



London Borough of Hackney – Decisions taken by the Licensing Sub Committee B on Wednesday, 14 August 2019

Agenda Item No	Topic	Decision
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Part A – Items considered in public

1	Election of Chair	Councillor Bell was elected as the Chair.
2	Apologies for Absence	There were no apologies for absence.
3	Declarations of Interest - Members to declare as appropriate	There were no declarations of interest.
4	Minutes of the Previous Meeting	There were none for approval.
5	Licensing Sub-Committee Hearing Procedure	The Licensing Sub-Committee Hearing Procedure was noted. It was also noted that the meeting would be audio recorded.
6	Application for a premises licence - Basement, 79 Kingsland High Street, London E8 2PB	<u>APPLICATION FOR A PREMISES LICENCE– BASEMENT 79 KINGSLAND HIGH STREET, E8 2PB - REFUSAL</u> <u>Decision of 14th August 2019</u> 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: <ul style="list-style-type: none">• The prevention of crime and disorder;• Public safety;• Prevention of public nuisance;• The protection of children from harm;

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		<p>the application for a premises licence has been refused, in accordance with the Council’s Statement of Licensing Policy, in particular Licensing Policies LP1, LP2 and LP10.</p> <p><u>Reasons for the decision</u></p> <p>The Licensing Sub-Committee, having heard from the applicant, responsible authorities and other persons, believed that granting the application is likely to result in the licensing objectives being undermined.</p> <p>The sub-committee took into consideration the representations and concerns raised by the Licensing Authority, the Metropolitan Police and other persons regarding the intended operation of the premises and the potential additional negative cumulative impact in the Dalston Special Policy Area, which is already saturated with other vertical drinking establishments in the immediate vicinity and around Gillette Square. As such the responsible authorities and residents did not support this application, particularly given the history of the premises.</p> <p>After hearing from all the parties, the sub-committee were not satisfied that the applicant could responsibly or appropriately operate the premises, within the Dalston Special Policy Area. They noted the fears of the possible interest of the previous operators or management. It was also noted in this regard that the current ownership of the premises was not clear and the applicant did not hold a lease or other legal agreement to control the running of the premises.</p> <p>The sub-committee felt that the applicant was unable to demonstrate that she had an adequate understanding of the nature of the area in which the premises is located along with outlining the required experience and track record of managing a premises like this. Furthermore, the applicant was also unable to demonstrate satisfactorily how the premises would not add to the cumulative impact on the Dalston Special Policy Area, in terms of people drinking and staying</p>

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		<p>in the area for longer, which could result in an increase of crime and disorder, and anti-social behaviour in the area. The committee felt that the applicant had failed to properly engage with the responsible authorities, in advance of the hearing, to try and resolve their concerns along with not proposing any substantial food offering for the revised hours, which may have mitigated the concerns relating to the type of operation and the negative cumulative impact being experienced.</p> <p>In making their decision, the sub-committee, were also concerned as to actual viability of the business from a practical perspective, given that the applicant appeared to lack the relevant experience of managing a drinking establishment which would require costly provisions and measures, such as security personnel and equipment in addition to CCTV, to ensure the premises operated appropriately at all times. They were concerned that some of the promises made during the hearing would therefore prove unrealistic.</p> <p>Having taken all the relevant factors into consideration, the sub-committee were not satisfied that the applicant was able to demonstrate that the necessary measures could be put in place to manage the premises responsibly within the Dalston Special Policy Area. As such the application was refused to safeguard the promotion of the licensing objectives.</p>
7	Application for a premises licence - Wagamama, Arch 385, Mentmore Terrace, London E8 3PH	<p><u>WAGAMAMA LIMITED, Railway Arch, 385 Mentmore Terrace , London E8 3PH - Application for a Premises Licence – APPROVAL</u></p> <p><u>The decision of 14th August 2019</u></p> <p>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:</p> <ul style="list-style-type: none"> • The prevention of crime and disorder;

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		<ul style="list-style-type: none"> ● Public safety; ● Prevention of public nuisance; ● The protection of children from harm; <p>The application for a premises licence has been approved in accordance with the Council's Statement of Licensing Policy and the proposed conditions set out in paragraph 8.1 of the report, with the following amendments:-</p> <ul style="list-style-type: none"> ● The opening hours and the hours for licensable activity, as agreed, are: <p><u>Opening Hours:</u></p> <table border="0"> <tr> <td>Monday to Saturday</td> <td>10:00 - 23:30 hours</td> </tr> <tr> <td>Sunday</td> <td>10:00 – 23:00 hours</td> </tr> </table> <p><u>Supply of Alcohol (off the premises):</u></p> <table border="0"> <tr> <td>Monday to Saturday</td> <td>10:00 - 23:00 hours</td> </tr> <tr> <td>Sunday</td> <td>10:00 – 22:30 hours</td> </tr> </table> <ul style="list-style-type: none"> ● Non-Standard Hours on New Year's Eve are deleted. ● Condition 8 to be amended and read as follows: <p>“The premises licence holder shall install CCTV at the front and rear of the premises, and maintain a comprehensive CCTV system as per the minimum requirements of a Metropolitan Police Crime Prevention Officer. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV</p>	Monday to Saturday	10:00 - 23:30 hours	Sunday	10:00 – 23:00 hours	Monday to Saturday	10:00 - 23:00 hours	Sunday	10:00 – 22:30 hours
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		<p>system shall continually record whilst the premises is open for licensable activities. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Recordings shall be made available immediately upon the request of the police or authorised officer throughout the preceding 31 day period”.</p> <ul style="list-style-type: none"> ● Condition 13 to be amended and read as follows: <p>“Clear, prominent and permanent notices and signage shall be displayed and maintained at all exits in places, where they can be seen and easily read by members of the public indicating the following:</p> <p>No members of the public shall be permitted on the premises”.</p> <ul style="list-style-type: none"> ● Delete condition 23. <p>Additional conditions:</p> <ul style="list-style-type: none"> ● The telephone number and contact details of the Designated Premises Supervisor (DPS) or person responsible for the operation of the premises, shall be made available to any responsible authority or any person who may wish to make a complaint during the operation of the licence. This contact number will be on prominent display at the premises and shall also be provided upon request. ● It is the responsibility of the Premises Licence Holder and/or its management to organise and hold quarterly meetings with the local residents, which is to take place at or close to the premises, with the Council’s Licensing Service also being invited to these meetings.

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		<ul style="list-style-type: none"> ● Deliveries and order collections to be made at the front entrance (Mentmore Terrace) only. ● The Premises Licence Holder and/or its management shall monitor the noise levels of the ventilation extractor fan system, so as to prevent noise nuisance to local residents in the area. The noise level of the extractor fan is to be managed/maintained within the levels agreed by the Environmental Health Authority (Pollution Team). ● Signage is put in place within the premises advising staff and any drivers of their conduct obligations, given that the premises is located within a residential area. ● All delivery drivers should be made to wait within the waiting area. There shall be no more than 6 delivery drivers within the premises' waiting area at any one time. ● All delivery drivers will be informed of and should be made aware of the 'Wagamama Delivery Driver Policy' specifying personal and vehicle conduct being applied to the drivers/riders. <p><u>Reasons for the decision</u></p> <p>The amended application has been approved as the licensing sub-committee accepted that the licensing objectives would not now be undermined.</p> <p>The licensing sub-committee took into consideration the representations made by the Licensing Service and other persons, who presented a petition following concerns from a number of local</p>
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		<p>residents, along with the fact that the Metropolitan Police and Council’s Environmental Enforcement Service had withdrawn their objections in advance of the hearing, following the agreed amendments to the application and conditions, as set out in the report.</p> <p>The licensing sub-committee also noted that Late Night Refreshment was no longer being considered and as such only the off-sales of alcohol, within the core hours, was being considered. In this regard it was noted that the applicant is an experienced licence holder who was capable of operating the premises in line with the licensing objectives and had considerable experience, as well as a good track record of operating a chain of restaurants in other areas of London. As such, the sub-committee felt reassured as the applicant had expressed a desire to work with the local residents to overcome any concerns in the future.</p> <p>Having taken all these factors into consideration, the licensing sub-committee felt that the applicant had demonstrated that they were prepared to work with the responsible authorities and residents to continue to improve the running of the premises, as shown by agreeing to the relevant changes to the application and conditions. This was in addition to the fact although the proposed alcohol sales were not a substantial part of the business, by allowing the licence for the off-sales of alcohol the whole operation of the premises could be more tightly and effectively controlled and managed. Therefore, on balance the sub-committee felt it appropriate</p>

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		<p>to grant the application to ensure the promotion of the licensing objectives.</p> <p>PUBLIC INFORMATIVE</p> <p>The applicant is reminded of the need to operate the premises according to any current planning permission relating to its use class, conditions and hours.</p> <p>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.</p> <p>Furthermore, the applicant is encouraged liaise with delivery drivers with regards to using less atmosphere polluting delivery vehicles, in addition to ensuring fumes, steam and/or odours emitted from the licensed premises will be kept to a minimum, so as to prevent undue nuisance to any persons living or carrying on business in the area where the premises is situated.</p>
8	Temporary Event Notices - Standing Item	There were no temporary event notices.