



London Borough of Hackney – Decisions taken by the Licensing Sub Committee E on Tuesday, 15 September 2020

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

5	Variation of Premise Licence: Gigi's Italian, Unit 3, 30 Felstead Street, Hackney, London, E9 5LG	<p><b><u>The decision</u></b></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"><li>• The prevention of crime and disorder;</li><li>• Public safety;</li><li>• Prevention of public nuisance;</li><li>• The protection of children from harm;</li></ul> <p>the application to vary the premises licence has been approved in accordance with the Council's Statement of Licensing Policy with the following amendments :-</p> <ul style="list-style-type: none"><li>• Any alcohol sold or supplied for consumption off the premises must be with a substantial meal and in a sealed container.</li><li>• Condition 12 of the licence to be amended and read as follows:  "Alcohol shall not be sold, supplied, or consumed on the premises otherwise than to persons who are taking substantial table meals from the menu and that the consumption of alcohol by such persons is ancillary to taking such meals. The supply of alcohol shall be by waiter or waitress service only".</li><li>• Conditions 19 to remain on the current premises licence.</li></ul>
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		<ul style="list-style-type: none"> <li>• Delete condition 20 of the licence as it duplicates condition 12.</li> </ul> <p><b><u>Reasons for the decision</u></b></p> <p>The application to vary the premises licence has been approved, with the above amended conditions, the Licensing sub-committee was satisfied that the licensing objectives would not be undermined.</p> <p>The sub-committee took into consideration that the applicant contacted both the Metropolitan Police Service and the Licensing Authority prior to the hearing to try and resolve their concerns. The sub-committee also took into consideration that the applicant had agreed conditions with Environmental Enforcement and they have subsequently withdrawn their representation. It was noted that the premises is located in a residential area, and there were no objections from local residents.</p> <p>The applicant stated in their representations that their food was popular in the area, and they wanted to now have alcohol and cocktails with food. The applicant stated that they had no intention of running a bar or to sell alcohol without food. They wanted to sell alcohol with take away pizza. The applicant was not proposing to change the hours.</p> <p>After hearing from the applicant, and carefully considering the representations of the Responsible Authorities (Licensing Service, and the Metropolitan Police Service), who both now agreed the applicant’s variation application, and both Responsible Authorities requested a condition that off-sales must be sold ancillary to a substantial meal. The sub-committee took into consideration from the evidence presented that the premises is located in a quiet street. The sub-committee were also satisfied that the conditions that the applicant has agreed to would promote the licensing objectives.</p>

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		<p>The sub-committee took into consideration that the applicant was an experienced premises operator, and the premises was a food led business which had been operating for over seven years. There had been no issues with the premises over the period that the applicant had been running the premises. The sub-committee felt that it would go against the Council’s Licensing Policy to remove the ancillary conditions 12 and 19 from the licence which could result in a negative impact on the area. The sub-committee felt that by give permission for off sales of alcohol sold with a substantial meal that would not compromise the licensing objectives.</p> <p>Having taken all of the above factors into consideration the sub-committee were satisfied, when granting the variation of this premises licence, that the licensing objectives would continue to be promoted.</p> <p><b>Public Informative</b></p> <p>The applicant is reminded of the need to regularise the use of the external areas of the premises and the layout with the Licensing Service in accordance with the conditions on the licence, and to keep the Licensing Service informed of any changes proposed to the licence and the premises layout.</p>
6	Variation of Premises Licence: The Stag's Head, 55 Orsman Road, Hackney, London, N1 5RA	<p><b><u>The decision</u></b></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"> <li>• The prevention of crime and disorder;</li> </ul>

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		<ul style="list-style-type: none"> <li>• Public safety;</li> <li>• Prevention of public nuisance;</li> <li>• The protection of children from harm;</li> </ul> <p>the application to vary a premises licence has been refused in accordance with Licensing Policies LP1 and LP2 within the Council’s Statement of Licensing Policy.</p> <p><b><u>Reasons for the decision</u></b></p> <p>The Licensing Sub-Committee, having heard from the Responsible Authorities (the Licensing Authority and the Metropolitan Police Service) believed that granting the application is likely to result in the four licensing objectives being undermined.</p> <p>The sub-committee took into consideration the representations made by the Licensing Authority and the Metropolitan Police Service regarding their concerns, and that they did not support the opening of the garden of the premises until midnight on Friday and Saturday due to the impact it will have on the local residents in the area.</p> <p>The sub-committee were concerned about the non-compliance with the licence holder’s current noise nuisance conditions on their premises licence following, an incident that was witnessed by the Metropolitan Police Service on Saturday 18<sup>th</sup> July 2020, when loud music was played at the rear of the premises that is available to patrons until 23:00 hours. The music was played by a DJ so loud that a conversation could not be had outside. The level of this loud music witnessed by the Police was not background music which is a condition on the premises licence. This incident is a breach of the conditions of the existing licence which the sub-committee take very seriously given that the premises is located on a residential street that will affect local residents late at night.</p>

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		<p>Due to the current social distancing requirements it is necessary for background music to be played to enable patrons to speak to each other at a normal speech level to prevent them having to shout at each other, which would create more disturbance to local residents close by or having to come too close together and risk spreading infection. It was unclear what procedures the licence holder had in place to prevent this incident re-occurring to protect patrons, local residents and to prevent further breaches of the existing premises licence.</p> <p>The sub-committee sympathise with the applicant’s circumstances, and the impact on the premises due to the current social distancing restrictions during the pandemic. However, the applicant has not been able to demonstrate adequate exceptional circumstances, to justify the application being approved. It was also noted that the applicant currently has a reduced food offering. The sub-committee cannot consider the issue of financial “need” in determining any licence application.</p> <p>The sub-committee took into consideration when refusing this application that each case is considered on its merits. The sub-committee believed that the licensing objectives could not be promoted by granting this variation application, and as such believed it was appropriate to refuse the application in its entirety.</p>