

**DRAFT MINUTES OF THE MEETING OF LICENSING SUB COMMITTEE D
THURSDAY 14TH OCTOBER 2021 at 2PM**

THIS MEETING WAS LIVE STREAMED AND CAN BE VIEWED AT:
<https://youtu.be/xdIJhbX62IM>

Councillors Present: Cllr Emma Plouviez (Chair)
Cllr Brian Bell

Officers in Attendance: Peter Gray - Governance Services Office
Amanda Nauth - Licensing and Corporate Lawyer
Suba Sriramana - Acting Principal Licensing

In Attendance: **BYRD, 61/7 Great Eastern Street**
Applicant:

Angelique Ferra - Agent
Gary Grant - Barrister

Responsible Authorities:

Licensing Authority - David Tuitt
Police - PC Kerrie Ryan

Unit 7, 2-4 Orsman Road

Responsible Authority:

Licensing Authority - Channing Riviere

Other Person:

Cllr Kam Adams

1. Election of Chair

1.1 Councillor Emma Plouviez was duly elected to Chair the meeting.

2. Apologies for Absence

2.1 There were no apologies for absence.

3. Declarations of Interest

3.1 There were no declarations of interest.

4 Licensing Sub Committee Hearing Procedure

4.1 The hearing procedure as set out in the agenda pack was explained to all participants.

5. Minutes of previous meetings

5.1 The minutes of the following meetings were agreed as a correct record.

17 November 2020
13 July 2021
25 August 2021

5 Application for a Premises License: Byrd, 61/67 Great Eastern Street EC2A

5.1 The Principal Licensing Officer introduced the application. Shamal Overseas Shoreditch Limited had made an application for a premises licence under the Licensing Act 2003 to provide the following activities:

- Plays
- Films
- Live Music
- Recorded Music
- Performance of Dance
- Late Night Refreshment
- Supply of alcohol for consumption on the premises

The applicant had reduced the core hours for licensable activity and for the sale of alcohol on Monday to Thursday from 8:00 to 23:00, Friday and Saturday, 8:00 to 12:00, Sunday from 10:00 to 23:00. Opposition to the application remained from the Licensing Authority and the Police Authority.

5.2. Gary Grant asked to be granted 10 minutes for his submissions to the Sub-Committee. He submitted that the application was radically different to the application initially submitted and it would be necessary to expand on this to assist the authorities and ensure that they were aware of all the changes made.

5.3 Gary Grant, Barrister made submissions in support of the application, highlighting the following:

- that the premises was at the edge of the Special Policy Area and that they were aware that there had been particular issues in the area since the opening of hospitality following the lockdowns;
- There had been engagement with the Responsible Authorities and the application and premise business model had been radically revised;
- Core hours were now being sought and the premises would be food led;
- The authorities had asked for the condition in relation to the fine dining to be amended as follows: 'From 8pm the sale of alcohol shall be ancillary to a substantial table meal. This had been agreed;
- During the hours prior to 8pm the premises would be used for events such as fashion launches, local digital artists and charity lunches, etc;
- Queuing, smoking and dispersal policies were to be in place;
- In relation to noise and nuisance the Environmental Health Team had agreed conditions and withdrawn their objections to the application;
- A report from PC Guy Hicks was within the bundle submitted. He had considered the revised application and had stated that the premise would not have an adverse impact on the Special Policy Area;
- The Premises was likely to attract a mature clientele;
- The premises was in the basement of a hotel;

- The nearest residents were the hotel residents and therefore the premises would have to be self policing;
- The hotel above the premises had a license that allowed residents to
- attend the bars and restaurants in the hotel until core hours;
- The maximum fire safety capacity was 126. It was anticipated that fewer people would be present.

5.4 PC Kerry Ryan referred to the saturation of licensed premises in the Shoreditch area. She referred to high levels of violent crime, serious assaults and intoxication in the area. She welcomed the reduction in hours and the amended condition in relation to alcohol being ancillary to food. These developments allayed many concerns. She considered that the capacity for fine dining should be conditioned.

5.5 The Principal Licensing Officer (Community Safety) submitted that the premises was in the Special Policy Area. He welcomed the reduction in hours and the amended condition in relation to alcohol being ancillary to food, allaying many of his concerns.

5.6 Councillor Bell asked for details of capacity. Gary Grant confirmed that the capacity was 126 customers from 8pm.

5.7 In closing, Gary Grant submitted that the premises had been operating for a number of years without complaint.

5.8 There were no other submissions.

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; and
- The protection of children from harm,

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:

The hours for licensable activity are:

The opening hours of the premises:

Monday - Thursday	08:00 - 23:30
Friday - Saturday	08:00 - 00:30
Sunday	08:00 - 23:00

Plays	
Monday - Thursday	08:00 - 23:00
Friday - Saturday	08:00 - 00:00
Sunday	10:00 - 22:30

Film

Monday - Thursday	08:00 - 23:00
Friday - Saturday	08:00 - 00:00
Sunday	10:00 - 22:30

Live Music

Monday - Thursday	08:00 - 23:00
Friday - Saturday	08:00 - 00:00
Sunday	10:00 - 22:30

Recorded Music

Monday - Thursday	08:00 - 23:00
Friday - Saturday	08:00 - 00:00
Sunday	10:00 - 22:30

Performance of Dance

Monday - Thursday	08:00 - 23:00
Friday - Saturday	08:00 - 00:00
Sunday	10:00 - 22:30

Late Night Refreshment

Friday - Saturday	23:00 - 00:00
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Supply of Alcohol (on sales):

Monday - Thursday	08:00 - 23:00
Friday - Saturday	08:00 - 00:00
Sunday	10:00 - 22:30

Remove conditions 14 and 23 from the licence.

Condition 24 shall be amended and read as follows:

“The number of people that will be using the designated smoking area (opposite main entrance to BYRD on Ravey Street and Willow Street) is limited to 8 people at any one time before 22:00 and shall be monitored by staff”.

And the following additional condition:

From 20:00 the sale of alcohol shall be ancillary to a substantial table meal.

From 22:00 the maximum number of persons allowed on the premises at any one time shall not exceed 136 persons (excluding staff)

Reasons for the decision

The application for a premises licence has been approved, because members of the Licensing sub-committee were satisfied that the licensing objectives would not be undermined within the Shoreditch Special Policy Area (Shoreditch SPA).

The sub-committee took into account that the Responsible Authorities (Environmental Enforcement and Environmental Protection) agreed conditions with the applicant and

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withdrew their objections in advance of the hearing. The Metropolitan Police Service also agreed conditions and reduced hours with the applicant and subsequently withdrew their objections in advance of the hearing. It was noted that there were no objections raised by local residents.

The sub-committee took into consideration the representations made by the Licensing Authority, and their concerns about the impact on the Shoreditch SPA which suffered from public nuisance and the cumulative impact in the area. However, the Licensing Authority was happy with the reduced hours. It was noted that the Police had concerns about another premises in the Shoreditch SPA.

The sub-committee also took into consideration that the premises is located in the Shoreditch SPA and therefore it is subject to policy LP10.

The sub-committee heard submissions from the applicant's representative that the applicant is aware of the nature and location of the premises because they had worked in the hotel as a manager for sometime, and they intended to operate the premises responsibly and within core hours.

The sub-committee took into consideration that the premises is on the edge of Shoreditch SPA, however, the impact will be minimal and it may improve the area. The sub-committee took into account that the premises are separate from the hotel. It was noted that all licensable activities carried out after 20:00 will be ancillary to the use of the restaurant for fine dining.

The sub-committee after hearing from the applicant, the applicant's representative, and the Licensing Authority were satisfied that the premises would not add to the cumulative impact in the area, and would not threaten the licensing objectives in the Shoreditch SPA. The sub-committee took into consideration the nature of the business, and that it will operate under core hours in accordance with Policy LP3. The sub-committee noted it was a food led premises and that the alcohol will be served ancillary to a substantial meal. The sub-committee also took into consideration the conditions agreed with the Responsible Authorities that would help overcome any negative impact in the Shoreditch SPA.

Having taken all of the above factors into consideration, the sub-committee were satisfied that by granting this premises licence, the licensing objectives would continue to be promoted within the Shoreditch SPA.

6. Application to amend a Premises License: U7 Lounge, Unit 7, 2-4 Orsman Road, N1 5FB

6.1 The Principal Licensing Officer introduced the application. The proposed licensable activity was to amend condition 46 as follows:

From "Hande Sezgin shall be excluded from the premises and shall not undertake any activities related to the management of the business. This shall include but shall not be limited to any directorship, shareholding, direct employment, employment as a contractor, advisor or supplier"

To "Ms Sezgin is excluded from the management of the business but not the premises in its entirety"

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6.2 The Licensing Lawyer clarified that the Sub-Committee would be reviewing condition 26 of a premises license and that reference to an application in the papers was incorrect and required amendment. The options before the Sub-Committee were to grant the proposed amended condition or to refuse it. She indicated that David Dadds, Solicitor, did not intend to attend the meeting and asked the Sub-Committee if it required him to be present to answer any questions. The Sub-Committee confirmed that it did not have any questions for David Dadds. In communication with the Licensing Lawyer he had asked the Sub-Committee to only consider the amendment to the condition.

6.3 The Principal Licensing Officer (Community Safety) submitted, in opposition to the amendment that, highlighting the following:

- The Licensing Authority was aware of resident's concerns about the
- operation of the premises,
- The Licensing Authority had noted that this application was from a new
- individual;
- Did the new applicant have any relationship with the current licensee?
- The premises had gone into insolvency;
- The amended condition would be unenforceable.

6.4 Councillor Kam Adams submitted that complaints had been received about the operation of the premises, including operating out of hours. There had been allegations of intimidation of residents to prevent them from complaining. He submitted that the condition should not be amended.

6.5 The Chair asked for clarification on the relationship between Smiley and the person named in the condition. She asked if there had been evidence of intimidation produced at the previous hearing. The Principal Licensing Officer confirmed that Smiley was a relative. He confirmed that there had been evidence of intimidation at the previous hearing.

6.6 Councillor Bell clarified that a bundle had been submitted that included details of a refused planning permission application at the premises and that the business had gone into liquidation. The Chair considered that the amended condition may be unenforceable.

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 review of condition 46 of the premises licence and the proposed amendment to this condition has been refused taking into consideration the Licensing Policies within the Council's Statement of Licensing Policy.

Reasons for the decision

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The Licensing sub-committee heard that the premises licence was granted by the Licensing sub-committee on 22 April 2021, and licence holder subsequently appealed condition 46 that excluded the previous licence holder, Hande Sezgin from the premises. The sub-committee were aware that this matter was referred back to the Council from the Magistrates' Court for the Licensing Sub-Committee to review this condition, and to decide whether to remove or vary condition 46.

The sub-committee took into consideration the representations of the Licensing Authority who objected to the removal of condition 46 and they did not accept the amendment to the condition as an alternative because they found it difficult to see how Hande Sezgin would not be involved in the management of the premises. The Licensing Authority made submissions that they would like condition 46 to remain on the premises licence because it is enforceable.

The sub-committee considered representations from the Ward Councillor on behalf of local residents, who previously made representations, when the licence was applied for on 22 April 2021. The Ward Councillor made representations that condition 46 should not be removed or varied.

The sub-committee carefully considered the representations made by the Licensing Authority, the Ward Councillor representing Other Persons (local residents), and the representation from the licence holders legal representative. The sub-committee believes that the original decision dated 22 April 2021 to grant the premises licence, to the new licence holder, was granted in good faith that it would change, and improve the operation of the premises.

The sub-committee expressed that this was their first experience of local residents being fearful of those involved with the management and operation of any licensed premises. The sub-committee felt that this situation was totally unacceptable. The sub-committee, having heard from the Licensing Authority, believed that the removal of condition 46 would be likely to result in the licensing objectives being undermined.

The sub-committee felt that the removal of the condition would provide no enforceability in the future if Hande Sezgin continued to be involved in the operation of the premises.

The sub-committee considered the proposed amendment to condition 46 and they were not convinced that Hande Sezgin could attend the premises without being involved in the management and control of the premises. The sub-committee felt it was necessary for Hande Sezgin to continue to be excluded from the premises in its entirety to promote the licensing objectives.

The sub-committee took into consideration that on 22 April 2021 the Licensing Sub-Committee believed they were changing the management and control of the premises to ensure that the premises were run responsibly, and in compliance with the conditions on the licence, and condition 46 was necessary for this to be achieved. The sub-committee noted that the condition 46 was discussed with the licence holder's legal representative on 22 April 202, and there was no objection to this condition.

The sub-committee took into account that the premises continued to operate under the same management previously used that resulted in complaints from local residents.

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The sub-committee believed that the licensing objectives could not be promoted by allowing condition 46 to be varied or removed from the licence and as such believed it was necessary and appropriate to refuse the removal of condition 46 from the premises licence.

7. Temporary Event Notices

7.1 There were no Temporary Event Notices.

End of Meeting.

Duration of Meeting: 2-5pm

Chairperson: Councillor Emma Plouviez

Contact:

Peter Gray

Peter.Gray@Hackney.gov.uk

Tel: 020 8356 3326