's agent noted that sustainability issues were not a licensing objective and the Chair indicated that sustainability and the green agenda,

whilst they were not a licensing objective, had been encouraged by the Council.

There were no closing remarks from the agent for the Applicant.

**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 as applied for.

**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 that the Responsible Authorities (Environmental Protection, the Metropolitan Police Service ("the Police") and the Licensing Authority all agreed conditions with the Applicant in advance of the hearing, and withdrew their objections.

The Sub-committee took into consideration that there was one objection from a local resident on the grounds of the four licensing objectives in particular crime and disorder and public nuisance. The Sub-committee noted that the local resident felt that if the premises opened late at night that it would add to the crime and disorder and public nuisance in the area in addition to the impact on local residents.

The Sub-committee heard the Applicant's agent make representations that the premises will sell beers and they will not sell high-strength beers. The Sub-committee heard that the Applicant is a person of good character, they have other premises in the borough, and the Applicant is an experienced operator.

The Sub-committee took into account the reduced hours offered by the Applicant to core hours, closing at 23:00 hours, which is a reasonable time. The Sub-committee heard no other premises in the area were closed later. The Sub-committee noted that the Sainsbury's supermarket on the same road has similar hours. The Sub-committee heard that the Applicant will keep the front of the premises clean and clear, and they will not encourage loitering outside the premises. The Sub-committee heard that the Applicant would be happy to sort out any concerns raised by members of the public. The Sub-committee noted that the premises are selling high-end products, and the Applicant has space at the back of the premises to accommodate fridges.

The Sub-committee heard that there are no residential premises above the shop premises. There are offices above the premises, and the Applicant will ensure that

customers leave the area quietly. The Sub-committee noted that by the Other Person (a local resident) not attending the hearing, this prevented the Applicant from asking questions about their representation that was submitted, and they were not able to resolve any issues.

The Sub-committee heard representations from the Applicant's agent that the premises is not a destination point, and there needs to be prominent signage so that people are aware to leave quietly.

The Sub-committee noted that the Applicant had not considered any green policies, because it is not part of the licensing objectives. It was suggested to the Applicant's agent about the need for the Applicant to be aware of recycling, reusable items, single use plastics, the types of fridges that will be used on the premises to reduce energy costs, and just being aware of sustainability issues when operating the premises.

The Sub-committee felt that the concerns of the local resident were addressed by the reduced operating hours and conditions offered by the Applicant in advance of the hearing that were set out in the Licensing report.

Having taken all of the above factors into consideration the Licensing Sub-committee was satisfied that this application could be approved without the licensing objectives being undermined.

### **Public Informatives**

1. The Premises Licence holder is encouraged to work with local residents to prevent noise nuisance and any negative impact in the area.
2. The Premises Licence Holder is advised as part of the rigorous monitoring and checking 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.

### **7 Application for Variation of a Premises Licence: The Doner Store, 468 Kingsland Road E8 4AE**

7.1 The applicant had requested to adjourn the hearing.

### **8 Application for a Premises Licence: First Floor, 99 Wallis Road E9 5LN**

8.1 The application was approved under Delegated Authority.

### **9 Temporary Event Notices**

9.1 There were no Temporary Event Notices.



END OF THE MEETING

**Duration of the meeting:** 14:00-14:32

**Signed**

.....

**Councillor Gilbert Smyth**  
**Chair of Committee**

**Contact:**

Natalie Kokayi

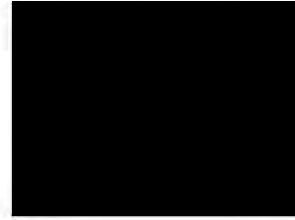
Governance Services Officer: Email [governance@hackney.gov.uk](mailto:governance@hackney.gov.uk)

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LICENSING CONSULTANCY

PcLicensing



Arno  
11 Boundary Street  
London  
E2 7JE

Wednesday 11<sup>th</sup> October 2023

Dear Committee members,

I write to you on behalf of my client Offramp Ltd, the applicant for the above premises licence.

During the process of the application, we attracted a number of residential representations and one from the licensing authority but, most notably, given the majority of the concerns, nothing from the police or environmental health.

It seemed that a number of the objectors had not seen the application and understandably were reacting to the legal notices, which don't ever explain enough about an application. As you are aware we then wrote a letter explaining the business to those that had taken the time to write.

I have reached out twice now to engage with the licensing authority but have received no reply from my emails dated 31<sup>st</sup> of August and the 11<sup>th</sup> of September or the letter sent to all representors on the 8<sup>th</sup> of September.

We have listened and we have amended/implemented as we are now more aware of the concerns that some of the nearby residents have. But I must point out that this is not a generic drinking house that will attract all and sundry. This small venue is directed toward a section of society that enjoy fine wines and beers, and the quality of such is heavily reflected in the cost.

As with all premises licence applications there is more of a direction to object than support. The overwhelming majority of people that support applications tend not to speak up, the invitation to object is more prominent than that to support. So, it is often not until an application reaches this stage that we hear from those in support. A couple of weeks ago my clients Mr's Aryan Anbari and Jimmy Stephenson went out, knocked on doors and spoke to residents and businesses in the area to introduce themselves and explain in person the

business that they wish to bring to the area. A number of people had not seen the notices, were unaware and on hearing what they had in mind were supportive of the business. As a result of this a petition was put together, they went out again and gained more support, most notably from the residents living above the premises which we have to point out are not tenants of my clients. We attach those signatures and emails received.

In September, I sent off two Freedom of Information requests. One to the Metropolitan Police and one to Hackney Borough Council as detailed below.

London Borough of Hackney Information request reference: [REDACTED]

All of the following requests are for within the time period 01/08/2022 to present and relate to how many reports of anti-social behaviour and or noise complaints have been recorded within that time frame in:

1. Boundary Street between Redchurch Street and Navarre Street?
2. Boundary Passage
3. Old Nichol Street between Boundary Street and Camlet Street

Please detail, if possible, the time, date, location and brief circumstances

Metropolitan Police Information request reference; FOI- [REDACTED]

Between 01/08/2022 and present day. I would like to know how many crimes as listed below have been reported in these specific road/streets during the above time period.

The streets/road are;

1. Boundary Street, Hackney, E2 between Redchurch Street and Navarre Street
2. Boundary Passage, E2
3. Old Nichol Street between Boundary Passage and Camlet Street, E2

1. How many alcohol related crimes have been reported?
2. How many drug related offences?
3. How many incidents of disorder

Please detail the time, date, location and brief circumstances if possible.

In the same time frame, 01/08/2022

4. How many offences have been reported concerning Licensed Premises in the following locations;

Boundary Street, E2 - Boundary Passage, E2 - Old Nichol Street, E2

I have since received the standard reply from both relating to the 20 day time frames. For transparency the police replied with the following;

1. With regards to the streets/roads (1 to 3). Would you be able to provide a map of the streets with the boundaries drawn on it?
2. Would you like to include/exclude the road junctions?
3. Would you like to include all offences or just offences located in the street/road?
4. With regards to question 4 do you have any particular Licensed Premises in mind?

We have a generic location code grouping for Licensed Premises/Restaurants which we can use.

A very basic map from google maps was provided with the borders of those junctions and we asked for all offences and all the junctions in order to get the best picture of the problems reported. We highlighted the following licensed premises;

Tesco Express, The Shoreditch Wine Room, The Owl and the Pussycat, The London Shuffle Club, the Rainbow Sports bar, BAO Restaurant, Smoking Goat, Brat Restaurant, Dishoom Restaurant and Shoreditch House Hotel including the Boundary.

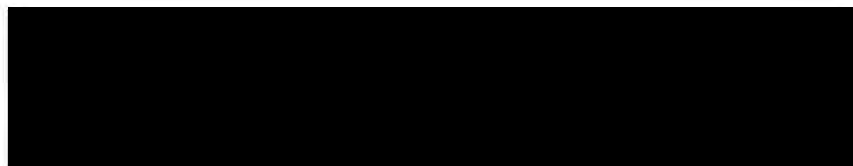
We hope this will give a much clearer picture of the issues the area is allegedly suffering from or perhaps give reasoning for the no representations from the police and Environmental Health. Essentially if there are notable, official records of complaints from the public or issues with crime then both of these responsible authorities have a duty to inform on that and submit a representation. Given that they have not objected or even reached out to us at any time during the application we can only assume at this time that there is actually very little officially reported. We hope that these reports are returned in time for the hearing.

If they are not returned in time, should anyone like to see those reports I am still happy to share.

Please find attached, emails/letters/signatures of support, documents relating to the FOI's and a prospective price list for Arno, and the offered amendments to the application below.

My clients and I look forward to the opportunity to discuss this venture with you in person at the hearing.

Kind Regards,



- Reviewed hours for licensable activity are now;

**Sunday to Wednesday 1000 - 2130 with closure of the premises at 2200**

**Thursday to Saturday 1000 - 2230 with closure of the premises at 2300**

- **Condition 3 amended; A recognised member of the premises management must attend all police/council licensing forums/resident meetings when invited.**
- **There will be a maximum of 4 patrons permitted to smoke outside the premises, a notice will be placed to inform customers of this, and the area will be monitored by staff.**
- **A notice will be placed by the exit encouraging customers to use the toilet before departing.**
- **Condition 26 amended; The Licensee shall instruct members of staff to make regular checks of the area outside the premises and remove any litter, bottles and glasses found. A final check should be made at close of business.**
- **The pavements outside the premises on both sides will be regularly swept clean and power washed to ensure cleanliness.**

- **Reviewed hours for licensable activity are now;**

**Sunday to Wednesday 1000 - 2130 with closure of the premises at 2200**

**Thursday to Saturday 1000 - 2230 with closure of the premises at 2300**

- **Condition 3 amended; A recognised member of the premises management must attend all police/council licensing forums/resident meetings when invited.**
- **There will be a maximum of 4 patrons permitted to smoke outside the premises, a notice will be placed to inform customers of this, and the area will be monitored by staff.**
- **A notice will be placed by the exit encouraging customers to use the toilet before departing.**
- **Condition 26 amended; The Licensee shall instruct members of staff to make regular checks of the area outside the premises and remove any litter, bottles and glasses found. A final check should be made at close of business.**
- **The pavements outside the premises on both sides will be regularly swept clean and power washed to ensure cleanliness.**



**Subject:** Information Request [REDACTED]  
**Date:** Monday, 25 September 2023 at 10:14:59 British Summer Time  
**From:** London Borough of Hackney  
**To:** Info

Information request  
Our reference: 20131045

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Dear Peter Conisbee

This is to acknowledge receipt of your information request to London Borough of Hackney.

If you have submitted a request under the  
**Freedom of Information Act 2000**  
, we aim to respond within the statutory timescale of 20 working days.

The reference number for your request is [REDACTED]

If you have any further enquiries, please reply to this email leaving the subject line unchanged.

We are currently experiencing a high volume of requests and may not be able to respond to you as promptly as we would like. However, we will endeavour to contact you as soon as possible.

Hackney Council  
1 Hillman Street  
Hackney  
London  
E8 1DY  
foioc@hackney.gov.uk

**NOTE: Please do not edit the subject line when replying to this email.**

All Hackney Council emails and attachments are private and intended solely for the use of the individual or entity to whom they are addressed. Unauthorised use (for example disclosure, storage or copying) is not permitted. If you are not the intended recipient please destroy all copies and inform the sender by return email.

The Council reserves the right to monitor, record and retain any incoming and outgoing emails for security reasons and for monitoring internal compliance with our policy on staff use. Email monitoring and / or blocking software may be used and email content may be read. Any views or opinions expressed in email are solely those of the author and do not necessarily represent those of Hackney Council.

The ICT service for the Council checks all emails and attachments for known malware, however, you are advised that you open any attachments at your own risk.

As a public body, the Council may be required to disclose the contents of emails (or any response to it) under the Freedom of Information Act 2000, unless the information in it is covered by one of the exemptions in the Act.





Information Rights Unit  
PO Box 313  
Sidcup  
DA15 0HH

Email: [foi@met.police.uk](mailto:foi@met.police.uk)

[www.met.police.uk](http://www.met.police.uk)

Your ref: [REDACTED]

Our ref: 0 [REDACTED]

29/09/2023

Dear Peter Conisbee

**Freedom of Information Act 2000 Acknowledgement - Reference:**  
[REDACTED]

I write in connection with your request for information which was received by the Metropolitan Police Service (MPS) on 25/09/2023. I note you seek access to the following information:

*Between 01/08/2022 and present day. I would like to know how many crimes as listed below have been reported in these specific road/streets during the above time period.*

*The streets/road are;*

- 1. Boundary Street, Hackney, E2 between Redchurch Street and Navarre Street*
- 2. Boundary Passage, E2*
- 3. Old Nichol Street between Boundary Passage and Camlet Street, E2*

- 1. How many alcohol related crimes have been reported?*
- 2. How many drug related offences?*
- 3. How many incidents of disorder Please detail the time, date, location and brief circumstances if possible.*

*In the same time frame, 01/08/2022*

- 4. How many offences have been reported concerning Licensed Premises in the following locations; Boundary Street, E2 Boundary Passage, E2 Old Nichol Street, E2 Redchurch Street, E2 Shoreditch High Street, E2 between Calvert Avenue and Bethnal Green Road Please detail the time, date, location and brief circumstances if possible.*

Your request will now be considered in accordance with the Freedom of Information Act 2000 (the Act). You will receive a response within the statutory timescale of 20 working days as defined by the Act.

Due to an increase in the volume of work received by the Data Office we regret to inform you that we have fallen behind in our processing and are experiencing delays.

We can assure you we are working as fast as we can to process your request and we are looking into ways to increase our staffing to accommodate the increase of work received by the MPS.

If you have any further enquiries concerning this matter, please contact us at [foi@met.police.uk](mailto:foi@met.police.uk), quoting the reference number above. Should your enquiry relate to the logging or allocations process we will be able to assist you directly and where your enquiry relates to other matters (such as the status of the request) we will be able to pass on a message and/or advise you of the relevant contact details.

Yours sincerely

**Data Office Triage Team  
Information Rights Unit**



**COMPLAINT RIGHTS**

**Are you unhappy with how your request has been handled or do you think the decision is incorrect?**

You have the right to require the Metropolitan Police Service (MPS) to review their decision.

Prior to lodging a formal complaint you are welcome to discuss the response with the case officer who dealt with your request.

**Complaint**

If you are dissatisfied with the handling procedures or the decision of the MPS made under the Freedom of Information Act 2000 (the Act) regarding access to information you can lodge a complaint with the MPS to have the decision reviewed.

Complaints should be made in writing, within forty (40) working days from the date of the refusal notice, and addressed to:

FOI Complaint  
Information Rights Unit  
PO Box 313  
Sidcup  
DA15 0HH  
[foi@met.police.uk](mailto:foi@met.police.uk)

In all possible circumstances the MPS will aim to respond to your complaint within 20 working days.

**The Information Commissioner**

After lodging a complaint with the MPS if you are still dissatisfied with the decision you may make application to the Information Commissioner for a decision on whether the request for information has been dealt with in accordance with the requirements of the Act.

For information on how to make application to the Information Commissioner please visit their website at [www.ico.org.uk](http://www.ico.org.uk). Alternatively, write to or phone:

Information Commissioner's Office  
Wycliffe House  
Water Lane  
Wilmslow  
Cheshire  
SK9 5AF  
Phone: 0303 123 1113

**11 Boundary Road, E2 7JE**

Offramp Ltd have recently applied for a premises licence to operate a small bottle shop and wine bar at the above address. A number of residents have objected giving concerns that their premises, if licensed, will increase the issues of ASB, crime and noise etc in the vicinity. For a little context, the venue will be selling high end premium wines, artisan spirits and the like. There is a maximum capacity of 40 persons on the ground floor, there will always be food available, and the basement is capped at 12 persons as it will be used for meetings of wine connoisseurs, sommeliers, tasting events etc.

We plan to be open Monday - Wednesday 1000-2200 & Thursday to Saturday 1000-2300

If you feel the area would benefit from such a venue and are in support of our application, please support us by adding your details below. This will be used at an upcoming hearing and will become a public document displayed on the council's web site. Please note: you do not need to submit your full address if you do not wish to. Your name and postcode will be sufficient.

Thank you for your support - Aryan & Jimmy  
If you'd like to know any more, please contact us or our consultant,  
Peter Conisbee on [REDACTED]

Name:

[REDACTED]

Address:

[REDACTED] Boundary Street, E2 [REDACTED]

Postcode:

E2 [REDACTED]

[REDACTED]



**11 Boundary Road, E2 7JE**

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If you'd like to know any more, please contact us or our consultant,  
Peter Conisbee on [REDACTED]

Name: [REDACTED]

Address: [REDACTED] Boundary St

Postcode: E2 [REDACTED]

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If you'd like to know any more, please contact us or our consultant,  
Peter Conisbee on [REDACTED]

Name: [REDACTED]

Address: E2 [REDACTED],

Postcode:

11 Boundary Road, E2 7JE

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Thank you for your support - Aryan & Jimmy  
If you'd like to know any more, please contact us or our consultant,  
Peter Conisbee on [REDACTED]

Name: [REDACTED]

Address: [REDACTED]

Postcode: E2 [REDACTED]

*Boundary Street*

[REDACTED]

11 Boundary Road, E2 7JE

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If you'd like to know any more, please contact us or our consultant,  
Peter Conisbee on [REDACTED]

Name: [REDACTED]

Address: [REDACTED]

BOUNDARY STREET

Postcode: E2 [REDACTED]

[REDACTED]



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If you'd like to know any more, please contact us or our consultant,  
Peter Conisbee on [REDACTED]

Name [REDACTED]

Address: [REDACTED] Boundary Street

Postcode: E2 [REDACTED]

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Thank you for your support - Aryan & Jimmy  
If you'd like to know any more, please contact us or our consultant,  
Peter Conisbee on [REDACTED]

Name: [REDACTED]

Address: [REDACTED] Boundary Street

Postcode: E2 [REDACTED]

**Subject:** 'In support of Hector's and Offramp Ltd'

**Date:** Wednesday, 11 October 2023 at 12:56:22 British Summer Time

**From:** [REDACTED]

**To:** Info

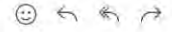
To whom it may concern,

I am writing this letter in support of my neighbour, Hector's wine shop and wine bar. I am an artist and live directly above Hector's with my teenage son and have been living here for many years since before they opened as well. They have had such a positive impact on the area and the place has become a hub and meeting place in the community. It has been a big improvement on the last tenants of the shop who were a cafe. They were loud, disruptive and didn't get on all too well with many of the neighbours.

The style of Hector's is very friendly and welcoming so it attracts a nice crowd of people, I suppose a lot of wine enthusiasts too by the looks of it. They are never open too late and are respectful of the opening hours and move their customers on as I think they don't like being there too late themselves! It's nice to see that in the daytime families will stop by and it's become my go-to meeting point when people come to visit me from outside the area. I have to say they have also really looked after the street outside the shop and you'll often see Jimmy or one of the guys sweeping the street when they open in the morning and watering the trees and plants they have planted outside. It's nice to see how much pride they take in their business and the area. To summarise; they are fantastic, respectful and responsible operators and I am sure that they will continue with the same effort in this new site, I really look forward to coming down to visit.

Kind regards,  
[REDACTED]

Offramp Ltd Licence Application





To:  Info

Today at 10:03

To whom it may concern,

I am writing to express support for the directors of Offramp Ltd., Aryan and Jimmy, in their premises application at 11 Boundary Street. As an operator of a licensed restaurant in their vicinity, I am acutely aware of the responsibilities businesses like ours carry in the community, and certain they will fulfil their duties to remain respectful to our surrounding community and be proactive in upholding the integrity of our neighbourhood.

I have known professionally Aryan for many years, as peers in the hospitality community of East London. I have known him to keep to the highest professional standards in operating licensed restaurants recognised for their excellence. I have witnessed first hand the quality of service afforded to guests, of care to staff and to the wider community - as such these venues under his management have been pillars within our industry and their local neighbourhoods.

I have every faith these qualities will add to our neighbourhood with such a business on 11 Boundary Street. It will no doubt act as yet another example of how well-considered, thoughtfully integrated licensed businesses in our area can contribute to a thriving and considerate neighbourhood in Shoreditch.

Kind Regards,



## ARNO

### Non-Alcoholic

Gimlet Cordial - Cherry / Bitter Orange / Spiced Lemon	3
Muri Drinks - Nuala	7

### Aperitif / Digestif

Gentiane Bitter & Tonic	9
Mauro Vergeno, Vermouth Bianco / Americano	8.5
White Port & Tonic	7.5

### Beer

Macintosh, Pale Ale / Best Bitter 500ml	4.6
Kernel, Table Beer 500ml	4.5
Kernel, Export Stout 330ml	4.8
Kernel, Damson Saison / Apricot Saison 330ml	6.1
3 Fonteinen, Armand & Gaston / Oude Kriek 375ml	21
Cantillon, Gueze / Kriek / Rosé de Gambrinus 375ml	25

### Oxidative

La Lunotte, Brin de Paille, Loire 2018 (75ml)	9
Maison Macle, Château-Chalon, Jura 2015 (75ml)	10

### Sparkling

La Bianca, Garg'N'Go Pet Nat, Veneto 2021	9
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### White

La Distesa, Terre Silvate, Marche 2022	8.5
Cyril Fhal, Femme Soleil, Roussillon 2021	10.5

### Pink

Mas de Valeriole, Rosé Vé, Provence 2022	7.5
--	-----

### Orange

Ajola, Bianco #3, Umbria 2021	10
-------------------------------	----

### Red

Jerome Jouret, La Coulee Douce, Ardeche 2021	9.5
Jean-Pierre Robinot, Opéra Rouge, Loire 2021	14

All bottles are available to drink in, just add £15 to the shop price for corkage.

We have other wines available by the glass priced between £8-12, just ask.

*10% service charge will be added to your bill.*

# ARNO

## Sparkling

Malibrán, Credamora, Veneto 2019	21
Leo Dirringer, Les Bulles, Alsace 2022	26.5
Jacopo Stigliano, Papillon, Emilia-Romagna 2022	30

## Champagne

Laherte Frères, Les 7, Marne NV	97
Emmanuel Brochet, Rosé de Saignée, Marne NV	115
Jacques Lassaigne, Millésime, Aube 2008	165

## White

Artefact, Verdejo, Catilla y Leon 2022	15
Luneu Papin, Folle Blanche, Loire 2022	19
Angelino Maule, Masieri Bianco, Veneto 2022	22
Tutti Frutti Ananas, Morango, Languedoc 2022	26
Sylvain Pataille, Bourgogne Aligote, Burgundy 2021	32
Château Lafitte, Jurançon Sec, Monein Jurançon 2021	56
Macle, Côtes du Jura, Chateau-Chalon Jura 2011 (Oxidative)	71
Domaine de Montille, 1er Cru Aigrots, Beaune Burgundy 2018	76
Domaine du Collier, Blanc, Saumur Loire 2018	100

## Orange

François Blanchard, A Table, Loire 2020	39
L'Arbre Blanc, Les Fesses, Auvergne 2019	53
Gabrio Bini, Serragghia Zibibbo, Pantelleria Sicily 2021	100

## Red

Sassi, Rosso, Abruzzo 2022	16.5
Jerome Jouret, Le Coule Douce, Loire 2022	23
Lamoresca, Nerocapitano, Sicily 2022	29
Les Dolomies, La Cabane, Jura 2018	35
Ad Vinum, Uzetia, Gard 2021	39
Thierry Hesnault, Les Maluseaux, Loire 2021	41
Julie Balagny, Dancing Queen, Beaujolais 2021	55
Lopez de Heredia, Viña Tondonia Reserva Tinto, Rioja 2001	98
Le Coste, PNT, Gradoli Lazio 2017	120

## Magnum

Patrick Bouju, Lulu, St Georges sur Allier Auvergne 2020	90
Alexandre Jouveaux, O17, Mâcon Burgundy 2017	130
Rié & Hirofumi Shoji, Pedres Blanques, Collioure Roussillon 2020	210