

MINUTES OF A MEETING OF THE LICENSING SUB COMMITTEE E

TUESDAY 5 JULY 2022

Link to live stream: <https://youtu.be/7y4OQ4dvZ8c>

Councillors Present:

Councillor Gilbert Smyth in the Chair

**Cllr Sophie Conway (Substitute) and
Cllr Penny Wrout**

Officers in Attendance:

Amanda Nauth - Licensing and Corporate Lawyer
David Tuitt - Business Regulation Team Leader
Rabiya Khatun - Governance Officer
Suba Sriramana - Principal Licensing Officer

Also in Attendance:

The Cooper Street Cafe

Paul Charters - Applicant

PC Ryan – Metropolitan Police Services

Other Persons:

C1 - Mr Bruni

C2 - Mr Ho

C6 - Mr Gandz

C7 - Mr Steel

C10 – Mr Bruni

C11 - Mr van der Vijver

C12 - Mr Hearth

C13 - Ms Renevier, & Mr Collo

C14 - Ms Paybody

Garips German Doner

Erdogan Garip - Applicant

Aysen Ipek Kilic – Agent for the Applicant

PC Ryan - Metropolitan Police Services

Other Persons:

C1& C10 Mr Aksu

C2 - Mr Izzo

C3 - Mr Halil

C4 - Mr Dogan

C5 - Engin Akin

C6 - Gursel Kog

C7 - Michele Cacchio

C8 - Gary Kizkmau

C9 - Mustafa

Original PFC, Ground Floor

Hafiz Mamun Ahmed - Applicant

Graham Hopkins - Agent for the applicant

1 Election of Chair

1.1 Cllr Gilbert Smyth was duly elected as Chair of the meeting.

2 Apologies for Absence

2.1 There were no apologies for absence.

3 Declarations of Interest - Members to declare as appropriate

3.1 There were no declarations of interest.

4 Minutes of the Previous Meeting

4.1 There were no minutes for consideration

5 Licensing Sub-Committee General Information & Hearing Procedure

5.1 The hearing procedure was noted by all present.

6 Premises Licence : The Cooper Street Cafe, 11 Copper Street, London, E20 3AW

6.1 The sub-committee heard from the Principal Licensing Officer, the applicant and the Metropolitan Police. During the course of submissions and a discussion of the application, the sub-committee noted the following:

- The premises was located between River Lea and Lea Canal opposite Cooper Box arena.
- The premises was currently being converted into a café and alcohol would be sold ancillary to food. To enable the business to compete with other businesses within the local area, the applicant was seeking to sell alcohol.
- They intended to open an upmarket café that would have a restaurant theme in the evening offering healthy meals and alcohol.
- The applicant had five years' experience as a DPS running a catering business catering for 400 funeral wakes including 200 wakes supplying alcohol to gatherings of approximately 100 people without any incidents.
- All staff will be given training on the legislation relating to the sales of alcohol.
- The residents of the East Wick had been invited to a community consultation meeting but none had attended.
- If the estate had a no smoking policy, the applicant could encourage patrons to smoke on the street opposite the premises. The Legal Officer indicated that this area was outside the borough of Hackney and therefore any condition would be unenforceable.
- The Principal Licensing Officer confirmed that the estate management was responsible for allowing smoking outside the premises.
- It was confirmed that the drinks menu would be limited to a good quality larger, wines and gin and tonic.

- The applicant stated that the advertising on his Instagram account was aimed at attracting families to his family orientated café.
- The Other Persons expressed concern that the proposals would further exacerbate the public nuisance and anti-social behaviour being experienced in the area and in particular during match days or sporting events at West Ham Stadium. In addition, there would be an increase in risk to public safety especially for the residents and children living in the units above the premises and within the local vicinity.
- The applicant emphasised that during match days he would discourage intoxicated football fans from drinking at the cafe to minimise the public nuisance and issues of public safety in the area.
- The Police representative highlighted that the anti-social behaviour experienced in the area mainly occurred on the street within the vicinity of the premises.
- The applicant stated that as a new business they had to be flexible and adaptable in order to compete and survive.
- The applicant confirmed that he would be willing to employ SIA door supervisors on match and sports days, agreed to the police's proposed conditions, amended condition 9 and off sales for home delivery only.

6.2 The parties present made closing remarks.

RESOLVED:

The 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 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 :-

The opening hours and the hours for licensable activity are:

Opening Hours:

Monday to Saturday	08:00 - 23:00
Sunday	08:00 - 22:30

Supply of Alcohol (On and off the premises):

Monday to Saturday	12:00 - 21:00
Sunday	12:00 - 21:00

And the following conditions:

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

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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.

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.

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:

- 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.

4) There shall be clear and prominent signage asking all customers to leave quietly and respect local residents.

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.

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.

7) The premises will display and maintain appropriate signage advising customers of the contact details of the Designated Premises Supervisor.

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.

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.

10) There shall be no open containers or drinks taken outside the premises at any time.

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.

12) There shall be a maximum of 3 smokers outside the premises at any one time.

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 details shall be recorded also.

Reasons for the decision

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.

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.

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.

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.

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.

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.

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.

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.

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.

Public Informative

The premises licence holder is encouraged to continue working with the local residents to deal with any issues arising relating to noise nuisance.

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 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

7.1 The sub-committee heard from the Principal Licensing Officer, the applicant the Metropolitan Police and Other Persons. During the course of submissions and a discussion of the application, the sub-committee noted the following:

- Since the publication of the report, the Other Persons had submitted additional information.
- The applicant's agent stated the variation application was seeking to extend late night refreshment to 03.00 hours from Thursday to Saturday. The premises was located within the Dalston Special Policy Area (SPA) and a late night economy area with many late night venues. The applicant had been running the business for just over two months but had previous substantial experience in managing restaurants, and since the transfer of the license he had been providing late night refreshment until 03.00 hours Thursdays to Saturdays as advised by the previous licensee until 14 April 2022 and from 15 April 2022 until 02.00 hours in line with the license.
- The applicant's agent stated that it had been difficult for the applicant to verify the licensing hours as the premises license was not available on the Council's website due the cyber attack.
- The applicant had complied with the closing hour of 02.00 hours after he had been informed by the Licensing Service.
- The applicant had demonstrated that he was a responsible operator in particular during the period when he had been operating until 03.00 hours without any incidents or complaints to the Council in relation to public nuisance, crime and disorder directly related to this premises.
- The applicant's agent argued that the Cumulative Impact policy was subject to a national review in 2022 and that local authorities across England and Wales were considering removing this policy from premises licenses following the impact of Covid-19 and disruption to the night time economy.
- The Licensing Authority's and the Police representatives indicated that as licensing policy LP10 remained the proposed hours would add to the cumulative impact, issues with dispersal would have a negative impact, and

there would be rise in anti-social behaviour and crime and disorder in the SPA area.

- The Police representative added that Covid-19 had impacted on the hospitality industry and adversely on the Dalston area. The current hours exceeded the Council's Core Hours policy and clarification was sought whether the license included the basement.
- The police clarified that the previous temporary event notices(TENs) granted had been risk assessed during the pandemic and based on the events operating during that period.
- The Other Persons expressed concern that the premises was located within the Dalston SPA and the area already suffered from noise outbreaks and dispersal issues from the local kebab shops in the area, the longer hours would attract drunken people, there was no dispersal policy, people congregating or waiting on the narrow pavement would add to the public nuisance such as noise, dispersal issues and littering. Prior to the pandemic the area had been out of control and impacted adversely on local residents and the basement had been sub leased to a Turkish café
- The sub-committee noted the concerns expressed by the parties that they lacked confidence in the operator as he had previously operated beyond his terminal hours and they believed that his lack of knowledge and understanding of his licensing conditions and hours had led to the breaches.
- In response to a question from the sub-committee, the Licensing Authority's representative stated that the applicant's agent had raised some valid points in relation to the nationwide review of the cumulative impact policy and the Council's approach to this policy. The licensing policy adopted by Council remained unchanged.
- The applicant's agent confirmed that the application was for the ground floor only and that the capacity inside would be 60 seated.
- The applicant's agent stated that the breach relating to the terminal hours was not relevant as the applicant could not find the premises license on the Council's website and he had therefore relied on the information provided by the previous licensee. After he was made aware of the licensable hours on 14 April 2022 he had complied with the terminal hour.

RESOLVED:

The 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

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).

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 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.

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.

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 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.

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.

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.

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.

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.

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.

PLANNING INFORMATIVE

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.

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.

8 Premises Licence: Original PFC, Ground Floor Shop Unit, 305 Mare Street, E8 1EJ

8.1 The sub-committee heard from the Principal Licensing Officer, the Agent for the applicant and the Metropolitan Police. During the course of submissions and a discussion of the application, the sub-committee noted the following:

- Since the publication of the report, the applicant had submitted additional information.
- The provision of late night refreshment had been amended to 03:00 hours on Friday and Saturday.
- It was confirmed that the applicant would be installing CCTV cameras and implementing further measures to address the police's concerns relating to public nuisance and disorder.
- There had been no reported incidents or complaints relating directly to this premises and no representations had been received from Other Persons.
- The applicant could not agree to the police's request to reduce the hours further as 03.00 hours would enable him to operate as a viable business and pay his expenses.
- The applicant was a responsible operator and had submitted further conditions to address the police's concerns including reducing the opening hours, adopting a dispersal policy and employing SIA door security supervisors on Fridays and Saturdays following a risk assessment.
- The police representative expressed concern that the proposed hours exceeded the Council's Core Hours policy and that the later hours would encourage intoxicated customers to remain in the area longer leading to a rise in public nuisance and crime and disorder that would have a negative impact on local residents.
- It was confirmed that the capacity inside the premises was 28 seated.
- The applicant clarified that he would be operating a family and child friendly business that offered a healthy menu including chicken and salads.
- The agent for the applicant emphasised that the hours had been reduced from 04.00 hours to 03.00 hours to address the police's concern and argued that a shop nearby was open until 04.00 hours had been attracting and keeping customers in the area until the early hours.
- The police's representative clarified that she was not withdrawing her objections and although she welcomed the additional conditions they did

not allay her concerns in relation to people remaining in the area beyond the core hours and a potential rise in anti-social behaviour, crime and disorder.

- Discussion ensued about the proposed hours and the applicant agreed to the opening hours from Sunday to Wednesday 12.00 to 02.00 hours and Thursday to Saturday from 12.00 to 03.00 hours, and late night refreshment from Sunday to Wednesday from 23.00 to 01.30 hours and Thursday to Saturday from 23.00 to 02.30 hours.

8.2 The parties made closing remarks.

RESOLVED:

The 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 activities, shall be, as agreed:

Opening Hours:

Sunday to Wednesday	12:00 - 02:00 hours
Thursday to Saturday	12:00 - 03:00 hours

Late Night Refreshment:

Sunday to Wednesday	23:00 - 01:30 hours
Thursday to Saturday	23:00 - 02:30 hours

And the following additional conditions:

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.

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Relevant notices shall be prominently displayed by the entry/exit door and servery as appropriate advising customers:

That CCTV is in operation;

Of the relevant provisions of the Licensing Act;

- i) To respect residents, leave the restaurant and area quietly, not to loiter outside the premises and to dispose of litter legally;
- ii) That no alcohol shall be taken into or be consumed in the restaurant at any time;
- iii) Not to rev engines or play loud music while waiting outside the premises;
- 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.

A minimum of three (3) trained staff shall be on duty in the premises after 23.00 and during 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.

All couriers and customers shall be instructed not to leave engines running, close car doors loudly or play loud music while outside the shop.

Customers shall not be allowed to bring alcohol into the restaurant or consume it on the premises at any time.

A written dispersal policy shall be drafted & regularly reviewed with copies provided to the Licensing Authority & Police Licensing Team.

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.

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.

A Fire Risk Assessment and Emergency Plan shall be prepared & regularly reviewed. Staff shall be given appropriate fire safety training

No deliveries of goods to the premises or removals of rubbish shall take place between 23.00 and 05.00.

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

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by the Premises Licence Holder or duty manager in the appropriate section of the Incident Book.

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.

Reasons for the decision

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.

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.

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.

The Sub-committee heard that the Applicant is seeking the additional hours due to customer demand and to make the business viable.

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.

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.

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.

The Sub-committee took into consideration that each application is considered on its own merits.

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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.

Public Informative

The Applicant is encouraged to continue working with the Metropolitan Police Service to prevent any negative impact in the area.

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.

9 Temporary Event Notices - Standing Item

9.1 The sub-committee noted that the temporary event notices in relation to Spring Park and 42-56 Tottenham Road had been withdrawn from the agenda.

Duration of the meeting: 2.00 - 5.00 pm

Contact:

Governance Services

Tel 020 8356 8407