



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

Thursday, 26 October 2023 at 2.00 pm

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

Live stream link: <https://youtube.com/live/2WEzWpGC-Qo>

Back up link: https://youtube.com/live/OhmuiQsA0_c

Members of the Committee:

Councillor Anya Sizer
Councillor Gilbert Smyth
Councillor Sheila Suso-Runge

Dawn Carter-McDonald
Interim Chief Executive
Published on: Thursday, 26 October 2023
www.hackney.gov.uk

Contact: Mark Agnew
Governance Officer
governance@hackney.gov.uk

Licensing Sub Committee E
Thursday, 26 October 2023
Order of Business

- 4 Minutes of the Previous Meeting (Pages 3 - 30)**



**MINUTES OF THE MEETING OF THE LICENSING SUB COMMITTEE D
HELD ON 31 JANUARY 2023 AT 2pm**

THIS MEETING WAS LIVE STREAMED AND CAN BE VIEWED AT:

<https://hackney.moderngov.co.uk/ieListDocuments.aspx?CId=142&MId=5587>

Councillors Present: Councillor Gilbert Smyth (In the Chair)
Councilor Cam Oszen
Councillor Penny Wrouth

Officers in Attendance: Amanda Nauth - Legal Officer,
Suba Sriramana - Acting Principal Licensing Officer
Peter Gray - Governance Officer

Also in Attendance:

New - 550 Kingsland Road, E8 4AH

Applicant:
Applicant - Zaid Anwarh
Consultant - Shailender Nagpal

Responsible Authorities:
Police - PC Amanda Griggs
Licensing - Channing Riviere
Environmental Enforcement - Jacey Frewin

Other Persons:
Stuart Willes

New - The Barrell - 6 Whitmore Road, N1 5DT

Applicant:
Applicant - Mustafa Aslan
Consultant - Besim Hajdini

**Other Persons:
Not Present**

1. Election of Chair

1.1 Councillor Gilbert Smyth was duly elected to Chair the meeting.

2. Apologies for Absence

2.1 There were no apologies for absence.

3. Declarations of Interest

3.1 There were no declarations of interest.

4. Licensing Sub Committee Hearing Procedure

4.1 The hearing procedure as set out in the agenda pack was explained to all participants.

5. Application for a New Premises Licence: 550 Kingsland Road , Hackney, E8 4AH

5.1 The acting Principal Licensing Officer introduced the report in respect of an application for a premises licence made by Zaid Anwarh under section 17 of the Licensing Act 2003. The application sought to authorise late night refreshment from 23:00 to 04:00 on Mondays to Sunday. The premises are located within the Special Policy Area (Dalston SPA). Representations reminaed from Environmental Enforcement, the Licensing Authority and one Other Person.

5.2 The applicant, Zaid Anwarh made submissions in support of the application, highlighting the following:

- Alcohol was not sold at the premises;
- The current closure time of 11pm was restrictive as the consumption of Pizza was more prevalent later in the evening;
- Other premises in the area served alcohol until 2pm whilst other premises sold Pizza until late;
- Having researched issues around the Special Policy Area, it was now proposed to have late night refreshment until 4am on Friday and Saturday and until 2am on other days of the week;
- Facial recognition, an incident log and CCTV were available at the premises;

- 1-2 Members of staff were available at the premises at night;
 - All rubbish was cleared away from the premises.
- 5.3 Following requests for clarification from the Sub-Committee the applicant confirmed that the application was amended to 1pm, 7 days of a week.
- 5.4 The Principal Licensing Officer made submissions in opposition to the application , highlighting the following:
- The Premises was in the Special Policy area;
 - The hours applied for fell far outside core hours;
 - The premises had been discovered operating without a licence on 3 occasions;
 - Welcomed no walk in after 1pm and the conditions to be imposed, however some of these would require amendment to become enforceable;

Discussion Phase

- 5.5 Councillor Oszen asked for clarification on how long the applicant had operated at the premises and whether details of deliveries at the premises Including any loading bays in the vicinity of the premises
- 5.6 The Chair asked for clarification on the whereabouts of the Pelican crossing. He asked if the applicant had a management plan for the premises.
- 5.7 Councillor Wrout expressed concern about a 4am closure with disturbance to local residents and difficulties around passing trade. She asked if the conditions had been accepted.
- 5.8 The Principal Licensing Officer clarified that the loading bays were not directly opposite the premises with one bay outside the premises and that the Pelican crossing was 4 to 5 premises down;
- 5.9 The applicant confirmed
- That he had managed the premises for a number of years;
 - That Uber used motor bikes and electric scooters;
 - The conditions proposed were accepted;
 - That there were no residential dwellings above or opposite the premise so residents would not be disturbed;
 - The shutters would be half way closed later in the evening preventing difficulties around passing trade;
 - To agree to the conditions as proposed by Environmental Enforcement.

- That a management plan would be drawn up;
- That people would be encouraged not to congregate;
- That other premises in the area operated until later hours.

5.10 The Principal Licensing Officer highlighted the following:

- Welcomed that there would not be a late night walk in the premises
- Recommended core hours - Monday to Friday until 12 midnight;
- That the condition on CCTV should be reworded in accordance with the Police condition in this regard;
- The the condition on deliveries was not enforceable and required rewording;
- That the shutters be altered in such a way as to indicate delivery only.

5.11 The Sub-Committee expressed concerns around cumulative impact and proposed core hours on Sunday to Thursday until 12 Midnight and 2pm on Friday and Saturday. Walk in to the premises should remain at core hours Some of the proposed conditions required rewording with the addition of a delivery plan. It was suggested that the shutters be altered in such a way as to indicate delivery only.

5.12 The Planning and Licensing Lawyer confirmed that each application should be considered on its own merits.

5.13 In closing, the the Principal Licensing Officer submitted;

- That the premises wa in the Special Policy Area;
- That the premises should operate at core hours- Sunday to Thursday;
- Welcome the suggestions around deliveries;
- The premises could build up a track record through the use of Temporary Events Notices;
- The importance of a cut off time on walk-ins to the premises.

5.14 In closing, the applicant submitted that he possessed a 5 star food and hygiene certificate, demonstrating the level of his management of the Premises and that the premises would not add to cumulative impact in the area.

6. Application for a New Premises Licence - 6 Whitmore Road, N1 5DT

6.1 The Principal Licensing Officer introduced the application. Mustafa Aslan has made an application for a premises licence under section 17 of the Licensing Act 2003. The application seeks to authorise the supply of alcohol for consumption on and off the premises. The hours have been amended as agreed with the Public Health Authority. Environmental Health and the Police had withdrawn their objections following the agreement of conditions. Representations remained from 2 Other Persons.

6.2 The Consultant - Besim Hajdini, made submissions on behalf of the applicant, as follows:

- Representations from the Police and Environmental Health had been accepted in full by the applicant;
- Only 2 residents remained concerned about the sale of alcohol after 7pm;
- The owner was an experienced Licensee who knew the area well;
- The applicant was content to reduce the hours to 10pm on Sundays;
- Signage to leave quietly would be in place;
- The application fulfilled the licensing objectives;
- The clientele at the premises included older people and couples.

6.3 The Sub-Committee asked:

- Whether a commencement time of 7am was required and if this could be amended to 12pm;
- Whether a condition to have conditions requiring alcohol to be ancillary to food with a table service;
- The nature of the premises, ie what food offer would be available;
- Whether the the number of seats in the outside area could be restricted for 24 to 8 patron or the hours of sale be reduced to 8:30pm;

6.4 The applicant responded as follows:

- That there would be a food offer at the premises;
- To agree to the hours of alcohol to be reduced to 8:30pm;
- To agree to alcohol being ancillary to food and that there be a table service;²
- To agree to a commencement time of 12pm;

6.5 The applicant made no closing submissions.

Decision:

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

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

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

The hours of licensable activity:

Late Night Refreshment

Monday to Sunday 23:00 - 00:00

Food Deliveries

Friday - Saturday 00:00 - 02:00

Opening Hours:

Sunday to Thursday 11:00 - 00:00

Friday - Saturday 11:00 - 02:00

- Remove condition 15 from the licence as not enforceable and to be added to the Delivery Management Plan

And the following conditions to be added to the licence:

- Food Deliveries shall be permitted only on Friday to Saturday from 00:00 - 02:00
- Display prominent signs on the premises on Fridays and Saturdays to make customers aware that they are only open for deliveries from 00:00 - 02:00.
- The Applicant to provide a Delivery Management Plan to the Licensing Authority for approval.

- The premises shall maintain a comprehensive CCTV system as per the minimum requirements of a Metropolitan Police Crime Prevention Officer. All public areas, entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Recordings shall be made available immediately upon the request of the Police or authorised officer.

- A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises are open to the public. This staff member shall be able to show Police or an authorised officer of Hackney Borough Council recent data or footage with the absolute minimum of delay when Requested.
 - There shall be 'CCTV in operation' signs prominently displayed.
 - An incident log shall be kept at the premises, and made available immediately to an authorised officer of the Hackney Borough Council or the Police, which will record the following:
 - all crimes reported to the venue
 - any complaints received
 - any incidents of disorder
 - any faults in the CCTV system
 - any refusal of the sale of alcohol
 - any visit by a relevant authority or emergency service.

- There shall be clear and prominent signage asking all customers to leave quietly and respect local residents.

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

- The Licensee shall ensure that any contract for general and recyclable waste disposal shall be appropriate in size to the amount of waste produced by the business. The Licensee shall maintain an adequate supply of waste receptacles provided by his registered waste carrier

(refuse sacks or commercial waste bins) in order to ensure all refuse

emanating from the business is always presented for collection by his waste carrier and shall not use any plain black or unidentifiable refuse sacks or any other unidentifiable or unmarked waste receptacles.

- In order to minimise the amount of time any waste remains on the public highway in readiness for collection, the Licensee will ensure the timeframe within which it may expect its waste carrier to collect is adhered to.
- The Licensee shall instruct members of staff to make regular checks of the area immediately outside the premises and remove any litter, bottles and glasses emanating from the premises. A final check should be made at close of business.
- The Licensee shall provide a safe receptacle for cigarette ends to be placed outside for the use of customers, such receptacles being carefully placed so as not to cause an obstruction or trip.
- The current trade waste agreement/duty of care waste transfer document shall be conspicuously displayed and maintained in the window of the premises where it can be conveniently seen and read by persons standing in the Barrel Boulangerie. This should remain unobstructed at all times and should clearly identify:-
 - the name of the registered waste carrier
 - the date of commencement of trade waste contract
 - the date of expiry of trade waste contract
 - the days and times of collection
 - the type of waste including the European Waste Code

Reasons for the decision:

The application for a premises licence has been approved, as members of the Licensing Sub-committee were satisfied that the licensing objectives would not be undermined in the Dalston Special Policy Area (“Dalston SPA”) and therefore it is subject to Policy LP10.

The Sub-committee took into consideration that the Responsible Authorities (the Licensing Authority and the Metropolitan Police Service (“ the Police”)) made representations on the grounds of crime and disorder and prevention of public nuisance. The Sub-committee noted no other Responsible Authorities made representations about the application, and 1 local resident objected to the application.

The Sub-committee after hearing from the Applicant, the Responsible Authorities and the local resident were satisfied that the premises would not add to the cumulative impact in the area, and would not undermine the licensing objectives in the Dalston SPA.

The Sub-committee took into consideration that Environmental Enforcement were satisfied with the Applicant's representations, and the Applicant would not add to the cumulative impact because no alcohol will be served while operating late night refreshment.

The Sub-committee took into consideration that the Licensing Authority is content that the Applicant will be doing a Management Plan for deliveries. The Sub-committee took into consideration that it is small premises, and with the above conditions and hours that they felt that the premises would operate responsibly in the future.

The Sub-committee considers each application on its own merits and financial circumstances are not taken into consideration.

Having taken all of the above factors into consideration the Sub-committee was satisfied that by granting this premises licence, the licensing objectives would not be undermined in the Dalston SPA.

Public Informative

The Premises Licence holder is encouraged to continue working with the local residents to deal with any issues arising relating to noise nuisance.

This page is intentionally left blank

**DRAFT MINUTES OF A MEETING OF THE LICENSING SUB COMMITTEE A
THURSDAY 9 FEBRUARY 2023**

Councillors Present: Councillor Gilbert Smyth in the Chair

Councillor Sharon Patrick

Councillor Eluzer Golberg (observing)

Councillor Midnight Ross (observing)

Councillor Joe Walker (observing)

Apologies: None

Officers in Attendance: Amanda Nauth, Licensing Lawyer
Subangini Sriramana, Principal Licensing Officer
Gareth Sykes, Governance Officer

Also in Attendance: **Item 6 Application for a premises licence: Doner Hub, 151 Hoxton Street, London, N1 6PJ**

Applicant

Fezal Yurdakul, Acting agent at Pera Solutions Ltd

Responsible Authorities

PC Amanda Griggs, Police

David Tuitt, Licensing Service, Hackney Council

Other Persons

None.

1 Election of Chair

1.1. Cllr Gilbert Smyth was elected as Chair.

2 Apologies for Absence

2.1 Apologies for absence were received from Cllr

3 Declarations of Interest - Members to declare as appropriate

3.1 None.

4 Minutes of the Previous Meeting

4.1 None.

5 Licensing Sub-Committee Hearing Procedure

5.1 The Chair of the Sub-Committee outlined the hearing procedure for the meeting participants.

6 Application for a premises licence: Doner Hub, 151 Hoxton Street, London, N1 6PJ

6.1 The Licensing Sub-Committee heard from Hackney Council's Principal Licensing Officer (Acting), a consultant representing the Applicant and the responsible authorities, the Licensing Authority and the Police. The application before the Sub-Committee was for a premises licence to allow authorisation for the provision of late night refreshment and sale of alcohol on Monday to Sunday. Responsible Authorities, Licensing and Police, had made representations on the grounds of the prevention of crime and disorder and prevention of public nuisance. Environmental Enforcement had made a submission on the grounds of the prevention of public nuisance and had proposed conditions as set out in para 8.1 of the published report - these conditions were agreed with the Applicant prior to the meeting. There were no other persons registered to speak.

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

- The premises, Doner Hub, was a restaurant with seating inside that also takes takeaway orders and had a permitted use class E;
- The agent for the Applicant explained that her client had instigated a number of training programmes for staff as well as recyclable and waste management policies and delivery management processes to mitigate against any public risk;
- The agent for the Applicant highlighted, in relation to the increase in proposed hours, the number of licensed premises in the immediate vicinity with late opening hours;
- The Police in their representation raised concerns over the hours requested and some lack of detail around the application. They highlighted that they wanted to see more information about why the Applicant requires both on and off sales and how the venue opening late into the night would encourage people to gather in the venue;
- The Licensing Authority made a representation highlighting concerns over the proposed hours and their negative impact on the licensing objectives in particular the prevention of public nuisance. There were also concerns raised about activities associated with takeaways such as noise from loitering from customers and noise and fumes caused by third party delivery riders/collections. The Licensing Authority added that the proposed hours were also outside the core hours, as set in LP3,

also the application also appeared to be a change of use of building, the Applicant may wish to demonstrate that the appropriate planning permission is in place in accordance with LP5 (Planning Status);

- The agent for the Applicant explained that besides an inside seating area for customers there was also a toilet for customers. The agent was of the view with this area their Applicant , with along with one other member of staff, could contain customers in the early hours and potentially mitigate against incidents of anti-social behaviour (asb);
- The agent for the Applicant explained that the business of Doner Hub was 50% restaurant and 50% takeaway. They added that the sale of alcohol was not a top priority for the Applicant ;
- The Police expressed concerns about the Applicant 's ability to manage rowdy customer behaviour early in the morning. Two members of staff was felt was not enough;
- The agent for the Applicant noted the Police's concerns and explained that her client would agree to close off the seating area and only provide takeaways after 11:00pm;
- The Applicant would provide deliveries through online third party delivery companies and it was understood that these deliveries would be by bicycle;
- The agent for the Applicant confirmed that her client would agree to a Delivery Management Plan;
- On the issues of noise disturbance at the rear of the premises, where deliveries would take place, the agent for the Applicant explained that they understood that a flat at the rear was unoccupied;
- The agent for the Applicant gave a brief overview of the delivery management systems that her client had in place including training for Doner Hub staff such as the the checking of identifications of delivery company representatives;
- It was reiterated that there would be a condition that the serving of alcohol would be ancillary to the serving of hot food;
- The Licensing Authority reminded the Sub-Committee that there was an enforcement notice in relation to the premises regarding change of use which was relevant to the promotion of the licensing objectives;
- The agent for the Applicant explained that her client was appealing against the enforcement notice;
- The legal officer explained that if the Sub-Committee was minded to approve the application then a planning informative could be added to the decision;
- The agent for the Applicant confirmed that her client would agree to a reduction in hours back to core hours;

- In their closing remarks the Police welcomed the news that the Applicant had accepted a number of conditions including the scaling back to core hours;
- The Licensing Authority reiterated that there was an enforcement notice in place and they were concerned about the negative impact that would have on the licensing objectives;
- The agent for the Applicant in their closing remarks welcomed their opportunity to speak to the Sub-Committee and how they implemented a number of mitigation measures e.g the installation of an extractor fan.

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 for Late Night Refreshment and the sale of alcohol 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:

Late Night Refreshment:

Friday to Saturday 23:00 - 01:00

Supply of Alcohol (on and off sales)

Monday to Thursday 10:00 - 23:00

Friday to Saturday 10:00 - 23:00

Sunday 10:00 - 22:30

Opening hours

Monday to Thursday 10:00 - 23:30

Friday to Saturday 10:00 - 01:00

Sunday 10:00 - 23:00

And the following conditions:

- Any alcohol sold or supplied for consumption off the premises must be in a sealed container.

- Alcohol shall not be sold, supplied, or consumed on the premises unless it is ancillary to food served on the premises and with food orders.
- Only deliveries and take away are permitted after 23:00 on Fridays and Saturdays.
- The Licence holder shall have one additional member of staff after 21:00 on Fridays and Saturdays to monitor the premises main door and dispersal from the premises. The total number of staff after 21:00 must be at least 3 members of staff.
- There shall be a written dispersal policy submitted to and approved by the Licensing Authority and the Police which shall be reviewed regularly. All staff shall be trained on this dispersal policy. A copy of the policy shall be kept on the premises and shall be produced to a police officer or other authorised officer upon request.
- The Licence holder to submit a Delivery Management Plan to the Licensing Authority and the Police for approval.

Reasons for the decision

The application for a premises licence for Late Night Refreshment and the supply of alcohol on and off the premises 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 there were objections to the application from the Licensing Authority, Environmental Enforcement, and the Metropolitan Police Service (“the Police”). The Sub-committee took into consideration that the Environmental Enforcement Team proposed conditions which the Applicant agreed to during the hearing. The Sub-committee also noted that there were no representations from local residents in the area.

The Sub-committee took into account that the Licensing Authority made representations on the grounds of public nuisance and the premises being close to the residential properties. The Sub-committee took into consideration the concerns about the additional impact on the area late at night. The Sub-committee noted concerns about the existing use of the extractor fan, and that the Applicant was trying to take measures to control the noise. The Sub-committee also noted that there are Planning issues, and the Applicant needs the appropriate planning permission.

The Sub-committee took into consideration the Police objections on the grounds of crime and disorder and public nuisance, and the Police concerns about drunken behaviour in the seating area that is open all the time. The Sub-committee noted that the Police were concerned about the additional impact on the nearby Shoreditch SPA with the later hours.

The Sub-committee heard the Applicant's legal representative make submissions that customers will take food away and the Applicant will prevent any littering. The Applicant will train their staff on delivery and how to reduce and prevent a nuisance. The Sub-committee heard that the Applicant has been managing premises for the last five years, and he is familiar with the area. The Sub-committee noted that the

Applicant has other premises close by, and the Applicant is an experienced operator who is prepared to work with the Police and the Licensing Authority. The Sub-committee noted that the Planning Enforcement Notice will be appealed, and a new planning application has been submitted to the Council.

The Sub-committee took into consideration that the Applicant will serve food on the premises and the premises has a toilet. The Sub-committee heard submissions that the premises will be a restaurant and a bar 50% will be seated and 50% will be takeaway with delivery options. The Applicant contended that they wanted to sell hot food late at night with a 10 seating capacity inside the premises. The Sub-committee heard that the Applicant will supervise their own area and their shop. The Sub-committee noted that there are two pubs in the area.

After hearing from the Applicant's representative, the Applicant's Agent, the Applicant and from the Licensing Authority and the Police the Sub-committee was satisfied with the additional conditions, the reduced hours and that the seating area will be closed at 23:00 which would mitigate any negative impact that granting the licence would have on the nearby Shoreditch SPA.

The Sub-committee took into account when making their decision that alcohol will be served with food at all times and it is a small premises. The Sub-committee took into consideration that alcohol is limited to beer and the hours for alcohol are limited to core hours under Policy LP3. The Sub-committee heard that the Applicant will monitor their customers and they will have trained staff, and also provide clear signage to prevent queueing outside the premises.

The Sub-committee feel that these measures, which the Applicant agreed to, will help the premises to be run responsibly. The Sub-committee took into consideration that the Licensing Authority and the Police were happy with the representations made on behalf of the Applicant.

Having taken all of the above factors into consideration, the Licensing Sub-committee was satisfied that the licensing objectives would not be undermined.

Public Informative

1. The Applicant and the operator are reminded of the need to operate the premises according to any current licensing conditions on the premises licence and planning permission relating to its use class, conditions and hours.
2. It also should be noted for the public record that the local planning authority should draw no inference or be bound by this decision with regard to any future planning application which may be made.
3. The Applicant is strongly encouraged to use sustainable cutlery, plates, cups, food containers, and recyclable materials and to avoid using single-use plastic to prevent litter, and protect the environment.

8 Temporary Event Notices

8.1 None.

END OF MEETING

Duration of the meeting: 7:00pm – 7:48pm

Chair of the meeting: Cllr Gilbert Smyth

Contact:

Gareth Sykes

Governance Officer

Email: gareth.sykes@hackney.gov.uk

DRAFT

This page is intentionally left blank

**DRAFT MINUTES OF A MEETING OF THE LICENSING SUB COMMITTEE E
TUESDAY, 06 JUNE 2023**

THE LIVE STREAM CAN BE VIEWED HERE:

[HTTPS://WWW.YOUTUBE.COM/LIVE/EDJWH95MQKk?FEATURE=SHARE](https://www.youtube.com/live/EDJWH95MQKk?feature=share)

Councillors Present:

Cllr Gilbert Smyth in the Chair
Cllr Sheila Suso-Runge
Cllr Joe Walker

Officers in Attendance:

Mark Agnew, Governance Officer
Amanda Nauth, Licensing Lawyer
Subangini Sriramana, Principal Licensing Officer (Acting)

Also in Attendance:

Cllr Christopher Kenedy, observing

Item 7 Application for a Premises Licence:

Chicken Burg Ltd, Ground Floor, 85 Kingsland High Street, E8 2PB

Applicant

Tahir Shah, Applicant

Responsible Authorities

David Tuitt, Licensing Service, Hackney Council

Other Persons

C1 (Anonymous)

C2 (Anonymous)

Item 8 Application for a Premises Licence:

Immersive Group Gaming Ltd, 1 Principal Place - Unit 2A/2B, Worship Street, EC2A 2BA

Applicant

Daniel Hochar
Nathan Nichols
Dominic Pierre

1 Election of Chair

1.1. Cllr Smyth was elected as Chair.

2 Apologies for Absence

2.1 None.

3 Declarations of Interest - Members to declare as appropriate

3.1 None

4 Minutes of the Previous Meeting

4.1 None.

5 Licensing Sub-Committee Hearing Procedure

5.1 The Chair of the Sub-Committee outlined the hearing procedure for the meeting participants.

6 Application for a premises licence: Chefs Signature, 22 Well Street, Hackney E9 7PX

6.1 Following publication of the agenda this item was approved under delegated authority.

7 Application for a premises licence: Chicken Burg Ltd, Ground Floor, 85 Kingsland High Street, E8 2PB

7.1 The Licensing Sub-Committee heard from the Principal Licensing Officer (Acting), the applicant, the Licensing Service, and other persons in objection to the application. The applicant was seeking authorisation for late night refreshments from Friday to Sunday.

7.2 The Sub-Committee noted that the Police were unable to attend but had reported that the applicant had agreed to conditions that had been proposed, that many of the Police's concerns had been addressed, but that the Police still requested that should a licence be granted that hours be reduced substantially from 05:00.

7.3 During the discussion of the application a number of points were raised, including the following;

- the applicant confirmed they had notices on the premises to remind customers to respect local residents, and had both digital security cameras and security guards on premises, who were present between 21:00-23:00, but that would be extended to match any new closing times;
- in addition the security guards would be SIA approved;
- the applicant would be flexible with the closing hours and believed that there would be no safety concerns related to children;
- the applicant also confirmed that the premises was a restaurant with seating for 20, that didn't do deliveries;

- C1 highlighted that anti-social behaviour (ASB) had been particularly high in the last year and that drug dealing was a particular issue in the area; noted that the original issued licence was not publicly available; and questioned why a 'chicken shop' required two security guards;
- C2 agreed with the observations related to ASB and drug dealing and highlighted that the premises was not a restaurant, but a take-away whose customers attended before or after drinking; and requested that the extended licence not be granted due to it adding to the cumulative impact and that the applicant had failed to address residents' concerns;
- the Licensing Service highlighted LP10 and that the premises was in one of Hackney's special policy areas (SPA);
- the applicant confirmed that this was their first experience of managing a licensed business;
- there was some confusion over the number of available tables for eating in, with the Metropolitan Police reporting two and the applicant reporting 5 allowing four spaces at each table which equated to the 20 seats in the application;
- the applicant confirmed that between 6-10 customers could queue if the seating was at full capacity;
- there was some challenge as to whether the premises was a restaurant or a take-away, and that this would need to be confirmed in relation to any change in the current licence;
- the applicant confirmed that there would be an element of take-away, as they would not be able to prevent customers from removing food purchased on site;
- the Licensing Service clarified that they viewed the application as one for a take-away, with some seats, rather than one for a restaurant, and that if an amended licence was approved it would be unrealistic to expect the restrictions to be enforceable;
- the applicant confirmed that there would be no alcohol sold or consumed on the premises;
- the Chair explained that as this was the applicant's first business and that the premises was in an SPA, an extension to 05:00 would not be considered reasonable;
- the Chair noted the concerns about the extension of hours that had been raised by the Metropolitan Police, the Licensing Service, and other persons;
- the Sub-Committee members agreed that any operating hours should remain based on the core hours so any extension beyond that would need to be one that was considered reasonable;
- the Chair also confirmed that economic reasons for an extension could not be considered by the Sub-Committee;
- there was discussion of operating hours of Mon-Thur until core, Fri-Sat until 01.00, and Sunday until 23.00;
- there was also discussion as to how food was served, and that a condition might be required to ensure plates were used;
- the applicant was reminded that breaching any proposed new licensing restrictions, if an application was granted, would result in the loss of that licence.

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:

Late Night Refreshment:

Friday - Sunday 23:00 - 01:00

The opening hours of the premises:

Monday - Thursday 10:00 - 23:00

Friday- Sunday 10:00 - 01:00

- Amend condition 12 as follows:

“ 12. An SIA (1) door supervisor shall be employed on Friday- Sunday evenings from 21:00 until 30 minutes after the premises close. When employed, all SIA staff shall wear a high visibility armband or vest to be easily identifiable. They shall enter their name, address, SIA number and times they begin and finish their shift in a daily register. If employed by an agency all agency contact details shall be recorded also”.

And the following conditions to be added to the Licence:

- No deliveries shall be permitted.
- No alcohol is permitted to be consumed on the premises.
- No take away food or food delivery is permitted.
- All food shall be served on dining plates with cutlery and shall only be eaten on the premises.
- No food containers or plastic cutlery or other single use plastic items are permitted to consume food on the premises.

Reasons for the decision:

The application for Late Night Refreshment has been approved because the Licensing Sub-committee was satisfied that the licensing objectives would not be undermined in the Dalston Special Policy Area (Dalston SPA).

The Sub-committee took into consideration that Environmental Enforcement agreed conditions in advance of the hearing with the Applicant and withdrew their representation.

The Sub-committee took into consideration the representations made by the Metropolitan Police Service (“the Police”) that the Applicant agreed most of their conditions, and the Police concerns were overcome, however, they still objected to the late hours the Applicant was seeking Friday - Sunday until 05:00.

The Sub-committee took into consideration the representations made by the Licensing Authority that the premises is located in the Dalston SPA therefore it is subject to policy LP10. This area has been identified as suffering from negative cumulative impact as a result of the high concentration of licensed premises.

The Sub-committee took into consideration the objections raised by local residents that live close to the premises, the anti-social behaviour that they believe will have a significant impact on local residents, and that it will add to the cumulative impact in the Dalston SPA.

The Sub-committee took into consideration the Applicant’s representation that the premises is a restaurant and not a take away and that it is a small premises with 5 tables and 4 chairs with up to 20 seated customers at any one time. The Sub-committee felt on the evidence presented to them that the premises will not add to the cumulative impact of the Dalston SPA with the additional conditions, and the reduced hours which will help the premises operate responsibly.

The Sub-committee took into account that the conditions the Applicant agreed to mean that there is no risk of bottles being taken from the premises, no broken glass, no take away food containers will be used which will prevent littering in the area, and all food will be served on dining plates with cutlery on the premises to seated customers because no take away food is permitted at the premises.

The Sub-committee takes each application on its own merits and they cannot take into account economic factors as exceptional reasons to grant an application.

After hearing from the Applicant, and from the Metropolitan Police Service, the Sub-committee was satisfied with the additional conditions and the reduced hours that the Applicant agreed to would mitigate any negative impact that granting the licence would have on the Dalston SPA, and on the potential for patrons to stay in the Dalston SPA area for longer.

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

The Sub-committee encourages the Applicant to work with the Responsible Authorities to comply with the terms and conditions of his licence and to maintain the licensing objectives.

Having taken all of the above factors into consideration, the Licensing Sub-committee was satisfied, when granting this application for Late Night Refreshment, that the Applicant had offered adequate conditions, to justify them making an exception to grant this licence within the Dalston SPA.

Public Informative

The Applicant is encouraged to continue working with the Metropolitan Police Service to prevent any negative impact in the area.

8 Application for a premises licence: Immersive Group Gaming Ltd, 1 Principal Place - Unit 2A/2B, Worship Street, EC2A 2BA

8.1 The Licensing Sub-Committee heard from the Principal Licensing Officer (Acting), the applicant, and a representation from other persons in objection to the application. The applicant was seeking to supply alcohol for consumption on the premises from Monday to Sunday.

8.2 During the discussion of the application a number of points were raised, including the following;

- the applicant confirmed the proposed operation of the games, highlighting that Groups of 1-6 persons would enter 9 9sqm game boxes with interactive touchscreen walls;
- there were already three venues in the UK and they have been selling alcohol on those sites;
- in the other venues customers could order refreshments from inside the games boxes and then staff would undertake Challenge 25;
- In addition CCTV looked in and there is glass frontage to the boxes.
- the applicants confirmed that they would employ security using one of the SIA approved companies with knowledge of the local area;
- Sub-Committee members confirmed that they had read the representation from other persons in opposition to the application;
- Sub-Committee members received clarification from the applicants on the how the game boxes operate and the technology employed;
- the applicants confirmed that the pre-booking process provided information about the restrictions related to the purchase of alcohol, and that larger scale events would have a pre-ID check and wristband system;
- the games were timed for 30/45/60 mins and the scheduling system would ensure no one could book for after closing;
- the applicants confirmed that their experience had been that most people leave when the game concludes, and that 75-90% of the people would book in advance;
- In relation to the capacity of the bar on the site the applicants believed no more than c20/25 people would be present;
- in relation to food, there was no oven installed and no food cooked on the premises, but they may serve snacks as at other venues;
- the applicants also confirmed that the boxes were wheelchair accessible and clients could turn the volume down.
- the Sub-Committee welcomed the application, and the professionalism of the applicants, and highlighted the importance of training staff re violence against women, and the Hackney Nights portal.

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:

Supply of Alcohol on the Premises:

Sunday to Wednesday 11:00 - 22:30
Thursday to Saturday 11:00 - 23:30

The opening hours of the premises:

Sunday to Wednesday 11:00 - 23:00
Thursday to Saturday 11:00 - 00:00 (Midnight)

And the following condition:

- The Premises licence holder will agree the capacity of the premises with the Licensing Authority after they have carried out a Fire Risk assessment of the premises.

Reasons for the decision:

The application for the supply of alcohol on the premises has been approved because the Licensing Sub-committee was satisfied that the licensing objectives would not be undermined in the Shoreditch Special Policy Area (Shoreditch SPA).

The Sub-committee took into consideration that the Metropolitan Police Service ("the Police") and the Environmental Enforcement Team agreed conditions in advance of the hearing with the Applicant and withdrew their representations.

The Sub-committee took into consideration the written objections raised by Other Persons (a local resident) who was unable to attend the hearing. The Sub-committee confirmed that they had read the local resident's representation.

The Sub-committee took into consideration the Applicant's representation that the Gaming company provides gaming boxes for 1 - 6 people in each game box. All participants wear hats and are monitored in the venue.

The Sub-committee heard that the Applicant is an experienced operator of 3 venues in the country since 2020. The Applicant proposes that to have 9 game boxes in the Shoreditch venue. The Manager of the Shoreditch venue is also an experienced operator.

The Sub-committee took into consideration that the Applicant has agreed to provide

SIA door security on peak days Friday and Saturday and they will monitor after closing time on peak days. The Sub-committee noted each gaming box will have CCTV so that each game box can be monitored. The Sub-committee heard submissions from the Applicant that customer ID and age is checked at the pre-booking stage and alcohol cannot be purchased at the venue without customer ID. In addition the Sub-committee heard that customers will also be given arm bands to monitor them while they have a scheduled session in the gaming box. The Sub-committee noted 75-90% of tickets are purchased online and very few customers buy tickets on the spot. Therefore, the venue will not attract large crowds late at night.

The Sub-committee heard from the Applicant that the premises will not have a kitchen and they will not serve hot food. The Sub-committee noted that the premises will only serve snacks, pre-made cocktails with limited staff, and that alcohol will be sold from 18:00.

The Sub-committee heard that the Applicant does not expect more than 20-25 people at any one time and very rarely will there be large numbers.

The Sub-committee also took into account that the staff will receive WAVE training and they will ensure customers are familiar with the premises area.

The Sub-committee was satisfied that the Applicant had mitigated against concerns raised by the Police. The Sub-committee felt that the Applicant made comprehensive representations about the nature of the business and how they intended to operate the premises.

The Sub-committee felt that the Applicant demonstrated that the policies and procedures they have in place will enable them to operate the premises responsibly.

The Sub-committee took into account that the Applicant agreed reduced hours to operate the premise closer to the core hours as set out in Policy LP3 except on the peak days Thursday to Saturday.

The Sub-committee were satisfied that the Applicant demonstrated that they will not add to the cumulative impact in the Shoreditch SPA and the staff would carry out training. The Sub-committee also took into consideration that the Applicant provided a Dispersal Policy, and the Applicant wanted to maintain a positive and constructive relationship with the Responsible Authorities. The Sub-committee noted that the Applicant may need Planning Permission for the use of the premises.

The Sub-committee takes each application on its own merits and they cannot take into account economic factors as exceptional reasons to grant an application in the Shoreditch SPA.

After hearing from the Applicant, and Other Persons (a local resident), the Sub-committee was satisfied with the reduced hours that the Applicant agreed to would mitigate any negative impact that granting the licence would have on the Shoreditch SPA, and on the potential for patrons to stay in the Shoreditch SPA area for longer.

The Sub-committee felt the Applicant had offered adequate conditions, to justify them making an exception to grant this licence within the Shoreditch SPA. The Sub-committee encourages the Applicant to work with the Responsible

Authorities to comply with the terms and conditions of their licence and to maintain the licensing objectives.

The Sub-committee encourages the Applicant to undertake other staff training to operate the premises and deal with vulnerable customers.

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 not be undermined in the Shoreditch SPA.

Planning Informative

1. The Applicant is reminded of the need to operate the premises according to any current licensing conditions on the premises licence and planning permission relating to its use class, conditions and hours.

2. It also should be noted for the public record that the local planning authority should draw no inference or be bound by this decision with regard to any future planning Application which may be made.

9 Temporary Event Notices

9.1 Following publication of the agenda this item was resolved.

END OF MEETING

Duration of the meeting: 2:00pm – 3.45pm

Chair of the meeting: Cllr Gilbert Smyth

Contact

Mark Agnew

Governance Officer

Email: governance@hackney.gov.uk

This page is intentionally left blank