

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

**TUESDAY, 24TH JULY, 2018**

**Councillors Present:** Cllr Sharon Patrick in the Chair  
Cllr Sophie Conway, Cllr Caroline Woodley)

**Officers in Attendance:** Mike Smith Principal Licensing Officer  
Channing Riviera, Licensing Officer  
Amanda Nauth, Licensing Lawyer  
Butta Singh, Licensing Lawyer  
Jessica Feeney, Governance Services

**Also in Attendance:** Robert Botkai, Sainsbury's solicitor  
Tom Holland, Sainsbury's  
Andy Newman, agent for Shep's  
Owner of Shep's and Manager

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

There were no Declarations of Interest

### **4 Minutes of the Previous Meeting**

Minutes of the previous meeting were agreed.

### **5 Licensing Sub Committee Hearing Procedure**

#### **6 Sainsbury's Supermarket, Green Lanes, N4 2EY**

6.1 The Application was introduced by the Principle Licensing Officer. Members were informed that Sainsbury's Supermarkets Ltd had made an application for a premises licence under the Licensing Act 2003: to authorise the supply alcohol for consumption off the premises

6.2 The applicants were also welcomed to the committee to make their statement.

6.3 Councillor Woodley explained that she had concerns regarding the noise of deliveries and timings.

6.4 The Licensing Agent explained that loading would only be between 7am and 11pm which were the trading hours.

### **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 additional condition:

*There shall be no sale of beer, lager or cider with an ABV content of 5.5% ABV or above shall be sold at the premises, save that this prohibition shall not apply to 'premium' products such as craft or speciality beer, lager or cider.*

### **Reasons for the decision**

The application has been approved as applied for, as the Licensing Sub-Committee was satisfied that the licensing objectives would not be undermined. The sub-committee approved application on the basis that the concerns relating to the delivery times would be determined and set-out in accordance with the planning permission, as outlined by the applicant who also confirmed that the premises would only be opening and operating in line with the hours for the sale of alcohol only.

### **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 Shep's Bar & Restaurant, Ground Floor, 392 Kingsland Road, E8 4AA**

7.1 The Principal Licensing Officer introduced the report, which explained that the application was made to vary the premises licence under the Licensing Act 2003:

- To extend hours for supply of alcohol for consumption on the premises
- To include hours for provision of regulated entertainment
- To include hours for late night refreshment

7.2 Members were also advised that the Police and Public Health had withdrawn their objections.

7.3 The Licensing Agent was welcomed to the committee to speak on behalf of the applicant. It was explained that there had been no complaints since the premises had opened. Members of the committee were informed that there had been a positive article written about the premises in the Times. The Licensing Agent explained that a survey was also conducted which highlighted that once the premises had closed 89% of customers moved onto another bar, however 95%

of customers stated that would like to stay at the premises rather than go to another bar.

- 7.4 The Licensing Officer had made a representation as a Responsible Authority he was invited to make his statement. It was explained that the premises was located within the boundary of the Dalston Special Policy Area (SPA). The SPA is area that has been identified as suffering from the negative cumulative impact of the concentration of licensed premises in the area.
- 7.5 LP14 (Special Policy Area - Dalston) of the Council's Statement of Licensing Policy states: All new or variation applications within the Dalston SPA will have to show:
- High standards of management, (an example would include a Management Strategy)
  - The quality and track record of the management
  - The good character of the applicant
- 7.6 The proposed hours exceed those as set out in LP14 (Dalston Special Policy Area). Although it is noted that the premises is currently licensed for the sale by retail of alcohol for consumption on the premises from 10:00 to 23:00 daily.
- 7.7 The Members of the Committee requested that recorded music was taken out the conditions to ensure that it was only background music that would be played.
- 7.8 Councillor Woodley questioned if food would also be served up until later hours, the applicant advised that it would be, it was also added that drink would only be served ancillary to food.
- 7.9 Councillor Patrick questioned if people came to the premises for alcohol drinks only, the applicant confirmed that they did. It was also questioned if people stood around the bar whilst drinking however the applicant explained that drinks were only serviced via table service.
- 7.10 The Licensing Enforcement Officer recommended that drink should be ancillary to food during all opening hours.
- 7.11 The Licensing Agent summarised by explaining that the Special Policy Area was not blanket policy and that there were exceptions. The Applicant also asked members to consider the letter of support from residents.

### **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;

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the variation application has been approved in accordance with the Council's licensing statement and the existing and proposed conditions set out in the current premises licence shown at Appendix C of the report, with the following amendments:

- The applicant has agreed to remove the condition relating to Recorded Music as Condition 25 of the premises licence sets out that music played at the premises shall remain at a background level only.

- Amended Hours for Licensable Activity:

Thursday:

Opening hours 10:00 – 00:45

Supply of Alcohol 10:00 – 00:00

Late Night Refreshment 23:00 - 00:30

Friday and Saturday:

Opening hours 10:00 – 01:15

Supply of Alcohol 10:00 – 00:30

Late Night Refreshment 23:00 - 01:00

and the following additional conditions:

- After 11pm all alcohol to be served by table service only, and ancillary to a table meal.
- A member of staff shall check the outside area to the premises at least every 30 minutes to ensure that the front area is kept clean and clear of litter.

### **Reasons for the decision**

The application has been approved as the Licensing Sub-Committee was satisfied that the licensing objectives would not be undermined.

### **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.

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

**Duration of the meeting:** 7.00 - 8.00 pm

**Signed**

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**Chair of Committee**

**Tuesday, 24th July, 2018**

**Contact:**

Governance Services Officer:

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