

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

THURSDAY, 20TH APRIL, 2017

**Councillors Present:** Cllr James Peters in the Chair  
Cllr Sade Etti, Cllr Sharon Patrick (Substitute)

**Officers in Attendance:** Mike Smith, Principal Licensing Officer  
Butta Singh, Licensing Solicitor  
Pc Ryan, Metropolitan Police  
Olalekan Olaosebikan, Environmental Health Officer  
Jessica Feeney, Governance Services.

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

There were no declarations of interest.

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

Members of the committee noted the Licensing Sub-Committee Hearing Procedure.

### **5 Application for a Premises Licence - Red Planet Pizza, 26 Kingsland Road, E2 8DA**

The Principal Licensing Officer introduced the report to members of the committee. Members were informed that environmental health withdrew their representation.

The Applicant was invited to the committee to make his statement. It was explained that the applicant would not contribute to any public nuisances, which local residents had experienced with previous premises licence holders. The Applicant highlighted that they respected the nearby neighbours.

The Licensing Offer made an objection as a responsible authority. It was explained that the premises was located in the Shoreditch Special Policy Area (SPA) therefore Policy LP13 applied. It was the Council's policy that a relevant representation was made to any application within the area of the Shoreditch SPA, the application would be refused unless there were exceptional circumstances.

The Police Service also made a representation, PC Ryan explained that the premises was located in one of the busiest stops in Shoreditch as there was a long bank of licenced bars surrounding it. The Police were familiar with the application as the police received it when the licence holders consistently breached their conditions, therefore the premises was revoked. Members were advised that people naturally loitered outside and around a hot food establishment during the early hours of the morning. The Polices requested that the premises ceased operation at 23:00 Monday- Sunday.

**Thursday, 20th April, 2017**

The Committee welcomed the other persons to make their representations the following points were raised:

- Noise nuisance
- Crime – many attempts had been made to break into neighbours properties, camera door bell had been broken beyond repair.
- Large congregations of people. Fights occasionally broke out.
- Excess litter
- Intoxicated people.

The applicant explained that during the first week of operation they were unaware that the licence had been revoked but after a visit from the Police they were advised that the premises was revoked and did not trade after 23:00.

The Members of the committee queried what the exceptional circumstances for the application were. The Applicant advised that they would put any measure in place to stop public nuisance. The applicant highlighted his good character and respect for surrounding neighbours.

### **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 for Late Night Refreshment be refused in accordance with Licensing Policy LP4, LP5 and LP13 within the Council's licensing statement.

### **Reasons for the decision**

The Licensing Sub-Committee, having heard from the Applicant, Responsible Authorities and Other Person at the hearing and having considered the documents provided both in support and against the application, was not satisfied that the exceptional circumstances had been met for a venue that is situated in one of the busiest parts of the Shoreditch SPA.

The Sub-Committee believed that by granting extended hours and thereby a premises licence, it was likely to add to the negative cumulative impact that is already being experienced, by enabling more people to stay in a location that already has an extremely high footfall, for an even greater period of time. This would seem likely to exacerbate the crime, disorder and public nuisance related issues and thereby increase the problems from which the area is currently suffering.

Careful consideration was also given to the proposals put forward by the Applicant in trying to demonstrate that the licensing objectives would not be undermined. However, the Sub-Committee accepted that the acute problems suffered by the concentration of premises in this specific location was so great that the proposals submitted by the Applicant did not alleviate their concerns.

**Thursday, 20th April, 2017**

In making this decision, the Sub-Committee accepted that there had been an improvement in the operation of the premises since the Applicant had taken over the premises and as such the outcome may have been different if the premises was outside of the Shoreditch SPA. Notwithstanding this, the Sub-Committee, when having particular regard to the concerns raised in relation to LP13 within the Council's Statement of Licensing Policy, felt that they would not be promoting the licensing objectives if the application was approved.

## **6 Application for a Premises Licence- Tortilla, 16 Kingsland High Street E8 2JP**

Councillor Etti left the meeting.

The Principal Licensing Officer introduced the report members of the committee.

The Applicants representative was invited to the committee to make his supporting statement. It was highlighted that tortilla was an established restaurant chain which had 32 restaurants over the UK. Members were advised that the conditions would tightly control the licences operation and would not contribute to the late time economy. All alcoholic drinks would be sold at the required minimum drinks price standard and there would be no alcoholic drink offers.

The Licensing Officer was welcomed to the committee to make his statement. A representation was made in relation to the application as the premises was located within the boundary of the Dalston Special Policy Area (SPA). The proposed hours exceeded those as set out in LP14.

The Police were invited to the committee to make their statement. PC Ryan requested further information in relation to the outside space, the applicant confirmed that there would be no external use or off-sales.

### **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 agreed amendments:

- Condition 8 be amended to read; Alcohol shall not be sold, supplied or consumed on the premises otherwise than to persons who are seated and taking a substantial table meal from the menu and that the consumption of alcohol by such persons is ancillary to taking such meals
- Condition 35 be amended to read; The premises shall adhere to Hackney Police Weapons and Drugs Policies and any updates thereof
- Conditions 10 - 14, 16, 18, 27, 34 and 38 – 42 be deleted

### **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.

### **7 Application for a Premises Licence - The Yard Shoreditch, Eighty nine and a half Worship Street, EC2A 2BF**

The Principal Licensing Officer introduced the report members of the committee, members were informed that the police and other persons had withdrawn their representations, although environmental health were maintained their objection.

The Applicants representative was invited to the committee to make his supporting statement. It was stated this the applicants were a reputable company and that licence would be used for private events, members were advised that the venue would not be used on a regular basis.

The Environmental Health Officer was invited to make his statement. The committee was informed that the applicant was expected to demonstrate within the application that problem such as noise and smoke can be minimised through steps they purpose. It was requested that the applicant restricted the hours of use of the courtyard area with 5 smokers only outside the premises after 21:00, and to install a noise limiter.

The applicant's representative felt that it was not necessary for the premises to have a limited number of persons smoking outside and a noise limiter within the premises. Reasoning for this due to the premises not receiving many complaints in relation to licensable activities, although members were advised there was a private event in 2013 and 2016 where 2 complaints were received.

Councillor Patrick questioned if there was any housing surrounding the courtyard, it was confirmed by the Environmental Health Officer that they was flats directly above the courtyard.

The Applicants representative felt hat a noise limiter would be difficult to maintain considering the different function that would take place. The Environmental Health Officer advised that a noise limiter could be plugged in by the applicants and would not need to be adjusted or maintained by offer users of the premises.

The applicants representative stated that it was felt that a noise limited was not an investment that was necessary it was added that the premises was no in the Special Policy Area and that there were no representations from members of the public. Members were informed that all events were pre booked and there would be a door supervisor at all times.

### **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 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, as agreed with the Police:

- Conditions 10, 11, 14, 15, 28, 29 & 30 be deleted.
- Condition 38 be amended to read 'The premises shall ensure that there is a facility for members of the public to contact them via the details displayed on their website. This may be by email or telephone.'
- Condition 40 be amended to read 'The premises shall ensure that there is a facility for members of the public to contact them via the details displayed on their website. This may be by email or telephone.' Appropriate induction training will be undertaken with all relevant staff to cover appropriate subjects for their role including:
  - The responsible sale of alcohol
  - The prevention of underage sales of alcohol, the Challenge 25 policy and in checking & authenticating accepted forms of identification.
  - The responsibility to refuse the sale of alcohol to any person who is drunk.
  - Fire safety & emergency evacuation procedures.Refresher training will be given to all relevant staff every twelve months. Written records of this training shall be kept on the premises and produced to police or other authorised officer upon request.'
- Condition 41 be amended to read 'The premises shall adhere to Hackney Police Weapons and Drugs Policies and any updates thereof.'
- Condition 42 be amended to read 'After 22:00hrs there shall be a maximum of 5 smokers outside the premises at any one time. This shall be monitored by staff.'

and the following additional conditions to be added:

- When licensable activities are taking place at the premises, the number of smokers using the courtyard (designated smoking area) should be limited to 5 persons at any one time after 22.00 hours.
- The applicant is to ensure that between 23:00 hours and 08:00 hours, amplified music at the premises (The Yard Shoreditch 89 & 1/2 Worship Street Shoreditch London EC2A 2BF) is played through a sound limiting device to be set by a registered member of Institute of Acoustic or other similar professional body. The level should be set such as not to cause nuisance to the nearest noise sensitive receptor.

### **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.

The Sub-Committee determined that the additional conditions were appropriate after having heard about the complaints and concerns raised. It was felt that these amended conditions would ensure that the licensing objectives are not undermined given both the capacity of the premises and proximity to residents that have previously complained.

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

Thursday, 20th April, 2017

**Duration of the meeting:** 9.30 pm

**Signed**

.....

**Chair of Committee**

**Contact:**

Governance Services Officer:

Tel 020 8356 8407