

MINUTES OF A MEETING OF THE LICENSING SUB COMMITTEE A

TUESDAY 9 AUGUST 2022

Link to live stream:<https://youtu.be/8BfoBbLKUuY>

Councillors Present: **Councillor Sem Moema in the Chair**
Cllr Sharon Patrick and Cllr Anya Sizer (Substitute)

Officers in Attendance: Rabiya Khatun – Governance Officer
Amanda Nauth – Licensing and Corporate Lawyer
Suba Sriramana – Principal Licensing Officer

Also in Attendance: **Timbar, Ground Floor, 8 Stoke Newington Road,**
London, N16 7XN

Kamil Karakus – Applicant
B1 Anonymous & A. Martini - Other Persons

255 Mare Street, London, E8 3NS

Kevin Leigh – Applicant’s Legal Counsel
Pravin Jugdaohsingh - Applicant’s Agent
Gokhan Yeter - Applicant

Responsible Authority:
PC Amanda Griggs - Police Representative
David Tuitt - Business Regulation Team Leader,
Licensing Service

Other Persons:
E Burgess
F Fonseca
K Smith
S Neyhus
M Celestine
C14 Anonymous

1 Election of Chair

1.1 Cllr Moema 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 Variation Premises Licence: Timbar, Ground Floor, 8 Stoke Newington Road, London, N16 7XN

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

- The applicant stated that he wanted to vary the premises licence to allow authorisation for the provision of regulated entertainment on Mondays to Sundays.
- The applicant responded that he would not be adding to the cumulative impact in the Dalston Special policy Area (SPA) as the premises would not be attracting more people into the area but playing music to the patrons already on the premises.
- In reference to the 'Other Persons' representation, the applicant advised that he had made improvements to the premises and installed a sound limiter system to address local residents' complaints relating to noise nuisance emanating from the premises. The Council had visited the premises and recorded the sound level at 84 decibels. The smoking area, where no more than six people were permitted, was at the rear of the premises and there was an automatic door leading to this area as well as security staff.
- The applicant confirmed that the lease was for sale. The business was currently making a financial loss following the COVID pandemic and he wanted to operate as food-led premises in future.
- The applicant had to apply for Temporary Event Notices (TENs) when hosting private parties or ticketed events and the maximum TENs had been granted. There had been no issues or incidents at the events held under TENs.
- The applicant stated that the music causing the nuisance was coming from his neighbour's premises.
- It was noted that the Other Persons had submitted additional information.
- The Other Persons expressed concern that the premises were located within a residential area which was saturated with many licensed premises. The proposed late night music would add to the cumulative impact in the Dalston SPA and have a detrimental impact on local residents' lives due to the potential rise in public nuisance. Furthermore, the dispersal policy needed to be more robust to minimise public nuisance.

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- The Other Persons clarified that the noise was escaping from the applicant's premises when the doors opened or remained open during the early hours of the morning and he had been recently disturbed at approximately 00.45 hours for approximately 15 minutes. He had complained to the applicant on several occasions about the noise nuisance arising from the unregulated entertainment and non-smokers being allowed to use the rear garden.
- The applicant stated that the music was not coming from his premises and that he had spoken to his staff reminding them to close the door to the rear garden.
- The objector had not complained directly to the applicant
- The Other Persons confirmed that there had been some improvement in the public nuisance since the works had been undertaken at the premises including installation of the sound limiter but the noise nuisance remained.
- The Other Persons confirmed that the photos submitted were dated from 2021 except for the sale of the lease, which was a recent photo.
- The Other Persons stated that he did not have confidence in the applicant to uphold the licensing objectives. The premises were badly managed and he had witnessed many contraventions of the licensing conditions and COVID social distancing rules and did not have confidence in the applicant to operate responsibly.
- The applicant outlined the measures in place to ensure the safety of women and young girls that included employing female staff to undertake security checks and assist women on the premises.
- The sub-committee proposed reducing the regulated entertainment hours on Friday to Saturday until midnight and weekdays until 23.00 hours. The applicant indicated that the proposed hours would not be viable in order to save his business.

6.2 The parties present made their respective 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 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 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 Other Persons who objected to this application due the impact it would have late at night on local residents. The Sub-committee noted that the premises is in the centre of the Dalston SPA, and the premises currently holds a premises licence for the sale of alcohol.

The Sub-committee took into account that the Applicant had not sufficiently demonstrated how they would not add to the cumulative impact in the Dalston SPA. The Sub-committee took into consideration that the proposed hours for recorded music until 02:00 would attract customers late at night.

The Sub-committee carefully considered the representations made by the Applicant, and the Applicant's joint owner/ business partner, and they took into consideration the work they had done to improve the premises to prevent noise breakout alongside the representations of the Other Persons. The Applicant did not allay the concerns raised by the Other Persons.

The Sub-committee was not convinced that the Applicant's proposed hours for recorded music until 02:00 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 felt that the Applicant lacked the understanding of the importance of having a robust Dispersal Policy.

The Sub-committee took into consideration that the premises is currently open 24 hours, and near a residential area that will have a negative impact on local residents if the premises operated to a late hour, and could give rise to public nuisance in the Dalston SPA.

The Sub-committee sympathised with the Applicant's circumstances, and the impact on the premises following the Covid-19 restrictions during the pandemic. However, the Applicant has not been able to demonstrate adequate exceptional circumstances, to justify the proposed hours in the Dalston SPA. The Sub-committee cannot take into consideration financial circumstances as a reason to grant the variation.

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.

7 Application for a Premises Licence: 255 Mare Street, London, E8 3NS

7.1 The sub-committee heard from the Principal Licensing Officer, Counsel 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 officer report, the applicant had reduced the proposed hours to align with the Council's Core Hours.
- The applicant's counsel stated that the applicant had extensive experience in the security industry, there would be three SIA staff on duty on Fridays to Saturdays and the external area would close and doors would be locked at 21.00 hours. The external area would be monitored by CCTV cameras from

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21.00 hours and up to 10 persons would be allowed in the external area but the maximum capacity was 20 persons.

- The Police representative requested that the non-standard hours be removed from the application and sought clarification regarding dispersal and if the new management team would include any managers working for the previous premises licence holder and recommended personal licence training for the applicant.
- The Licensing representative indicated that the applicant had made improvements to the premises to address local residents' concerns. However, he expressed concerns regarding the external area closing at 21.00 hours and the potential rise in public nuisance and requested that music be played at background level only.
- The Other Persons expressed concerns regarding the proposed hours, operation of the premises as a family pub, the closing hours of the external area and the impact of public nuisance and crime and disorder following a stabbing incident at the premises in 2013/14. The premises were surrounded by five storey buildings, which created an echo chamber with 2 people and 50 persons would be permitted in the external area. Local residents would not be able to enjoy their gardens with family and children and the adults and children in the bedrooms facing the external area would have their sleep disrupted.
- The Other Persons were concerned that the proposed measures for the external area were inadequate and people would remain beyond 21.00 hours.
- The Other Persons indicated that the area had been open until 21.00 hours under the previous owners and that he had made complaints to the Council about the public nuisance continuing in the external area until 22.00 hours. The proposals could not be described as a neighbourhood pub.
- The sub committee proposed closing the external area by 20.00 hours. The Other Persons stated that the premises were located within a residential area that was building more residential accommodation; doors were not soundproofed with noise escaping from the premises which prevented residents in the vicinity being able to enjoy the use of their gardens.
- The applicant's counsel confirmed that the previous owner would not be involved in his business, that the applicant was a responsible operator and would operate within the core hours, and agreed to the proposal to close the external area by 20.00 hours.
- The applicant's counsel emphasised that the issues with the previous owners should not be taken into consideration when determining this application.

7.2 The applicant's counsel sought an adjournment to seek advice from his client. The Chair agreed and the meeting was adjourned at 21.36 hours and reconvened at 21.44 hours.

7.3 The Chair agreed to the applicant's counsel request that the premises licence application be withdrawn.

7.4 The sub committee advised the applicant that the notices for a future premises licence application should be displayed properly and be visible to the public.

RESOLVED:

The decision:

The Licensing Sub-Committee heard from the parties, however, before the hearing concluded the Applicant decided to WITHDRAW their application.

8 Temporary Event Notices - Standing Item

8.1 There were no Temporary Event Notices for consideration.

Duration of the meeting: 7.00 - 10.10 pm

Cllr Sem Moema
Chair of Committee