

MINUTES OF A MEETING OF THE LICENSING SUB COMMITTEE B

TUESDAY, 26TH SEPTEMBER, 2017, 19:00, COUNCIL CHAMBER, MARE STREET, LONDON E8 1EA

Councillors Present: Cllr Christopher Kennedy (Substitute) in the Chair

Cllr Sade Etti (Substitute)
Cllr James Peters

Apologies: None

Officers in Attendance: Justin Farley, Legal Officer - Licensing
Mike Smith, Principal Licensing Officer
Gareth Sykes, Governance Services Officer
David Tuitt, Licensing Team Leader

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

1 Election of Chair

1.1 Councillor Christopher Kennedy was elected as Chair.

1 Apologies for Absence

2.1 There were no apologies for absence.

3 Declarations of Interest - Members to declare as appropriate

3.1 There was no declarations of interest.

4 Minutes of the Previous Meeting

4.1 The sub-committee members agreed the minutes of the previous Licensing Sub Committee B meeting held on the 27th June 2017.

5 Licensing Sub-Committee Hearing Procedure

5.1 The attendees at the sub-committee meeting noted the Hearing procedure.

6 Application to vary the premises licence - Ryan's Bar, 181 Stoke Newington Church Street, N16

6.1 Mike Smith, Principal Licensing Officer, outlined to the Licensing Sub-Committee member the application to vary the premises licence for Ryan's Bar, 181 Stoke Newington Church Street, N16. Committee members noted the

- additional conditions derived from Responsible Authority representations. Mr Smith also highlighted the representations from the Responsible Authorities (Licensing and Police), raising concerns about the application, as outlined in annexes B2 and B3.
- 6.2 Graham Hopkins, agent for the applicant, a Mr Gerald O'Sullivan, made a submission to the Licensing Sub Committee in support of the application. Mr Hopkins began by explaining that the premises was a family-run business which had been operating for over 50 years. This application was for the increase in the permitted hours for the sale alcohol for consumption on and off the premises, the playing of recorded music and the provision of late night refreshment by 30 minutes daily all week. Mr Hopkins and Mr O'Sullivan had taken on board the three additional conditions from the Responsible Authority representations, adding that since the last time they were at a licensing sub-committee meeting, on the 18th February 2016, they had insured that robust conditions were in place. Mr Hopkins explained that extra half an hour had been requested by local patrons. The majority of the customers coming into the pub were from the local area and were above the 25-30 years of age bracket. Mr Hopkins was not aware of any evidence of problems from the Responsible Authorities or complaints from local residents. Mr Hopkins noted the representation from the Planning Authority in Appendix B1 of the report and he explained that the current planning application mirrors the licensing application.
- 6.3 Mr Hopkins addressed directly the concerns put forward by the Responsible Authorities. The police were concerned that the proposed hours were too late; the later the closing time, the more customers have had to drink and the louder they are as they leave. This in turn would increase the potential for Anti-Social Behaviour (ASB) and drunken behaviour on the streets. Mr Hopkins replied that there was no evidence to support these claims. Mr Hopkins tabled an email from Police Constable Amanda Eva, which was passed on to David Tuitt, Licensing Team Leader, who read out to the members. The email implied that the police's only concerns about the application were the non-standard hours rather than the extra half hour. Mr Hopkins added that this application was a variation not a Temporary Event Notice (TEN), he acknowledged there had been a handful of TENs earlier in the year. Mr O'Sullivan was not aware of any objections raised about these from Environmental Health or the Police.
- 6.4 On concerns over the impact of the proposed hours on local residents, Mr Hopkins cited a recent Magistrates Court case, *Brewdog v. Leeds City Council*, where Council policy had been overturned after it was argued successfully that their been over rigid application of the licensing policy. Mr Hopkins re-iterated the lack of Police evidence, not objections, as the Police were actually still formally objecting.
- 6.5 David Tuitt, the Licensing Team Leader, submitted a representation to the licensing sub-committee. Mr Tuitt began by explaining that the previous application in February 2016 had included a proposal for an additional 30 minutes on the opening hours. Mr Tuitt confirmed that the Licensing Authority was not aware of any complaints. Like the Police, the Licensing Authority was concerned about the additional half an hour during the weekday. The existing hours on Friday and Saturday and non-standard days were already beyond midnight. This new proposal would take the hours even further and could potentially have a negative impact on the prevention of public nuisance

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- objective. In response to a question from Councillor James Peters, Mr Tuitt confirmed that it was the extension on the weekday hours that was the main issue.
- 6.6 The Chair highlighted those comments from Mr Hopkins, that the Police, in their representation, had not provided any specific evidence about this premises. They had stated that the proposed hours increases the potential of ASB and drunken behaviour.
- 6.7 Committee members briefly discussed whether the application would have a detrimental effect on the licensing objectives. They considered if there was any evidence that they would be undermined.
- 6.8 Mr Hopkins, responding to questions from committee members, explained that the premises operated just past 12pm with no complaints. As previously mentioned, there had been no complaints from local residents about noise. Mr O'Sullivan enforced a strict noise level policy along with a robust dispersal policy when customers leave the premises. They were reminded to respect the area and the local residents. There had been no reported complaints in the last 18 months or in the last 5 to 10 years.
- 6.9 Summing up, Mr Hopkins re-emphasised Mr O'Sullivan's track record and the lack of evidence of complaints. Mr O'Sullivan emphasised his wish to remain in good standing with the local residents and to protect his family business.
- 6.10 Mr Tuitt noted the comments of the applicant and re-iterated the Licensing Authorities view that the proposed hours could potentially have a negative impact on the prevention of public nuisance licensing objective.
- 6.11 After a brief discussion, the applicant agreed to limit the additional half an hour from Thursday to Saturday only.

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 Sub-Committee approved the application in accordance with the Council's licensing statement and the proposed conditions set out in paragraph 8.1 of the report and subject to the following amendment agreed with the applicant;

- The additional half an hour to the premises opening hours would only apply from Thursday to Saturday.

Reasons for the decision

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The application has been approved, with the above amendment. The members of the Licensing Sub-Committee, after considering carefully all the points raised during the meeting, were satisfied that the licensing objectives would not be undermined if the premises operated for an additional half hour from Thursday to Saturday.

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 raised at the meeting.

Duration of the meeting: 19:00 hours – 19:45 hours

Signed

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Chair of Committee, Councillor Christopher Kennedy

Contact:

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