



London Borough of Hackney – Decisions taken by the Licensing Sub Committee E on Tuesday 5 July 2022

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

6	Premises Licence : The Cooper Street Cafe, 11 Copper Street, London, E20 3AW	<p><u>The decision</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;• 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 conditions set out in paragraph 8.1 of the report, with the following amendment :-</p> <p>The opening hours and the hours for licensable activity are:</p> <p>Opening Hours:</p> <table><tr><td>Monday to Saturday</td><td>08:00 - 23:00</td></tr><tr><td>Sunday</td><td>08:00 - 22:30</td></tr></table> <p>Supply of Alcohol (On and off the premises):</p> <table><tr><td>Monday to Saturday</td><td>12:00 - 21:00</td></tr><tr><td>Sunday</td><td>12:00 - 21:00</td></tr></table>	Monday to Saturday	08:00 - 23:00	Sunday	08:00 - 22:30	Monday to Saturday	12:00 - 21:00	Sunday	12:00 - 21:00
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London Borough of Hackney – Decisions taken by the Licensing Sub Committee E on Tuesday 5 July 2022

Agenda Item No	Topic	Decision
		<p>And the following conditions:</p> <p>1) The premises shall maintain a comprehensive CCTV system as per the minimum requirements of a Metropolitan Police Crime Prevention Officer. All public areas, entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. 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.</p> <p>2) A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises are open to the public. This staff member shall be able to show Police or an authorised officer of Hackney Borough Council recent data or footage with the absolute minimum of delay when requested.</p> <p>3) An incident log shall be kept at the premises, and made available immediately to an authorised officer of the Hackney Borough Council or the Police, which will record the following:</p> <ul style="list-style-type: none"> • all crimes reported to the venue • any complaints received • any incidents of disorder • any faults in the CCTV system • any refusal of the sale of alcohol • any visit by a relevant authority or emergency service. <p>4) There shall be clear and prominent signage asking all customers to leave quietly and respect local residents.</p> <p>5) All instances of crime or disorder to be reported by the designated premises supervisor or responsible member of staff to an agreed police contact point, as agreed with the Police.</p>

London Borough of Hackney – Decisions taken by the Licensing Sub Committee E on Tuesday 5 July 2022

Agenda Item No	Topic	Decision
		<p>6) Where the sale or supply of alcohol is taking place employees of the premises must request sight of evidence of the age of any person appearing to be under 25 years of age (Challenge 25). Such evidence may include a driving licence or passport.</p> <p>7) The premises will display and maintain appropriate signage advising customers of the contact details of the Designated Premises Supervisor.</p> <p>8) All staff will be given refresher training every six months on the legislation relating to the sales of alcohol to underage persons and drunken persons. Written records of this training shall be kept on the premises and produced to police or other authorised officer upon request.</p> <p>9) Alcohol shall not be sold, supplied, or consumed on the premises otherwise than to persons who are taking a substantial table meal 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.</p> <p>10) There shall be no open containers or drinks taken outside the premises at any time.</p> <p>11) All sales of alcohol for consumption off the premises shall be in sealed containers and ancillary to a takeaway meal that is Pre-ordered on the internet for delivery or collection, and shall not be consumed on or in the vicinity of the premises.</p> <p>12) There shall be a maximum of 3 smokers outside the premises at any one time.</p> <p>13) SIA door supervisors shall be employed on a risk assessment basis particularly on match and sports event days. When employed, all SIA staff shall wear a high visibility armband or vest to be easily identifiable. They shall enter their name, address, SIA number and times they begin and finish their shift in a daily register. If employed by an agency all agency contact</p>

London Borough of Hackney – Decisions taken by the Licensing Sub Committee E on Tuesday 5 July 2022

Agenda Item No	Topic	Decision
		<p>details shall be recorded also.</p> <p>Reasons for the decision</p> <p>The Sub-committee approved the application with the above amendments and additional conditions agreed with the applicant for on-sales and off-sales of alcohol at the premises to prevent the licensing objectives being undermined.</p> <p>The Sub-committee took into consideration that the Applicant had agreed conditions with the Metropolitan Police Service and Environmental Enforcement in advance of the hearing, and both Responsible Authorities subsequently withdrew their objections to the application. The Sub-committee noted that Environmental Protection made no representations.</p> <p>The Sub-committee also took into consideration the 14 objections raised by Other Persons (local residents), and their concerns about noise nuisance from the premises which is close to the residential area. The Sub-committee noted that 5 of 14 objections from local residents were withdrawn due to agreed conditions with the Responsible Authorities and reduced hours for the supply of alcohol.</p> <p>The Sub-committee took into consideration that local residents including young families who live opposite the premises objected to the sale of alcohol seven days a week until 23:00 in the residential area, that will lead to a risk of anti-social behaviour, noise nuisance, and litter from customers consuming alcohol and staying in the area for longer. The Sub-committee took into account the concerns about the Applicant’s ability to control their customers consuming alcohol late at night once they leave the premises. In addition there were concerns about off-sales late at night. The Sub-committee took into consideration that there are a large number of licensed premises in the vicinity which local residents are affected by. The Sub-committee noted that there is a school and a nursery nearby.</p>

London Borough of Hackney – Decisions taken by the Licensing Sub Committee E on Tuesday 5 July 2022

Agenda Item No	Topic	Decision
		<p>The Sub-committee took into account that the premises are also a concern to local residents because it is close to both the Copper Box and the London Stadium, and is likely to be heavily used in the future on event days.</p> <p>After considering all the representations made by the parties, the Sub-Committee felt that the premises would operate within Core hours in accordance with Policy LP3, and Sunday hours were amended to reflect Core hours for that day. The Sub-committee noted that it is a cafe with a capacity for 40 seated customers and there is no external area.</p> <p>The Sub-committee took into consideration the concerns of local residents and felt that the Applicant needed a period of time to demonstrate they could comply with the conditions on their licence.</p> <p>The Sub-committee took into consideration that the Applicant had worked with the Responsible Authorities to try and resolve issues, and they met and communicated with local residents of East Wick on 26 June to allay their concerns about the application. The Sub-committee felt that the Applicant demonstrated their intention to operate the premises responsibly.</p> <p>Having taken all of the above factors into consideration, the Licensing Sub-committee was satisfied that the application could be approved without the licensing objectives being undermined.</p> <p>Public Informative</p> <p>The premises licence holder is encouraged to continue working with the local residents to deal with any issues arising relating to noise nuisance.</p> <p>The premises licence holder is strongly encouraged to use sustainable cutlery, plates, cups, food containers for take away meals, and recyclable disposable materials to avoid using plastic</p>

London Borough of Hackney – Decisions taken by the Licensing Sub Committee E on Tuesday 5 July 2022

Agenda Item No	Topic	Decision
		disposable items to protect the local area, to prevent litter, and to protect the environment.
7	Variation of Premises Licence: Garips German Doner, 127 Kingsland High Street, London, E8 2PB	<p><u>The decision</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; ● Public safety; ● Prevention of public nuisance; ● The protection of children from harm; <p>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.</p> <p>Reasons for the decision</p> <p>The Licensing Sub-committee, having heard from the Responsible Authorities (the Licensing Authority and Metropolitan Police Service) and Other Persons (local residents) believed that granting the application would result in the licensing objectives being undermined, and would have a negative impact on the Dalston Special Policy Area (Dalston SPA).</p> <p>The Sub-committee took into consideration the representations of the Metropolitan Police Service who objected to this application due the impact it would have late at night and the associated anti-social behaviour in the area. The Sub-committee noted that the premises is on a busy high street in the Dalston SPA, and the premises currently holds a premises licence for the sale of alcohol and Late Night Refreshment. These hours already extend outside of the</p>

London Borough of Hackney – Decisions taken by the Licensing Sub Committee E on Tuesday 5 July 2022

Agenda Item No	Topic	Decision
		<p>Core hours under Policy LP3. The Sub-committee took into account that the applicant had not demonstrated how they would not add to the cumulative impact in the Dalston SPA in relation to issues of anti-social behaviour, and crime and disorder already being experienced in this area. The Sub-committee took into consideration that the proposed extension of hours would attract customers late at night who had been consuming alcohol for several hours.</p> <p>The Sub-committee took into account from the Licensing Authority’s representations that they had particular concerns about breaches of the licence conditions and the premises continually operating beyond their hours on weekdays after midnight beyond their permitted hours of operation. The Sub-committee took these breaches very seriously.</p> <p>The Sub-committee carefully considered the representations made by the applicant’s representative alongside those of the Metropolitan Police Service and the Licensing Authority and Other Persons. The applicant’s proposals did not allay the concerns raised by the Responsible Authorities and Other Persons. The sub-committee was not convinced that the applicant’s proposed</p> <p>extended hours would justify them making an exception to grant hours outside the Council’s Statement of Licensing Policy. The Sub-committee after hearing from the applicant’s representative felt that the applicant lacked the understanding and the importance of having a Dispersal Policy. The Sub-committee felt that the applicant needed to work with the Responsible Authorities to demonstrate that they can comply with the conditions of their licence.</p>

London Borough of Hackney – Decisions taken by the Licensing Sub Committee E on Tuesday 5 July 2022

Agenda Item No	Topic	Decision
		<p>The Sub-committee took into consideration that the premises are near a residential area that will have an impact on families if the premises operated to a late hour, and could give rise to public nuisance in the area.</p> <p>The Sub-committee also took into consideration that they had not heard anything from the applicant and the applicant’s representative that overcame their concerns about adding to the cumulative impact in the Dalston SPA.</p> <p>The Sub-committee when making their decision took into consideration the lack of confidence in the management. They were not confident that the applicant and their staff would comply with the conditions of their licence, and the Sub-Committee felt they would not uphold or promote the licensing objectives,</p> <p>The Sub-committee felt that by not granting this variation application it would help prevent anti-social behaviour in the area. These would contribute to increasing public nuisance, and to crime and disorder in the Dalston SPA.</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> <p>PLANNING INFORMATIVE</p> <p>The applicant is further reminded of the need to operate the premises according to any current planning permission relating to its use class, conditions and to regularise the hours as required.</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>

London Borough of Hackney – Decisions taken by the Licensing Sub Committee E on Tuesday 5 July 2022

Agenda Item No	Topic	Decision								
8	Premises Licence: Original PFC, Ground Floor Shop Unit, 305 Mare Street, E8 1EJ	<p><u>The decision</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> <p>The prevention of crime and disorder; Public safety; Prevention of public nuisance; and The protection of children from harm,</p> <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> <p>The hours for licensable activities, shall be, as agreed:</p> <p>Opening Hours:</p> <table border="0"> <tr> <td>Sunday to Wednesday</td> <td>12:00 - 02:00 hours</td> </tr> <tr> <td>Thursday to Saturday</td> <td>12:00 - 03:00 hours</td> </tr> </table> <p>Late Night Refreshment:</p> <table border="0"> <tr> <td>Sunday to Wednesday</td> <td>23:00 - 01:30 hours</td> </tr> <tr> <td>Thursday to Saturday</td> <td>23:00 - 02:30 hours</td> </tr> </table>	Sunday to Wednesday	12:00 - 02:00 hours	Thursday to Saturday	12:00 - 03:00 hours	Sunday to Wednesday	23:00 - 01:30 hours	Thursday to Saturday	23:00 - 02:30 hours
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London Borough of Hackney – Decisions taken by the Licensing Sub Committee E on Tuesday 5 July 2022

Agenda Item No	Topic	Decision
		<p>And the following additional conditions:</p> <p>All staff shall receive training on induction and be given refresher training every six months for their role, in the relevant provisions of the Licensing Act and Premises Licence, acknowledging customers, serving customers in turn, explaining any delays in cooking times, monitoring customer conduct while waiting for their order or eating in the shop, ensuring no alcohol is brought into or consumed on the premises, avoiding conflict, monitoring the outside of the premises, discouraging people loitering outside and safeguarding children. A written training record shall be kept for each member of staff and be produced to Police or Authorised Officers on request.</p> <p>Relevant notices shall be prominently displayed by the entry/exit door and servery as appropriate advising customers:</p> <p>That CCTV is in operation;</p> <p>Of the relevant provisions of the Licensing Act;</p> <p>i) To respect residents, leave the restaurant and area quietly, not to loiter outside the premises and to dispose of litter legally;</p> <p>ii) That no alcohol shall be taken into or be consumed in the restaurant at any time;</p> <p>iii) Not to rev engines or play loud music while waiting outside the premises;</p> <p>iv) That no unaccompanied children or young person under 18 shall be permitted in the premises or to be served after 23.00 and during permitted licensed hours.</p> <p>A minimum of three (3) trained staff shall be on duty in the premises after 23.00 and during</p>

London Borough of Hackney – Decisions taken by the Licensing Sub Committee E on Tuesday 5 July 2022

Agenda Item No	Topic	Decision
		<p>permitted licensed hours from Sunday to Thursday and a minimum of four (4) trained staff shall be on duty after 23.00 and during permitted licensed hours on Friday and Saturday.</p> <p>All couriers and customers shall be instructed not to leave engines running, close car doors loudly or play loud music while outside the shop.</p> <p>Customers shall not be allowed to bring alcohol into the restaurant or consume it on the premises at any time.</p> <p>A written dispersal policy shall be drafted & regularly reviewed with copies provided to the Licensing Authority & Police Licensing Team.</p> <p>From 23.00 until the end of permitted licensed hours, a member of staff shall be tasked to monitor the outside area of the restaurant to ensure that people do not stand outside the premises eating or loitering there. The staff member shall politely ask people loitering outside to quietly leave the shop frontage and vicinity immediately. At close the staff member shall ensure that all customers have left the shop frontage.</p> <p>An ongoing Risk Assessment shall be undertaken on a daily basis by the Premises Licence Holder or a Manager/ Supervisor (nominated in writing by the Premises Licence Holder), taking into account any local knowledge or advice received from the Metropolitan Police Service to determine whether additional staff or SIA Licensed Door Supervisors need to be on duty during permitted licensed hours on any day. Details of the Risk Assessment shall be recorded in the Incident Book.</p> <p>A Fire Risk Assessment and Emergency Plan shall be prepared & regularly reviewed. Staff shall be given appropriate fire safety training</p> <p>No deliveries of goods to the premises or removals of rubbish shall take place between 23.00</p>

London Borough of Hackney – Decisions taken by the Licensing Sub Committee E on Tuesday 5 July 2022

Agenda Item No	Topic	Decision
		<p>and 05.00.</p> <p>A phone number shall be clearly displayed to the front of the premises for residents to call with any concerns. Details of any complaints and the outcome shall be recorded by the Premises Licence Holder or duty manager in the appropriate section of the Incident Book.</p> <p>The shop front shall be kept tidy at all times and swept at close. Adequate litter bins shall be provided for customer use and shall be regularly emptied.</p> <p>Reasons for the decision</p> <p>The application for Late Night Refreshment has been approved with the above amended hours and additional conditions proposed by the Applicant because the Licensing Sub-committee was satisfied that the licensing objectives would not be undermined.</p> <p>The Sub-committee took into consideration that Environmental Enforcement agreed conditions in advance of the hearing with the applicant and withdrew their representation. The Sub-committee noted that there were no representations from local residents in the area, and apart from the Police objection there were no other objections from Responsible Authorities.</p> <p>The Sub-committee took into consideration that the Metropolitan Police Service (“the Police”) maintained their objection that the proposed hours are excessive and does not comply with the Council’s Licensing Policy LP3 Core Hours. The Sub-committee heard that although the business wanted additional hours there were concerns about the potential for anti-social behaviour and disorder occurring. The Sub-committee noted that the capacity for the premises is 28.</p> <p>The Sub-committee heard that the Applicant is seeking the additional hours due to customer</p>

London Borough of Hackney – Decisions taken by the Licensing Sub Committee E on Tuesday 5 July 2022

Agenda Item No	Topic	Decision
		<p>demand and to make the business viable.</p> <p>The Sub-committee took into account representations made by the Applicant’s representative and the Applicant that the premises hours were still less than other nearby late night premises and it is a family friendly premises, and there was no supply or consumption of alcohol on the premises.</p> <p>After hearing from the Applicant, the Applicant’s representative, and from the Metropolitan Police Service, the Sub-committee was satisfied with the additional conditions proposed by the Applicant and agreed by the Police together with the reduced hours that the Applicant agreed to would mitigate any negative impact that granting the licence would have on the area. The Sub-committee also took into account that the Applicant provided a Dispersal Policy, and there was a condition that customers will not loiter outside the premises which is important late at night to prevent anti-social behaviour. The Sub-committee also took into account that SIA door security would be risk assessed.</p> <p>The Sub-committee took into consideration that the Applicant demonstrated that they were a responsible operator who had addressed any concerns raised. The Sub-committee felt that the premises due to its size and capacity would have less of a negative impact on the area.</p> <p>The Sub-committee took into consideration that each application is considered on its own merits.</p> <p>Having taken all of the above factors into consideration, the Licensing Sub-committee was satisfied, when granting this amended application for Late Night Refreshment, that the licensing objectives would not be undermined.</p> <p>Public Informative</p>

London Borough of Hackney – Decisions taken by the Licensing Sub Committee E on Tuesday 5 July 2022

Agenda Item No	Topic	Decision
		<p>The Applicant is encouraged to continue working with the Metropolitan Police Service to prevent any negative impact in the area.</p> <p>The Applicant is strongly encouraged to use sustainable cutlery, plates, cups, food containers, and recyclable disposable materials to avoid using plastic disposable items to protect the local area, to prevent litter, and to protect the environment.</p>