

MINUTES OF A MEETING OF THE LICENSING SUB COMMITTEE E

TUESDAY 2 AUGUST 2022

THIS MEETING WAS LIVE STREAMED AND CAN BE VIEWED HERE:

<https://youtu.be/hjNjjzCBe7U>

Councillors Present: Cllr Gilbert Smyth in the Chair

Cllr M Can Ozsen

Apologies: None.

Officers in Attendance: Amanda Nauth, Licensing Lawyer
Suba Sriramana, Principal Licensing Officer
Gareth Sykes, Governance Officer

Also in Attendance: Item 7 Club No.8, Basement, 8 Stoke Newington Road, Hackney, London, N16 7XN

Applicant:
Ian Steele

Responsible Authority:
Police - A/Police Sergeant Kerrie Ryan
Licensing - David Tuitt

Other Person:
Anonymous (in objection)
June Tuitt, Acting Chair of Haringey Community
Against
Violence, Vice Chair of Haringey Independent Stop
and Search Monitoring Group (in support).

1 Election of Chair

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

2 Apologies for Absence

2.1 None.

3 Declarations of Interest - Members to declare as appropriate

3.1 None.

4 Minutes of the Previous Meeting

4.1 None.

5 Licensing Sub-Committee Hearing Procedure

5.1 The meeting participants noted the hearing procedure for the meeting.

6 Application to vary a premises licence at The Angel Service Station, 241-255 City Road, Hackney, London, EC1V 1NR

6.1 The application was approved by delegated authority and withdrawn from the agenda.

7 Application for a premises licence at Club No.8, Basement, 8 Stoke Newington Road, Hackney, London, N16 7XN

7.1 The Licensing Sub-Committee heard from the Principal Licensing Officer, the applicant, the Responsible Authorities (Licensing and Police) and a other person, who requested to remain anonymous for the meeting.

7.2 During the course of submissions there was a discussion where the Sub-Committee noted the following points:

- The Police had proposed a number of additional conditions with the application including, for example, a comprehensive CCTV system and an incident log;
- The Applicant had submitted two letters of support from Sistah Space a charity providing support for black women against domestic abuse and a Ms June Tuitt Acting Chair of Haringey Community Against Violence, Vice Chair of Haringey Independent Stop and Search Monitoring Group;
- There remained concerns from the Responsible Authorities about the location of application on the cumulative impact of the area - the premises was in the Dalston Special Policy Area (SPA);
- The applicant confirmed that he would become the Designated Premises Supervisor (DPS);
- The other person expressed a number of concerns about the application centred on the playing of loud amplified music and noisy dispersals from premises and what they believed to be outlandish applied for hours;
- It was noted that a condition was included in the application report, condition 16, whereby a sound limiting device within the premises would be installed to control all amplified sound generated on the premises;
- Ms Tuitt spoke briefly in support of the premises and its support in providing a venue for the local community as well as her organisation;
- The premises was hired out as a venue approximately 40 times during a year;
- The Sub-Committee and Responsible Authorities remained concerned that the proposed licensable hours were well beyond the Core Hours. A closing time of 2:00am had been proposed but even this remained an ongoing concern;
- The Other Person remained concerned over the application and also what had been proposed at the meeting. They felt that the proposed

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conditions provided by the Police were ambiguous and that they liked there to be some certainty going forward;

- The applicant confirmed that they had suggested that the operating hours be scaled back to 4:00 am and that a dispersal policy was in place;
- The Police confirmed that they had seen the premises' dispersal policy;
- The Applicant stressed that there were several premises in the vicinity who had operating hours that were much later than his premises. He highlighted that the premises would provide a much needed venue for local community groups;
- A previous Fire Risk Assessment (FRA) had last been carried out back in 2017. The Sub-Committee clarified that a FRA needed to be carried out by a professional at least every four years. The applicant would update their FRA. The Applicant would also provide an acoustic report;
- A maximum capacity of 90 people was agreed for the premises;
- The wording of condition 17 would be amended to take into account that no customer would be served alcohol under 25 years of age unless they were a member of a community group attending an event at the venue;
- The rear of the premises was the main entrance and exit in order to provide better access and monitoring by on-site security;
- The Applicant agreed to a maximum of eight (8) smokers outside the premises at the rear;
- The Responsible Authorities noted that the Applicant had agreed to various conditions at the meeting, however, they remained concerned because of the potential cumulative impact of the application on the Dalston SPA;
- The Other Person concluded that they were still not satisfied with what had been proposed. They insisted that no sound report and dispersal policy had been submitted by the Applicant;
- It was noted that the Council's Environmental Authority confirmed no representation based on agreed conditions at paragraph 8.1 of the application report;
- The Applicant confirmed that the doors to the rear of the premises would be closed when not in use.

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:

Films:

Monday to Thursday	10:00 - 23:00
Friday to Saturday	10:00 - 01:30
Sunday	10:00 - 22:30

Indoor Sporting Events:

Monday to Thursday	10:00 - 23:00
Friday to Saturday	10:00 - 01:30
Sunday	10:00 - 22:30

Live Music:

Monday to Thursday	10:00 - 23:00
Friday to Saturday	10:00 - 01:30
Sunday	10:00 - 22:30

Recorded Music:

Monday to Thursday	10:00 - 23:00
Friday to Saturday	10:00 - 01:30
Sunday	10:00 - 22:30

Performance of Dance:

Monday to Thursday	10:00 - 23:00
Friday to Saturday	10:00 - 01:30
Sunday	10:00 - 22:30

Anything of a similar description:

Monday to Thursday	10:00 - 23:00
Friday to Saturday	10:00 - 01:30
Sunday	10:00 - 22:30

Late Night Refreshment

Friday to Saturday	23:00 - 01:30
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Supply of Alcohol (on sales)

Monday to Wednesday	10:00 - 23:00
Thursday	10:00 - 00:00
Friday to Saturday	10:00 - 01:30
Sunday	10:00 - 22:30

Opening hours

Monday to Wednesday	10:00 - 23:30
Thursday	10:00 - 00:00
Friday to Saturday	10:00 - 02:00

Sunday

10:00 - 23:00

Remove Non-standard hours from the Application.

An updated Fire risk assessment is required following works carried out on the premises.

Amend condition 16 as follows:

" A sound limiting device within the premises shall be installed to control all amplified sound generated on the premises. The device shall be approved by and set to the satisfaction of the Council's Environmental Protection Team and the Police and thereafter maintained for the duration of use. No additional noise generating equipment shall be used on the premises without being routed through the sound limiting device".

Amend condition 19 as follows:

"All doors (excluding the front door at street level) shall be kept closed when regulated entertainment is in operation, except for the immediate ingress and egress of patrons. Also customers are not permitted to use Miller Terrace beyond core hours under Policy LP3"

Amend condition 26 as follows:

"Persons under the age of 18 will not be permitted to be on premises when open to members, guests and family members after 22.00hrs; unless attending a pre-booked private event or film screening excluding "stag" and "hen" do events".

And the following conditions to the Premises Licence: :

The Licence holder to employ a Designated Premises Supervisor that is approved by the Licensing Authority and the Police.

No entrance or exit to the premises after 23:00 except for Fridays and Saturdays.

SIA door security will be on duty on Fridays and Saturdays at the premises until 30 minutes after closing to deal with noise and dispersal from the premises.

Premises to be adequately lit at the rear of the premises.

No more than 8 persons are permitted to smoke outside at the rear of the premises at any one time until 23:00.

There shall be no more than 90 persons at the premises at any one time.

The Licence holder to submit a soundproof acoustic report to the Environmental Team.

No customers permitted under 25 except family members for private events and public and community events, and no under 5's permitted at all.

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There shall be a written dispersal policy submitted to and approved by the Licensing Authority and the Police. The approved dispersal policy shall be implemented at the premises. All staff shall be briefed on this dispersal policy. A copy of the policy shall be kept on the premises and shall be produced to a police officer or other authorised officer upon request.

Reasons for the decision

The application for a premises licence has been approved because the Licensing Sub-committee was satisfied that the licensing objectives would not be undermined in the Dalston Special Policy Area (Dalston SPA).

The Sub-committee took into consideration that Environmental Enforcement, Environmental Protection, and Trading Standards agreed conditions in advance of the hearing with the Applicant and withdrew their representation.

The Sub-committee took into consideration the representations made by the Metropolitan Police Service (“the Police”) that from February 2020 to date concerns set out remain the same in Dalston SPA. The Sub-committee heard that the Police had not been able to reach any agreements with the Applicant. The Sub-committee noted that customers at the premises are over 30s excluding hen parties. A Fire Risk Assessment had not been provided for the last six months and the Police had concerns about late hours. The Sub-committee heard that Dalston had increased in numbers in the area, and the Police were requesting that the late hours and non-standard hours should be removed from the application. The Sub-committee took into account that there should be no amplified music until a noise report has been considered to assess the noise levels. The Sub-committee took into account that the Applicant was going to be the Designated Premises Supervisor as he now has a personal licence.

The Sub-committee took into consideration the representations made by the Licensing Authority that the premises is located in the Dalston SPA therefore it is subject to policy LP10 and it will add to the cumulative impact in the Dalston SPA. This area has been identified as suffering from negative cumulative impact as a result of the high concentration of licensed premises.

The Sub-committee took into consideration the objection to the application raised by Other Persons (a local resident) that live close to the premises who experienced loud music and noise nuisance. The Other Person felt that the application was unrealistic, and the late hours will result in more crime and nuisance in the Dalston SPA.

The Sub-committee took into consideration the Applicant’s representation that they agreed to reduce the hours to enable a phased dispersal to leave quietly and securely and staff will manage the dispersal from the premises. The Sub-committee took into account that this application for a premises licence has been considered by the Police to try and alleviate any concerns and two supporting letters were provided in support of the application.

The Applicant contended that they are a responsible licence holder and that they would not add to the cumulative impact in the area. The Sub-committee heard that the fire risk assessment 2017 is still valid.

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The Sub-committee heard a representation in support of the application. The Other Person, in support of the application, runs a number of groups and chairs groups and helps the community to celebrate events. These premises would enable the event organisers to do a lot of things and give young people time and space to enjoy events. The Sub-committee heard that the premises cater for young people and there was a shortage of spaces in the borough. The Sub-committee noted that the event organisers are inundated with requests for events membership of over 20 mainly birthdays and family celebrations. The Sub-committee heard that the events cannot just operate on Temporary Events because they have 40 events per year.

The Sub-committee took into account the objections raised by the Police that 01:00 am in the week is late given the impact on local residents in the area, and that it should be core hours on weekdays. The Sub-committee took into consideration the Police's concerns about the late night hours, and that if the premises operated the late night hours under Temporary Events the Police could monitor the hours.

The Sub-committee took into account the Licensing Authority's concerns about the lateness of the hours which were not acceptable, and that there was no dispersal policy in the Management Plan.

The Sub-committee noted that the emphasis is on community facilities and community-based events for over 30s and community members. The Sub-committee took into consideration that 90 people can be controlled if they operate as the Applicant intends to.

The Sub-committee took into consideration that the premises are situated in the Dalston Special Policy Area and the impact that the late night hours would have on local residents. The Sub-committee took into consideration the representations made by the Licensing Authority and the Police and their concerns about the operation of the premises late at night.

Having taken all of the above factors into consideration, the Licensing Sub-committee was satisfied, when granting this application for a premises licence, that the Applicant had offered adequate conditions and reduced hours, to justify them making an exception to grant this licence within the Dalston SPA.

Public Informatives

1. The Sub-committee encourages the Applicant to work with the Responsible Authorities to comply with the terms and conditions of his licence and to maintain the licensing objectives.
2. The Applicant is reminded of the need to operate the premises according to any current licensing conditions on the premises licence and planning permission relating to its use class, conditions and hours.
3. 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.

Your right to appeal

If you are aggrieved by any term, condition or restriction attached to this decision, you have the right to appeal to the Thames Magistrates Court, 58 Bow Road, London E3 4DJ within 21 days of the date you receive this written decision.

8 Temporary Event Notices - Standing Item

8.1 None.

END OF MEETING

Duration of the meeting: 2:00pm – 3.35pm

Chair of the meeting: Councillor Gilbert Smyth

Contact:

Gareth Sykes

Governance Officer

Email: gareth.sykes@hackney.gov.uk