

MINUTES OF A MEETING OF THE LICENSING SUB COMMITTEE C

TUESDAY, 12TH SEPTEMBER, 2017

- Councillors Present:** Councillor Richard Lufkin in the Chair
Cllr Margaret Gordon
- Apologies:** Councillor Sharon Patrick and Councillor Peter Snell
- Officers in Attendance:** Mike Smith (Principal Licensing Officer), Asma Zbidi (Legal Officer), Channing Riviere (Licensing), Butta Singh (Legal Services) and Rabiya Khatun (Governance Services Officer).
- Also in Attendance:** Essence Cuisine UK Ltd
Nolan Luijten – Premises Licence Holder
Roel Verhavert – Business Partner

1 Election of Chair

- 1.1 Councillor Lufkin was duly elected to Chair.

2 Apologies for Absence

- 2.1 Apologies were received from Councillors Patrick and Snell.

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.

5 E5 Bakehouse, Railway Arch 396, Mentmore Terrace, E8 3PH

- 5.1 This application was determined under delegated authority and withdrawn from the agenda.

6 Essence Cuisine UK Ltd, Basement and, Ground Floor, 94 Leonard Street, EC2A 4RH

(The Chair with the agreement of all parties adjourned the meeting at 7.15pm and reconvened at 7.24pm)

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- 6.1 The additional information including the information submitted by the applicant at the meeting and agreed by all parties, was circulated at the meeting.
- 6.2 Mike Smith, Principal Licensing Officer introduced the report in relation to a variation application for off sales of alcohol and reported that representations had been received from Licensing and Other persons. Planning has submitted an informative but made no representation.
- 6.3 The Sub- Committee noted the Other Persons written representations.
- 6.4 Nolan Luijten, the premises licence holder made submissions in support of the variation application. He stated that premises was a restaurant and take away business for vegans and vegetarians offering vegan and organic beers, wines and cocktails. The application would enable them to offer their curated vegan and organic wines off sales to customers to consume at home. The alcohol sales formed a minor part of the business revenue and they supplied high quality alcohol which was reflected in their prices. The cheapest wine on the menu started at £23 and the high prices would deter excessive or street drinking therefore minimising any public nuisance and cumulative impact. In addition, they were responsible operators and management would be present during the opening hours.
- 6.5 Channing Riviere, Licensing, outlined in his submission that the applicant had agreed to include an additional condition regarding sealed containers, however, the applicant did not agree to the proposed condition of alcohol being sold ancillary to food. This proposed condition was intended to mitigate any cumulative impact in the area and ensure that the premises did not operate in the future as a vertical drinking establishment.
- 6.6 Mr Luijten stated that he believed that the proposed condition was not relevant to the application as it related to on sales of alcohol and furthermore, staff had been provided with extensive training to ensure compliance with licensing conditions therefore minimising public nuisance and cumulative impact.
- 6.7 Mr Riviere stressed that the proposed condition relating to alcohol and food was necessary to ensure that the premises continued to operate as a restaurant. In recent years there had been a rise in licensed premises in Leonard Street which was contributing to the negative cumulative impact in the area.
- 6.8 In response to questions from the Chair regarding the application, Mr Luijten confirmed that the off sales of alcohol hours was until 21.00 hours. Mr Luijten explained that the premises had previously operated as vertical drinking establishment called the Shoreditch Art Club and off sales had not been granted due to the nature of the business. The premises was now under new management and operating as a restaurant primarily selling food.
- 6.9 In response to questions from Councillor Gordon seeking further clarification, Mr Luijten and Mr Verhavert stated that the restaurant/takeaway had been open for nine weeks without any issues. It currently attracted more diners but they planned to grow the takeaway business. With regard to the designated outside area, Mr Luijten clarified that there was a bench and no tables in this area and since opening a maximum of 2 patrons had used this area. Moreover, there

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had been no issue with patrons congregating and causing a public nuisance in the outside area and any spillage of patrons from Griffins Pub was cleared.

- 6.10 With regard to the request to reduce the opening hours, Mr Luijten responded that there were many licensed premises in Leonard Street with later opening hours and any reduction in the hours would be detrimental to his business.
- 6.11 The Chair referred to the wording in conditions 1 and 17 and Mr Luijten clarified that his understanding was that condition 1 related to off sales and condition 17 related to on sales. The Chair proposed and the applicant agreed to amend condition 1 by adding the words 'except for a maximum of four patrons using the designated external seating area.' Condition 24 was also amended to clarify the number of smokers.
- 6.12 The Chair referred to the Other Person's concern in relation to giving proper notice of the variation application. Mr Smith confirmed that the public notices relating to this application had complied with licensing requirements.
- 6.13 Mr Riviere summarised that having a condition to make alcohol ancillary to food would support the licensing objectives.
- 6.14 Mr Luijten summed up that the proposed condition was irrelevant as it applied to on sales alcohol and this application related to off sales.

The decision

The 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 current conditions at paragraph 3.1 of the report, with the following agreed amendments:

- Condition 24 – amended to include the number of smokers to the sentence 'except for 4 smokers'.

and along with the proposed conditions set out in paragraph 8.1 of the report, with the following agreed amendments:

- Condition 1 - add the following words to the sentence 'except for a maximum of four patrons using the designated external seating area.'

Reasons for the decision

The application has been approved with the above amendments, as the Licensing Sub-Committee having heard from the applicant today was satisfied that given the intended operation of the business, off-sales during the existing licensable hours, would not undermine the licensing objectives.

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.

The applicant is reminded of the need to regularise the planning status for the premises.

7 Temporary Event Notices - Standing Item

7.1 There were no temporary event notices.

Duration of the meeting: 7.15- 8.20pm

Signed

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Cllr Lufkin, Chair of the Sub- Committee

Contact:

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