

MINUTES OF A MEETING OF THE LICENSING SUB COMMITTEE A

TUESDAY, 24TH APRIL, 2018

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

Apologies: Councillor Patrick and Councillor Moule.

Officers in Attendance: Mike Smith, Principal Licensing Officer
Justin Farley, Licensing Solicitor
Jessica Feeney, Governance Services

Also in Attendance: Ian Morton, Applicant
Graham Hopkins, Licensing Agent
Sinead Coogan, Objecting Resident
Richard Colquhoun, Objection Resident
Peter Passam, Resident in Support
Seven Gilpin, Resident in Support

1 Election of Chair

Councillor Kennedy was elected as the Chair.

2 Apologies for Absence

There were apologies for absence from Councillor Patrick and Councillor Moule. However Councillor Plouviez agreed to substitute.

3 Declarations of Interest - Members to declare as appropriate

There were no declaration of interest.

4 Minutes of the Previous Meeting

The Minutes of the previous meeting were not agreed by members as no one at that meeting was present at the meeting to agree them.

5 Licensing Sub Committee Hearing Procedure

Members noted the Licensing Sub Committee Hearing Procedure.

6 Maregade Brew Co., Railway Arch 214, Ponsford Street, E9 6JU

The Principal Licensing Officer introduced the Application explaining that Maregade Brew Co Ltd made an application for a premises licence under the Licensing Act 2003: To authorise the supply alcohol for consumption on and off the premises. The premises was not currently licensed for any activity. A previous application, which

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sought sale of alcohol daily until 23.00, was refused by Licensing Sub-Committee on 14 December 2017.

Members were advised that Temporary Event Notices have been given for the premises throughout March and April starting at 12.00 and finishing at 20.00.

Four representations were received from and on behalf of local residents opposing the application (Appendices C1- C4) and 4 in support (appendices C5 – C8):
Representation received were on the grounds of The Prevention of Crime and Disorder, Public Safety, Prevention of Public Nuisance, The Protection of Children from Harm.

The Health Authority Representation had been withdrawn following acceptance of a proposed condition.

The Planning Authority submitted an Informative highlighting that Planning reference 2012/3532 granted the demolition of existing infills to railway Arches 213 -222 and construction of new front and rear arch infills with block work walls, roller shutters and integral doors. No approval has been for the operation of a micro-brewery and tap room (sui generis) at Railway Arch 214, Ponsford Street. Licensing approval does not grant planning approval. However subject to the specific operation of the tap room, it may be ancillary to the main use of the premises as a brewery. If this were to be the case then planning permission would not be required for the use. If the proposed tap room use is to be ancillary to the main use as a brewery, then the applicant is advised to seek a certificate of lawfulness for formal confirmation that this is the case.

No other responsible authorities remained their objections.

The Committee invited the applicant to introduce the application. The Solicitor stated that the brewery's profits were going to be 75% off sales and 25% on site sales, it was echoed that the planning provisions would be acceptable and ancillary without a change of use, however it was reminded that this was advisory only. Members were reminded that there had been no representations from any other authorities, the applicant felt that this demonstrated that the premises would fully promote the licensing objectives.

Members were informed that there would be a dispersal policy and a maximum of 5 smoker outside at any one time, smokers would also be kept close to the premises door. The Maximum capacity of the premises would be 45 people at any one time and individuals would not be permitted to take drink out the premises. The Committee was informed that it is policy that drinks must be left inside the premises and that the only motive to go outside would be to smoke, it was felt that this would prevent disturbances.

It was stated that Staff would also be responsible to monitor customers outside to ensure that there is no loitering.

The applicant wished to respond to the photos which were submitted by Residents association which showed 5 people outside smoking, the applicant said that this is what they were proposing only 5 people outside smoking at any one time.

The applicant stated that the premises would be playing background music only and that the hours had been reduced to fall in line with Hackneys Policy. It was requested that the applicant was considered and seen separately to other premises in the area

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which were alike. Member were informed that the doors would be shut from 7pm onwards only opening for people coming in and out of the premises. The Applicant summarised by advising that Maregade Brew Co Ltd was not a pub, which it had previously been referred to, The applicant added that the brewery would be charging 50p per unit which is not cheap pub pricing.

Peter Passam a witness in support stated that the applicant was a very community spirited individual who had worked with groups on the green ale project which was run each year to produce an ale from the hops. It was added that the applicant posted a notice for the application and put a letter through every single door in the flats inviting them for a discussion. It was stated that the council must also encourage small businesses.

Seven Gilpin highlighted that the applicant was a trustworthy person. Steve stated that he came to the tapery when there was a TEN application and personally witnessed him actively taking the event seriously and policing it. The applicant was committed to having local relationships with the community and Steve assured the committee that he could honour the commitments required by the licence.

Councillor Kennedy questioned when the applicant started brewing in the arch. The Applicant said he began brewing in December however the brewery started 3 years ago and the move to this area was the next step in the progression of the company.

Sinead Coogan felt that the last application was very over whelming and that the hours were entirely unacceptable, she stated that when she looks out her balcony it's directly outside the door. It was feared that if the committee allowed this application it would set a precedence and more applications similar to this would be allowed. The outside toilet was a concern for Sinead Coogan as it was also used by all customers from the surrounding premises and that this application would increase the number of people queuing. It was also stated that if the premises was selling off sale beers how can we guarantee that they will not take their drinks around the corner and drink there.

Richard Colquhoun echoed the comments that his neighbour made. It was specified that at the last meeting the applicant said that if there was no seating outside of the premises the business would not be financially viable. Mr. Colquhoun shared how there were many children who live in the block of flats who would be exposed to the harm, the Council must safeguard our community. Mr Colquhoun said that when the last event that took place it was not overly noisy, however he was worried about the effect the weather may have as in when it came to summer there may be an increased number of people at the premises. He also did not want this applicant to set a precedence.

Councillor Kennedy echoed the objector concerns regarding the TEN's that had taken place and how they may vary in the change of season.

The applicant stated that there were no objections received from residents from the TENs which had been carried out.

Kennedy summarised that the residents were worried about the open doors on Saturday afternoons, and people coming in out of toilets and the noise illuminating from the premises. Sinead Coogan added that they already had enough noise nuisance and that they do not deserve to have any more.

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The Solicitor stated that there was a review hearing procedure which could be actioned if it was felt that there were any issues.

Councillor Plouviez questioned what the maximum capacity of the premises was. The applicant stated that the police advised that it should be 45 people and that entailed everyone to be seated, however the applicant stated that he would be willing to reduce the amount of people down to 35.

Councillor Kennedy queried how the applicant would monitor the number of people in and out of the premises. The applicant stated that he had been making sure no one was hanging around outside, members were informed that the premises had a camera looking around the corner which could be viewed from the bar.

Members questioned how many members of staff would be working at the premises. The applicant advised that a normal Saturday would entail of 2 members of staff, and it was felt that this was sufficient to monitor the customers.

The Members discussed the possibility of a time lapsed licences, it was suggested that a year would be sufficient, however the applicants solicitor felt that a year was not enough, especially for a new business.

Members retired to make their decision

Members reconvened from their decision making

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;

That the application be refused.

Reasons for the decision

The Licensing Sub-committee, after careful consideration believed that on balance two licensing objectives would be undermined, the public nuisance and protection of children from harm objectives, if alcohol was sold from the premises.

The Sub-committee heard evidence from residents that they heard noise from patrons of the premises which is directly opposite their homes under temporary event notices. This included the conversations of a small number of people outside the premises even with the double-glazed windows and doors in the homes closed.

The residents further explained that their gardens were only two to three car widths distance from the premises and that children using these gardens would be exposed to patrons enjoying themselves in a licensed premises which may well include exposure to strong language and sexual expletives.

Such exposure would be increased when the bi-fold doors at the premises were open as that would expose children not only to patrons' conversations outside the premises, but also inside.

One toilet that patrons of the premises could use was also directly opposite residents' home, which was likely to add to the noise emanating from the premises especially where queues formed for the use of the toilet.

Residents also highlighted that the lack of toilet facilities in the premises was also likely to encourage people to urinate in the road in front of the premises or in their homes as patrons would not be disturbed if they did so as the road was quiet and out of sight from any main road.

The Licensing Sub-committee heard from the applicant that patrons attending the premises would do so to appreciate the beers before purchasing those beers that they particularly enjoyed and so would not generate noise that would disturb residents.

The applicant explained that the bi-fold doors were to be closed at 7 pm in the evening, which was a condition proposed to be included on the premises licence, and the number of patrons permitted in the premises was to be reduced to 35.

The applicant also explained that there were two outside toilets that patrons could use and that the premises would continue to be managed as they had under the temporary event notices as this had not resulted in nuisance that the applicant was aware of.

The Licensing Sub-committee were particularly concerned that activities at the premises would be taking place so close to the outside amenity space of families with young children and so considered carefully the measures proposed to ensure that the nuisance identified by residents would not occur. However, it was felt that a premises located so close to residents homes and gardens was likely to expose children to strong language and sexual expletives and residents to noise whilst patrons drank at the premises.

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.

7 Convenience Store, Finsbury Park Filling Station, 314-322 Seven Sisters Road, N4 2AP

The application was withdrawn.

8 Ribbons & Taylor Cafe, Basement And Ground Floor, 157 Stoke Newington Church Street, N16 0UH

Application approved under delegated authority. Item withdrawn.

Duration of the meeting: 9.15pm

Signed

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Chair of Committee

Contact:

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