

MINUTES OF A MEETING OF THE LICENSING SUB COMMITTEE A
TUESDAY, 26TH FEBRUARY, 2019

Councillors Present: Cllr Sem Moema in the Chair
Cllr Caroline Woodley, Cllr Sharon Patrick

Officers in Attendance: Mike Smith (Principal Licensing Officer), Amanda Nauth (Legal Officer), Butta Singh and Anisah Hilali (Legal Services), Channing Riviere (Licensing) and Rabiya Khatun (Governance Services Officer)

Also in Attendance: **The Grapevine**
Giovanna Hussain - Applicant
Sarah Le Fevre – Applicant’s Legal Representative
Marcus Lavell – Solicitor

Other Persons
Mr Vanderzalm
Mr Simms

1 Election of Chair

1.1 Councillor Bell was duly elected to Chair the meeting.

2 Apologies for Absence

2.1 There were no apologies for absence.

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 Legal Officer outlined the hearing procedure.

5 Premises Licence: The Grapevine, 124 Shoreditch High Street, E1 6JE

5.1 NOTED the additional information submitted by the applicant and Other Persons, which was circulated at the meeting.

5.2 Mike Smith, Principal Licensing Officer introduced the report outlining the application for a new premises licence in respect of The Grapevine located in the Shoreditch Special Area Policy (SPA). He advised that the start time for films and

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opening hours had been amended from 09.00 hours to 10.00 hours Monday to Saturday. Representations had been received from Environmental Enforcement, Police, Licensing and Other Persons, and Planning had submitted an informative. It was emphasised that the applicant had agreed the additional conditions proposed by Environmental Enforcement and the Police and they had now withdrawn their respective representations.

5.3 Sarah Le Fevre, the applicant's legal representative made the following submission in support of the application. The applicant had bought the premises in 2017 and spent £150,000 refurbishing it into a small venue offering a library and reading room concept. This model had been trialled and tested since the premises opened in 2017 without any significant concerns and five special functions were held annually. The existing premise licence restricted the use of the premises to a restaurant and the basement had been converted into library room with clients consuming a maximum of two glasses of alcohol. The size of the premises was small with a total capacity of 120 persons. A maximum of 40 persons were permitted in the basement floor and a maximum of 80 persons were permitted on the ground floor. However, the applicant was proposing to reduce the capacity on the ground floor from 80 to 60 persons.

5.4 Furthermore, Ms Hussain was an experienced licensee and a good operator having previously managed other premises within Hackney without any issues. The sergeant from the Police's Licensing Services had provided a letter with positive comments relating to the licensee's co-operation. In addition, Ms Hussain had liaised positively with the local community and responsible authorities to address their concerns including agreeing to additional conditions. Ms Hussain also owned and operated the adjacent licensed premises, The Corner Shop, at 123 Shoreditch High Street, which supplied alcohol on and off the premises without any issues. It was argued that the concept, scale of the premises, the applicant's good character and previous track record in managing a licensed premises amounted to exceptional circumstances.

5.5 Channing Riviere, Licensing, outlined in his submission that the premises was located within the Shoreditch SPA, which had a high concentration of licensed premises in the area. An additional licensed premises would add to the negative cumulative impact, crime and disorder and public nuisance experienced in the area. However, the proposed opening hours complied with the Council's core hours' policy and there had been no issues with the applicant and this premises. Following discussions with the applicant, Ms Hussain agreed not to use the outside area at the front of the premises and if the Sub-Committee were minded to grant the licence minor changes to the proposed conditions would be necessary.

5.6 The Sub-Committee noted the written representations received from the Other Persons on the grounds of the prevention of crime and disorder, prevention of public nuisance and cumulative impact in a SPA.

5.7 Mr Simms, Other Person, outlined his objections to the application and stated that he owned a small business adjoining The Grapevine. The area was saturated with licensed premises and had gained a reputation for drinking. An increase in licensed premises had consequently led to a rise in public nuisance and anti-social behaviour impacting on residents and small businesses in the area. In particular, litter and vomit had been left at the front of his premises and the applicant had been storing steel barriers from The Corner Shop at the front of his shop.

5.8 Mr Vanderzalm, Other Person outlined in his submission that he had been residing in the Shoreditch Triangle for over a decade and had seen an increase in licensed premises in the area and as a result higher levels of crime and disorder. Mr Vanderzalm referred to an incident on 17 February 2019 where six patrons were arrested for drunken behaviour at the corner of Shoreditch High Street. Moreover, anti-social behaviour occurred mostly between 03.00 to 05.00 hours after premises closed and incidents included people ringing the doorbell in the early hours of the morning and broken glass outside his home. There were issues of crowd control as people were moving to other licensed premises with later opening hours and not dispersing from the area. The large crowds were also attracting buskers into the area that remained until 04.00 hours further exacerbating the noise nuisance experienced by local residents. The Council could no longer provide wardens to manage crowds in the area due to funding cuts.

5.9 Members sought further clarification regarding the public nuisance, steel barriers and the absence of local support for the application. Ms Le Fevre stated that due to the opening hours of the premises it was were unlikely to add to the crime and disorder, anti-social behaviour and overcrowding already experienced in the area. It was highlighted that Sergeant Hicks had confirmed that the incident on 17 February 2019 was unrelated to this premises and those arrested came from outside the area. The issue of buskers coming into the area from midnight was not relevant to this premises as it closed by 23.00 hours. Ms Hussain clarified that the steel barriers were temporarily left in front of Mr Simms' premises for approximately 15 minutes until her SIA staff arrived at work and stored them inside The Corner Shop from 20.15 hours. The steel barriers had been used during the Olympics to regulate patrons on the pavement. Ms Hussain explained that the litter at the front of the premises came from the recycling bins stored at the front of Mr Simms premises and confirmed she owned the Corner Shop premises.

5.10 Ms Le Fevre emphasised that the applicant was of good character and had a good track record with no objections received from the police to the application as well as a letter from a sergeant from the Licensing Section in support of the applicant. Furthermore, Ms Hussain had consulted with the local community on the application and had a good relationship with the twenty residents residing above the premises. These residents had not objected to the application.

5.11 The Chair sought clarification regarding the nature and operation of the premises, and dispersal policy. Ms Hussain explained that the shelving system, which had been an original character of the former bank had been retained and was now used to store books and create a library atmosphere in the basement. The ground floor and basement area attracted different clientele groups with customers coming for a dining experience at the restaurant on the ground floor and a quiet area to work or read books and dine in the basement. The basement had no bar and patrons stayed on average one and half hours drinking approximately two glasses of wine. Patrons were allowed to order their food in the restaurant and consume it in the basement. The music was played at a low level as the premises was not soundproofed and there was a maximum of 35 seats in the basement. It was highlighted that Ms Hussain had never applied for a TEN since opening in 2017

5.12 Ms Le Fevre stated that the premises attracted mostly couples and there had been no issues with dispersal from the area. Patrons were offered a cab service and notices were displayed instructing patrons to leave the premises and area quietly. Ms

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Hussain added that she employed four full-time and part-time staff that also managed dispersal from the premises.

5.13 Mr Vanderzalm expressed concern that the name of the premises suggested it would be operating as a wine bar. In addition Ms Hussain owned both The Corner Shop and The Grapevine and these premises could be combined in future to create a super wine bar that could add to the public nuisance. Addressing Mr Vanderzalm's concern, Ms Hussain replied that the premises had been named after her father's favourite song and she did not intend to expand or promote the premises as a wine bar.

5.14 The Other Persons emphasised that the issue had been that patrons were moving to other licensed premises with later closing hours instead of dispersing from the area. This was encouraging more drinking in the area and contributing to the public nuisance and cumulative impact. Ms Hussain emphasised that she paid her business levy for operating in the Shoreditch SPA and employed a cleaner to sweep the front of the premises. As a member of the Pub Watch scheme she would raise the issue of anti-social behaviour and measures to tackling it.

5.15 Mr Riviere indicated that if the entire premises including the basement operated as a restaurant permitting consumption of alcohol with a table meal, this could alleviate some of the concerns regarding conversion into a drinking establishment.

5.16 In response to a question from the Chair, Mr Smith confirmed that if the premises licence was granted any breaches of the licensing conditions would result in enforcement action or review of the premises licence. Any changes to the opening hours and use of premises to a vertical drinking establishment would require the submission of a variation application.

5.17 A Member proposed incorporating a condition related to the consumption of alcohol with a table meal to address concerns relating to vertical drinking. Ms Le Fevre emphasised that the conditions on the existing licence already limited the operation of the premises and there had been no issues since opening in 2017.

5.18 The meeting was adjourned at 19.10 hours to allow the applicant and her legal representative to discuss the proposal and reconvened at 19.15 hours. Ms Le Fevre indicated that the applicant would agree to the proposed additional condition that the entire premises operate as a restaurant.

5.19 Mr Riviere confirmed that there was no requirement for a restaurant to have a dispersal policy.

5.20 The Other Persons highlighted that granting another premises licence would add to the negative cumulative impact in the area; more people would be drinking, congregating and remaining in the area until later hours; there would be rise in crime and anti-social behaviour including more vomit and urine on the streets; and smokers at the rear and front of the premise would cause more noise nuisance.

5.21 Members sought clarification in relation to capacity, opening hours and smokers at the premises. Ms Le Fevre advised that the Fire Services had permitted a maximum capacity at the premise of 120 persons and the proposed capacity in the basement was 40 persons. It was clarified that the opening hours and start of films was 10.00 hours Monday to Saturday and noon on Sunday. With regard to condition

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27 relating to smoking, a member of staff on the ground floor managed the smokers outside. No drinking and furniture was permitted outside the premises to minimise public nuisance.

5.22 Mr Riviere in his closing remark emphasised that the premises was located within the Shoreditch SPA and the area suffered from negative cumulative impact, crime and anti-social behaviour.

5.23 The Other Persons summarised that another licensed premises in the area would add to the negative cumulative impact and result in higher levels of crime and disorder and public nuisance.

5.24 Ms Le Fevre in her closing remark highlighted that the concept, scale and nature of the venue would not contribute to the cumulative impact. The applicant's experience, commitment and good conduct should be taken into consideration when determining the application. Moreover, there had been no objections to the application from the police and a dispersal policy would be in place to ensure gradual dispersal from the premises.

5.25 The Sub-Committee adjourned at 20.30 hours to consider the decision and re-convened at 20.55 hours to seek further clarification.

5.26 The Chair indicated that the Sub-Committee was seeking further clarification regarding the relationship between premises 123 (The Corner Shop) and 124 (The Grapevine) Shoreditch High Street, the supply of alcohol and dispersal policy.

5.27 Ms Hussain replied that she owned and operated both premises. People coming to The Grapevine came for the quiet atmosphere and library setting. The PR campaign for the premises had been limited and patrons arrived and dispersed from the premise at staggered times. She had not witnessed any patrons from The Grapevine moving to the Corner Shop after closing hours. The Pizza Pilgrims was also a licensed premises located within the vicinity with later closing hours.

5.28 Ms Hussain clarified that patrons ordering alcohol from The Grapevine's wine menu were informed that the alcohol would be brought from the adjoining premises The Corner Shop. It was acknowledged that transferring open containers from one premises to another may be considered unhygienic. Patrons could only order alcoholic drinks from the wine menu and were not allowed to bring their own alcoholic drinks. Ms Hussain added that they had trialled a wine and beer menu and she was a responsible operator running her businesses without any issues for over ten years.

5.29 Mr Smith confirmed that Pizza Pilgrims had been granted a premises licence in December 2017 with a closing hour of 22.30 hours Thursday to Saturday.

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 a premises licence has been refused in accordance with Licensing Policies LP1, LP2, and LP10 within the Council's licensing statement.

Reasons for the decision

The Licensing Sub-Committee, having heard from the Licensing Authority and Other Persons believed that by granting the application it is likely to result in the licensing objectives for the promotion of public nuisance and crime and disorder being undermined within the Shoreditch Special Policy Area (Shoreditch SPA).

The Licensing Sub-Committee took into consideration the representations made by the Licensing Authority, and Other Persons regarding the cumulative impact in the Shoreditch SPA, which is an area saturated with licenced premises that has, as a consequence, resulted in complaints from local residents.

The Licensing Sub-Committee carefully considered the representations made by the Applicant's representative which included the concept, nature and proposed operation of the premises within the Shoreditch SPA. The Licensing Sub-Committee also took into consideration that the Applicant had a understanding of the nature of the locality in which the premises was located over a number of years and that the Applicant is an experienced premises owner in the area along with holding a premises licence at No. 123 Shoreditch High Street.

The Licensing Sub-Committee were not satisfied that the Applicant was able to demonstrate that the addition of another premises in the heart of the Shoreditch SPA would not add to the negative cumulative impact that is currently being experienced in the area. The Licensing Sub-Committee felt that the proposed capacity of the premises for both the basement and the ground floor would result in more people coming into the area, consuming alcohol and staying in the area for longer, which would inevitably contribute and add to the public nuisance, and crime and disorder in this part of the Shoreditch SPA.

The Licensing Sub-Committee took into consideration when refusing this application the acute alcohol related problems and issues continually being experienced in the Shoreditch SPA that has resulted in increased public nuisance and crime and disorder, which regularly affect the local residents, whom also believe and have indicated the police are struggling to control. Therefore, it was felt that by not granting a licence the licensing objectives would be promoted.

6 Temporary Event Notices - Standing Item

6.1 There were no temporary event notices.

Duration of the meeting: 7.00 - 9.40 pm

Signed

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Chair of Committee

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Contact:

Governance Services Officer:
Tel 020 8356 8407