

MINUTES OF THE MEETING OF LICENSING SUB COMMITTEE D

THURSDAY 25 NOVEMBER 2021 AT 7PM

THIS MEETING WAS LIVE STREAMED AND CAN BE VIEWED AT:
<https://youtu.be/ecu2grUeVNA>

Councillors Present: Cllr Brian Bell (Chair) Cllr Sophie Conway
Cllr Gilbert Smyth

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

Also in Attendance: Timbar, 8 Stoke Newington Road
Kamil Karakus - Applicant
Richard Marshall-Duffield - Agent
Responsible Authority:
Police - PC Dave Atkins
Other Person:
Julian Izzo

1. Election of Chair
 - 1.1 Councillor Brian Bell 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. Application for a Premises Licence: Signature Brew Ltd, Ground Floor, Scrutton Street, EC2A 4RJ
 - 5.1 The application was approved under delegated authority.
6. Application to Vary a Premises Licence: Timbar, 8 Stoke Newington Road, London, N16 7XN
 - 6.1 The Principal Licensing Officer introduced the application made under section 34 of the Licensing Act 2003 for Timbar, 8 Stoke Newington Road, N16 7XN, as follows:

To extend the hours for the supply of alcohol on the premises;
To provide recorded music;
To provide live music;
The provision of the performance of dance;
An increase in capacity.

Representations remained from the Police and the Other Person. Additional information had been received from the applicant and from the other person which had been circulated to members of the sub-committee.

6.2 The Chair stressed that the premises was in the Special Policy Area and that the onus was on the applicant to demonstrate that there were exceptional circumstances for the approval of the application.

6.3 Richard Marshall-Duffield made submissions to the sub-committee in support of the application, highlighting the following:

- The premises was undergoing a change of direction, introducing music and dance and the extension of the licensing hours. The application also asked for the inclusion of non-standard hours;
- The premises had a 24 hour “operational licence” from the past when it was a sports bar;
- Objections to the application had been received from the Police and the Other Person;
- The Police had asked that a dispersal policy be produced and this had been submitted to the Sub-Committee;
- The dispersal policy had been updated to include clarification on wind down procedures;
- The premises was now “associated with” Pubwatch;
- Contact had been made with the Council’s Late Night Officer and there was access to the Hackney nights portal;
- The aim was to increase capacity at the premises from 50 to 120;
- There had been extensive building work in the premises undertaken by the owners;
- A sound limiter and double doors were to be installed with sound proofing in the roof and the floor;
- There had been no objections to the application from Hackney’s Environmental Health;
- Live Music had been removed from the application;
- Attempts had been made to speak to the objector on his concerns in regard to the application but these had been unsuccessful;
- The nearby train service would allow people to leave the area quickly and safely;
- A popular night scene existed in the Dalston area.

6.4 The Chair asked for clarification in relation to the “operational licence” mentioned. Richard Marshall-Duffield claimed that a business licence was for 24 hours and the alcohol licence was from 10pm to 12pm during the week and 10pm to 2pm at weekends. There was to be a 1 hour wind down time for the consumption of alcohol. It remained unclear what type of “operational licence” was being referred to.

6.5 Councillor Smyth asked for clarification in relation to activities in the Sports Bar. He asked if the owner had experience of running an establishment as proposed. Richard Marshall-Duffield confirmed that there had been pool tables in the Sports Bar which had now been removed. Additional toilets had been added and the premises had been soundproofed. He confirmed that the owner had previously managed restaurants and social clubs,

6.6 PC Atkins made submissions against the application, highlighting the following:

If granted the application would transform the nature of the business;
The premises was situated in the Special Policy Area where there were regular instances of crime and disorder;
The premises already benefited from hours in excess of those laid out in the Licensing Policy;
The proposals would have a negative impact with increased numbers of people coming into the area and drinking for longer;
The application would undermine the licensing objectives;
The dispersal policy would not address anti-social activities outside the premises where individuals were outside the control of the premises management;
The reintroduction of the 24 hour train services was not guaranteed, nor that it would be utilised by many customers;
That the non-standard hours should not be granted;

6.7 Julian Izzo (Other Person) made submissions against the application, highlighting the following:

- The premises was situated in a residential area;
- The proposal was for a late night bar with dancing;
- There was a failure to comply with Licensing Policy 1;
- The bar was of a low quality;
- There was no social distancing at the premises during the Pandemic;
- The non standard hours were outside the core hours;
- The proposals could cause cumulative impact in the area;
- The non-standard conditions were unacceptable;
- A sound report had not been produced;
- The non discretionary conditions were inadequate;
- Excessive noise emanated from the premises at late hours;
- There was potential for the stockpiling of alcohol;
- The dispersal policy was poorly drafted;

6.8 The Chair highlighted concerns around the non standard hours. He reiterated that the applicant would need to demonstrate exceptional circumstances for the granting of the application for a premises located in the Special Policy Area. Councillor Smyth asked for clarification on what measures were to be put in place to prevent cumulative impact arising from the changes to the premises licence.

6.9 Councillor Conway asked how the impact of increasing hours and capacity would be mitigated given that there would be significantly more people on the premises.

6.10 Richard Marshall-Duffield argued that;

- There would be a dispersal policy in place for the premises;
- The wind down time allowed people to leave slowly and in their own time;
- Additional training would be provided for staff at the premises;
- The area in which the premises was located was served by a nearby overground, and ubers and taxis allowing for people to leave the area quickly;
- An increase in the number of toilets at the premises and an extra door to reduce noise;
- There was a demand for late night venues in the area;
- There had been no complaints against the premises;
- Despite attempts there had been no engagement with the objector;
- The premises was an established part of the community;

6.11 Councillor Smyth asked for clarification on living arrangements above the premises and whether the activity at the premises would be at ground floor level. He asked whether the premises had operated deliveries and at what times. Councillor Smyth stated that a decision would have to be based on the cumulative impact in the area and how any impact would be mitigated.

6.12 Richard Marshall-Duffield confirmed that there were 2 flats above the premises with a total of 3 occupants. Business activity would be on the ground floor. It was confirmed that the deliveries were carried out within the normal working day. Richard Marshall-Duffield stated that measures were in place to mitigate the impact such as the premises dispersal policy covering the internal and external areas. Glasses would not be allowed onto the pavement. The premises was willing to listen and operate within any structure applied.

6.13 Julian Izzo highlighted the following:

- That the premises had a no smoking area outside and this was not on the licensing plan;
- That the back alley area was dangerous with drug dealers present;
- There was much noise emanating from the premises;
- The premises would attract people from other venues in the area;
- The proposals would add to cumulative impact;
- Concerns that this would evolve into a 24 hour operation;

6.14 The Chair stressed that non-standard hours should not be attached to the licence and that TENs should be used.

6.15 Richard Marshall-Duffield argued that the non-standard hours would ensure consistency. He reiterated that Environmental Health had made no objections to the application. A dispersal policy was now in place. He stated that he was open to any suggestions in relation to the operation of the premise. He suggested that the hours on Friday and Saturday remain at 2pm with a 1 hour wind down time for music and drinking, allowing people to leave slowly.

6.16 The sub committee considered that the applicant had not demonstrated that there were any exceptional circumstances to approve the application in the SPA. The application for an extension of hours and the increase in capacity were matters of concern to the sub-committee.

6.17 The Chair suggested the imposition of a condition in relation to delivery times and that the number of smokers outside the venue be maintained at 5 persons, if the licence were approved. This was agreed by Richard Marshall-Duffield.

6.18 Councillor Smyth asked if the applicant would accept a smaller capacity number. Richard Marshall-Duffield stated that the applicant had removed the pool tables and put in extra toilets in order to increase capacity. The application had been reduced from 150 to 120 persons.

6.19 In summing up, Richard Marshall-Duffield highlighted:

That the application centred on changing the business to one of music and dance within the hours outlined;

He believed the guidance of the Police had been followed in regard to extra training, the use of Pubwatch and Hackney incentives;

That the application should be considered on its own merits.

6.20 In summing up PC Atkins submitted that

They continued to oppose non-standard hours;

They remained opposed to this application to extend hours and capacity at the premises;

6.21 In summing up, Julian Izzo highlighted the following:

- Concerns around noise emanating from the premises;
- The non-standard conditions were inadequate;
- Non-compliance with the existing conditions;
- Concerns around any increase in capacity;
- Concerns around issues in relation to egress and ingress;
- The need for a change to the operational hours;
- The changes to the licence would add to the cumulative impact;
- The dispersal policy was inadequate;
- That the application be refused;

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 to vary a premises licence has been refused in accordance with Licensing Policies LP1, LP2, LP3 and LP10 within the Council's Statement of Licensing Policy.

Reasons for the decision

Thursday 25 November 2021

The sub-committee took into consideration the representations of the Metropolitan Police Service who objected to this application due the negative impact it would have, which could lead to further drinking late at night and the associated anti-social behaviour. The police's representations were principally against the extensions of hours and the extra capacity, which would mean that people would have more access to alcohol for longer hours late at night. The sub-committee also took into consideration objections received from local residents.

The sub-committee carefully considered the representations made by the applicant's representative together with those of the Metropolitan Police Service, and Other Persons (local residents). However the sub-committee was not convinced that the applicant's proposals would justify them making an exception to grant hours outside the Council's Statement of Licensing Policy within the Dalston SPA. The sub-committee also took into account that the Metropolitan Police Service and Other Persons maintained their objection after hearing from the applicant's representative.

The sub-committee took into consideration the potential negative impact of public nuisance on local residents late at night. The sub-committee also heard from local residents confirming their objections to the additional hours and the impact on residential properties situated close to the premises.

The sub-committee were particularly concerned that the variation would more than double the capacity of the premises, and would therefore have a substantive negative cumulative impact on the Dalston SPA. The sub-committee felt that no dispersal policy could help mitigate the negative impact of more than doubling the capacity.

The sub-committee took into account that adding music and dance to the licence may affect local residents who reside above and around the premises.

The sub-committee also took into consideration that the premises has a licence to carry out licensable activities from Sunday to Thursday up to 00:00 hours and Friday to Saturday up to 02:00 which already exceed those stated in the Council's Statement of Licensing Policy LP3.

The sub-committee felt that by not granting this variation application it would help prevent anti-social behaviour, resulting from more people coming into the area, consuming alcohol, and staying in the area for longer. These contribute to increasing public nuisance, and to crime and disorder, in the Dalston SPA.

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.

End of meeting: 8:45

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