

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

THURSDAY, 18TH FEBRUARY, 2016

**Councillors Present:** Cllr James Peters in the Chair

Cllr Richard Lufkin (Substitute) and  
Cllr Sharon Patrick

**Officers in Attendance:** Barry Coughlan (Senior Planning Officer), Justin Farley (Licensing Lawyer), Emma Perry (Governance Services Officer) and David Tuitt (Senior Licensing Officer)

**Also in Attendance:** Ryan's Bar  
Graham Hopkins, Agent  
Gerard O'Sullivan, Applicant

### **1 Election of Chair**

1.1 Councillor Peters was duly elected to chair the meeting.

### **2 Apologies for Absence**

2.2 There were no apologies for absence.

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

3.1 There were no declarations of interest.

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

4.1 The Chair outlined the hearing procedure on page 1 of the agenda.

### **5 Variation to Premises Licence - Ryan's Bar, 181 Stoke Newington Church Street, N16 0UL**

5.1 David Tuitt, Licensing Team Leader, introduced the report for a variation to a premises licence. David Tuitt explained that the Police and Licensing Authority had since withdrawn their representations following an agreement to conditions being added to the operating schedule. Representations remained from the Planning Authority and Other Person, however the Other Person was unable to attend the meeting. David Tuitt added that the amended layout plan was detailed on page 30 of the agenda.

5.2 Graham Hopkins, Agent, outlined the application on behalf of the applicant. The Agent explained that Gerard O'Sullivan, Applicant, had owned the business for the past 22 years and was also a local resident. The Applicant wished to vary the layout of the premises, replace conditions on the current licence and to extend the hours for recorded music, late night refreshment and sale of alcohol

**Thursday, 18th February, 2016**

- on Friday and Saturday to 00:30. He advised that the variation had come about following requests from customers to stay open later. There would be no amendment to the garden area which would continue to close at 10pm and the capacity of the venue would also remain the same.
- 5.3 The Agent reported that the Applicant had never had any issues with the police or other responsible authorities in the 22 years of owning the business and had agreed to the proposed conditions from the police and Licensing Authority. The police had requested a noise report and noise limiter to be installed at the venue. It was requested that the noise report be undertaken and a noise limiter installed after all of the refurbishment works at the premises had been completed. The Applicant would be applying to vary the conditions in order to comply with the planning permission.
- 5.4 The Applicant had previously spoken to the Other Persons. The Agent told the Sub-Committee that the Other Persons had since moved abroad and were therefore unable to attend the meeting. He had also written to them explaining the variation to the licence and added that his direct neighbours had not objected to the application.
- 5.5 In response to a question regarding the necessary noise works, the Applicant confirmed that he had a qualified environmental health officer on hand to carry out all of the required noise works once all of the refurbishment works at the premises had been completed. The Sub-Committee therefore requested that amendments be made to some of the conditions to specify that no regulated entertainment could take place at the venue until all recommendations within the report approved by the Pollution team were introduced into the premises.
- 5.6 Discussion took place surrounding the revisions to the layout of the premises and it was proposed that the bar area would be moved from the front of the venue to the middle to prevent overcrowding by the door. The toilets would be moved from the upstairs area to downstairs. The Applicant confirmed that there would be no difference in the overall capacity of the venue as a result of the proposed variations.
- 5.7 In response to a question regarding the internal alterations to the premises, the Senior Planning Officer advised that internal alterations did not normally require planning permission, however building regulations would still apply. The Applicant added that due to the age of the property and the fact that there were already two steps into the premises, there was limited scope to provide disabled access at the venue.
- 5.8 Barry Coughlan, Senior Planning Officer, outlined the representation from the Planning Authority. Barry Coughlan advised that the use of the premises at 181 Stoke Newington Church as a bar was authorised. He explained that the proposed extension of opening hours would exceed those permitted under planning permission ref. 2006/3016 for Friday and Saturday, which could result in a public nuisance and was contrary to policy LP1.
- 5.9 The Sub-Committee took into consideration the representations from Other Persons, as detailed on pages 36-38 of the agenda. The Applicant explained that this was the first he had heard about the issues of noise nuisance and

stated that he had previously offered to meet with the Other Persons to discuss the proposals and resolve any issues.

- 5.10 Councillor Lufkin made reference to LP12 – Licensing Hours, and asked the Applicant to justify operating hours beyond midnight. In response, the Agent said that he believed that little weight could be placed on the representation from Other Persons, given that it was just one household and they had, he said, since moved abroad. He added that the Applicant had been a good operator for the past 22 years and had never received any complaints during that time and the Pollution team had not objected to the application.
- 5.11 Discussion took place regarding the outside area at the front and it was explained that two wooden benches were located at the front of the premises and that there was already a condition in place for no alcohol to be permitted outside the front of the premises.
- 5.12 **RESOLVED** that:-

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 application has been approved in accordance with the Council's licensing statement and the proposed conditions set out in paragraph 8.1 of the report, with the following amendments:

- Condition 19 – remove the words 'except for those sat in the designated seating area'.
- Condition 25 be amended to read – 'The doors and windows are to be kept closed after 22:00hrs, except for entry, exit and re-entry to the premises'.
- The following words to be added to the beginning of Condition 28 – 'There shall be no regulated entertainment at the premises unless and until'.
- The second sentence of Condition 29 be amended to read – 'There shall be no regulated entertainment at the premises unless and until all recommendations within the report approved by the Pollution team are introduced into the premises'.

### **Reasons for the decision**

The application has been approved, with the above amendments and additional conditions, as the Licensing Sub-Committee was satisfied that the licensing objectives would not be undermined.

### **Public informative**

The applicant is reminded of the need to operate the premises according to any current planning permission relating to its user class, conditions and hours.

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.

Thursday, 18th February, 2016

**6 Premises Licence - My Neighbours the Dumplings, 165 Lower Clapton Road, E5 8EQ**

6.1 The application was WITHDRAWN from the agenda and approved under delegated authority.

**7 Temporary Event Notices - Standing Item**

7.1 There were no Temporary Event Notices to be considered.

**Duration of the meeting:** 7:00 – 7:40pm

**Signed**

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**Chair of Committee**

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