

MINUTES OF A MEETING OF THE LICENSING SUB COMMITTEE B

THURSDAY, 16TH FEBRUARY, 2017

Councillors Present: Cllr James Peters and Cllr Ian Rathbone

Apologies: Councillor Christopher Kennedy

Officers in Attendance: Mike Smith, Principal Licensing Officer
David Tuitt, Licensing Officer

Robert Walker, Legal Officer
Jessica Feeney, Governance Services Officer
PC Kerrie Ryan, Metropolitan Police Service
Olalekan Olaosebikan, Environmental Protection Team

Also in Attendance: Gigi Vega, Nobu Hotel General Manager
Meir Abutbul, Nobu Hotel
Julian Skeens, Solicitor
Luke Elford, Solicitor
Diptesh Patel and Family
Sam Pearl
Davina Pearl

1 Election of Chair

Councillor Peters was elected as the chair.

2 Apologies for Absence

Councillor Kennedy sent his apologies for absence.

3 Declarations of Interest - Members to declare as appropriate

There were no declarations of interest.

4 Minutes of the Previous Meeting

There were no minutes to be approved for previous meetings.

5 Licensing Sub-Committee Hearing Procedure

Members noted the Licensing Sub-Committee Hearing Procedure.

6 Application for a Premises Licence - Nobu Hotel, Shoreditch, 10-50 Willow Street, EC2A 4BH

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The Principal Licensing Officer introduced the report to members of the sub-committee explaining that Willow Corp Sarl (the “**Applicant**”) had made an application for a premises licence under the Licensing Act 2003:

- To authorise the supply alcohol from 08:00 to 01:30am Monday to Sunday
- To provide regulated entertainment from 08:00 to 01:00am Monday to Sunday
- To provide late night refreshment from 23:00 to 01:30am Monday to Sunday

The Applicant’s solicitor introduced the application and outlined details of the plans and gave an insight of the premises and its history to the sub-committee. It was confirmed that there would be a proposed 28th condition added to the operating schedule ensuring that all New Year’s Eve Event’s would be pre-booked and would require a Temporary Events Notice.

The Chair highlighted a condition which stated “*other than hotel residents and their guests, intoxicating liquor shall not be sold...*” and asked the Licensing Officer how the Licensing Team would enforce this condition (i.e., how they would distinguish a hotel resident or a guest of such a resident and a member of the public). The Licensing Officer explained that the Licensing Enforcement Team would attend the hotel to test purchase an alcoholic drink whilst not being present with a hotel resident.

The Kaijo events space located on the ground floor is to be flexible, allowing up to 6 different room options. A member of the sub-committee paid particular attention to the banquet and wedding layout, and asked what type of events would be allowed to use the particular room layout. The Applicant’s solicitor informed the sub-committee that this layout would only be viable for pre-booked private functions and conferences. The sub-committee expressed a concern that the area could be used as a nightclub, or a promoted DJ-led event. The Applicant’s solicitor confirmed that the area would not be used as a nightclub and agreed to have an additional condition stating this. The Legal Officer questioned the capacity of the Kaijo events space and requested that this was added as a condition to the operating schedule. The Applicant’s solicitor was in agreement that a maximum capacity of 200 persons would be attached as a condition.

The Solicitor explained that the Applicant was seeking a licence allowing licensable activities throughout the whole premises, although the Applicant described to the sub-committee in which specific areas licensable activities would be likely. These areas were the 5th Floor Terrace Restaurant and Bar and the Ground Floor Basement Level 1 and 2 Terrace, this also included the Studio and Gym on Basement Level 1. Members of the sub-committee were concerned that much of the area for which the Applicant was seeking a licence did not need to be licensed, such as the back office areas, gym and studio. Allowing licensable activities in those areas would mean that the hotel could be used for very different purposes to those described in the application. The Applicant’s solicitor explained that the Applicant would be happy for the licence not to cover staff-only areas, although the gym and studio may be used for champagne receptions, so would need to be covered by the licence.

The Chair asked for further clarification in relation to the outside terrace on the fifth floor. The Applicant’s solicitor explained that all licensable activities were proposed to take place from the WC and Restaurant Bar to the end of the terrace until 10pm. A Member of the sub-committee asked whether hotel residents and their guests could smoke and take alcohol from hotel rooms on the fifth floor onto the terrace after 10pm. The Applicant’s solicitor confirmed that this would be possible. Members did not feel

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comfortable with smoking and alcohol consumption on the terrace after 10pm and proposed a condition to prevent use of the terrace in that way.

Councillor Rathbone requested a public informative to ensure that a safety precaution was put in place for the roof terrace. The Applicant's solicitor explained that a risk assessment would take place and that the premises would not risk the safety of one of its hotel residents or guests.

PC Ryan was welcomed to the sub-committee to make a representation. The sub-committee was informed that the Police had considerable negative experiences of licensed hotels in Shoreditch in recent months and it was made clear that there was a requirement to gain as much detailed information as possible when setting conditions.

PC Ryan proposed to remove the non-standard hours (at New Year's Eve) from the application and asked that the venue be required to submit temporary event notices (or "TEN"s) for any extension of hours, so that each event could be risk assessed and a more accurate picture of the area could be established. The location of the premises meant that many hotel residents and their guests would walk straight into the Shoreditch special licensing policy area (or "SPA"). PC Ryan added further that the introduction of the venue would undoubtedly have an impact on the area and would lead to an increase in the number of alcohol-related incidents of ASB¹ and pressure on the emergency services that the local authorities and local residents would have to deal with on a day-to-day basis.

The Environmental Health Officer was welcomed to the sub-committee to make a representation. The Environmental Protection Team was concerned that the request to use the designated areas may cause noise or/and smoke nuisances to nearby residents. The Environmental Health Officer asked the Applicant to provide more information to allow fuller consideration of the application.

The Applicant's solicitor said that the Applicant planned to provide smoking facilities for the Nobu Hotel residents and guests inside the premises rather than causing smokers to congregate outside the premises on the streets.

The Licensing Officer was welcomed to the sub-committee to make a representation and explained that the Licensing Authority had concerns that the grant of the licence would undermine the licensing objectives, mainly due to the character of the area in which the premises was located. The Shoreditch area was a key "night time economy" destination in London, with a large number of licensed premises attracting high volumes of people. It was noted that there were residential premises in close proximity to the premises in Blackall Street and Willow Street.

The residents in attendance were welcomed and invited by the sub-committee to make their statements. They made the following key points:

- Granting the application would add to the cumulative impact of licensed premises in the area, particular on numerous residents with children and pensioners who live within 100 yards of the property.
- Assurances on refuse time collections, deliveries *etc.* were an important issue for the sub-committee and will have a knock-on effect of increasing traffic volume in a small street,
- Frequent checks would be required to ensure that no noise disturbs residents.

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- The fully licensed bar should be kept to residents only. Allowing a licence for music and performance would attract additional numbers of people to the hotel and the Leonard/Ravey Street area.
- The licence applied for would create a noise nuisance from the roof terrace and courtyard.
- More intoxicated individuals would significantly increase the traffic flow from required taxis, increasing the likelihood of accidents, petty crime, vandalism and theft.
- The licence, if granted, would cause further congestion and traffic on Ravey Street, creating a huge safety risk and aggravation as large numbers of inebriated people and cars descend on a very small area with narrow roads.

The sub-committee debated smoking. The Chair asked that the outside smokers could be directed to smoke on Great Eastern Street. The Applicant's solicitor said that the Applicant was hoping to provide smoking facilities for its guests inside the premises rather than smokers to congregate outside of the premises on the streets. The Applicant agreed to submit a plan, as discussed by the sub-committee, detailing the outdoor smoking area for all staff located on or near to Blackall Street. The staff smoking area (to be in a courtyard at the back on the premises, by Blackall Street) would be limited to a maximum capacity of 5 people at any one time and the hotel's management will inform staff not to cause a nuisance to neighbouring residents and will ensure that no such nuisance is caused.

The sub-committee debated traffic. Residents had raised concerns in the relation to the width of the roads around the hotel, and the volume of traffic they were expected to attract. It was suggested that the junction between Great Eastern Street and Ravey Street be reopened for vehicles as it was currently closed, except for pedestrians and cyclists. The Applicant promised that they would work and liaise with the residents in relation to traffic control.

All parties were asked the sum up before the adjournment.

The Applicant's solicitor said that the Nobu Hotel was a 5* hotel with a global reputation, which was sophisticated and primarily based around food, it was made clear to the sub-committee that the hotel would not want to disturb its hotel residents and guests with its evening facilities.

The sub-committee adjourned at 10.35pm and reconvened at 11.15pm.

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;
- The protection of children from harm;

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 9 be deleted and replaced as follows –
“Other than to hotel residents and their guests, there shall be no new entry between 23:00 and 08:00 and, other than to hotel residents and their guests, no alcohol and intoxicating liquor shall be sold between 01:30 and 08:00 Monday to Sunday;

and the following additional conditions:

- The Licensee shall ensure that all staff are fully trained and made aware of the legal requirements of the business to comply with its duty of care 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 its 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 its waste carrier and shall not use any plain black or unidentifiable refuse sacks or any other unidentifiable or unmarked waste receptacles.
- The Licensee shall erect a sign asking customers to refrain from littering the public highway.
- The Licensee shall provide a safe receptacle for cigarette ends to be placed outside, either on the wall or close to the wall of the building so as not to cause an obstruction or trip hazard, for the use of customers.
- There shall be no off sales of alcohol save for sales to hotel residents and diners in sealed containers.
- Between 22:00 and 08:00 hours Monday to Sunday the restaurant and lounge bar areas on the lower levels of the premises shall be table service by a waiter/waitress only.
- Regulated entertainment in the lobby area on the ground floor of the premises shall not be permitted – this does not prohibit the provision of live and recorded entertainment or entertainment of a similar nature, to be provided by way of background music.
- All events in the conference rooms on the ground floor shall be pre-booked and a copy of the booking form kept on the premises and made available to police or other authorised officer upon request. SIA door supervisors shall be employed at these events on an operational risk assessment basis. All door supervisors shall enter their full details in the premises daily register or similar at the commencement of their work. They shall record their full name, home address and contact telephone number, their SIA registration number, and the time they commence and conclude working. If the door supervisor was provided by an agency, its name, registered business address and contact telephone

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number will also be provided. This register will be made available to police or authorised officer immediately upon request.

- During non-standard hours on New Year's Eve, licensable activities will only be permitted if they are being provided at pre-booked event(s). A copy of the booking form will be kept on the premises and made available to police or other authorised officer upon request.
- The premises shall not be operated as a nightclub or used for any event that is promoted as DJ-led.
- There shall be a maximum capacity of 200 persons at any one time in the conference area situated on the ground floor of the premises.
- There shall be no licensable activities in the terrace, kitchen, restaurant and bar areas on the fifth floor of the premises between 22:00 – 08:00 Monday to Sunday. The public, hotel residents and their guests shall not be permitted access to the terrace, kitchen, restaurant and bar areas on the fifth floor between 22:00 – 08:00 Monday to Sunday and there shall be no consumption of alcohol in these areas during this time.
- The duty manager's mobile phone number is to be clearly displayed in the lobby and on the hotel's website.
- There shall be a maximum capacity of 76 persons at any one time in the outdoor terrace situated on the lower floors of the premises, except between 00:00 – 08:00 Monday to Sunday when there shall be a maximum capacity of 20 persons at any one time.
- No food or drink in the basement outdoor terrace shall be consumed after midnight.
- Any guests, residents, patrons smoking outside of the premises in public areas are to be directed to smoke on Great Eastern Street.
- All external doors and windows (including any windows or doors leading onto the outdoor terrace situated on the lower floors of the premises) to be closed between 23:00 and 08:00 Monday to Sunday except to allow ingress and egress.
- On the upper basement floor, no alcohol or intoxicating liquor shall be consumed or sold except for in the area marked 'Studio' as set out in the plan provided at the Sub-Committee Meeting and in the upper terrace.
- The Licensee shall submit a plan, as outlined at the Sub-Committee delineating the outdoor smoking area for all staff located on or near to Blackall Street. The staff smoking shall be limited to a maximum capacity of 5 people at any one time and management of the hotel shall inform staff not to cause a nuisance to neighbouring residents and shall ensure that no such nuisance is caused.
- No alcohol or intoxicating liquor shall be consumed or sold in areas of the premises not open to the public or guests.

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.

Having considered all written representations and submissions from parties at the hearing, particularly regarding the use of the outdoor areas, the Sub-Committee agreed with the evidence from the Police and local residents that the use of the outdoor terraces, as proposed by the applicant, was likely to undermine the licensing objective of preventing public nuisance given the proximity of local residents to the hotel's terraces. The Sub-Committee believed that it was necessary and appropriate to attach conditions regulating the use of the outdoor areas of the premises to ensure the promotion of the licensing objectives.

Public informative

The Licensing Sub-Committee encourages the applicant to build and maintain effective relationships with local residents.

The Sub-Committee noted that the applicant would support local residents who wished to pursue changes to traffic regulations and restrictions on Ravey Street.

7 Application to Vary the Premises Licence - Andronicas World of Coffee, 91-93 Great Eastern Street, EC2A 3HZ

This application was withdrawn.

8 Temporary Event Notices - Standing Item

There were no temporary events notices.

Duration of the meeting: 11.35pm

Signed

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Chair of Committee

Contact:

Governance Services Officer:
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