

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

6	Premises Licence: 416-418 Union Walk, London, E2 8HP	<p>The decision</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; The protection of children from harm;</p> <p>the application to vary a premises licence has been refused in accordance with Licensing Policies LP1, LP2, LP3, LP4, LP6 and LP11 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 (Environmental Protection, the Metropolitan Police Service, and the Licensing Authority) believed that granting the application would result in the licensing objectives being undermined, and would have a negative impact on the area.</p> <p>The Sub-committee took into consideration the representations of the Responsible Authorities who objected to this application due the impact it would have on local residents.</p> <p>The Sub-committee heard submissions from the Environmental Protection Team that local residents are 15 metres from the outside area of the premises. The Sub-committee took into account that Environmental Protection had concerns that local residents would be disturbed</p>
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		<p>and the Applicant needed to consider an outdoor acoustic structure. The Sub-committee heard that the Applicant needed to install sound monitoring equipment, and they noted submissions from Environmental Protection that the noise pollution will have an impact on the flats above and in close proximity to the premises. The Sub-committee took into account that the Police supported Environmental Protection's objection.</p> <p>The Sub-committee heard that the Applicant did not make contact with the Police regarding their objections until 7 September. However, the Applicant reduced the hours which allayed some of the Police concerns. The Police had received complaints from local residents about this application.</p> <p>The Sub-committee heard submissions from the Licensing Authority that they had also received correspondence from local residents who were unaware of the application.</p> <p>The Licensing Authority made representations regarding noise nuisance, and the close proximity to local residents. The Sub-committee took into account that the noise outbreak internally and externally affected local residents, and that the noise issues were too great to overcome the noise nuisance. The Sub-committee heard from the Licensing Authority that no noise systems were in the premises to evaluate the level of noise.</p> <p>The Sub-committee heard representations from the Licensing Authority that the premises had no Planning Permission which is a significant concern. The Sub-committee noted that the Applicant needed, amongst other things, transport and design assessments to obtain Planning Permission. The Sub-committee heard concerns from the Licensing Authority about the permitted use and activity of the premises with no Planning Permission in place, and there was no mitigation given by the Applicant for the issues arising.</p> <p>The Sub-committee heard submissions from the Applicant's legal representative that the Tap room would be ancillary to the use of the Brewery, and the Applicant intends to use the space</p>

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		<p>to store pallets. The Sub-committee noted the premises would be a small brewery that intends to brew beer two times per week and deliveries will be by cargo bike.</p> <p>The Sub-committee also noted that the capacity of the premises is subject to a Fire Risk Assessment being carried out in due course.</p> <p>The Sub-committee heard from the Applicant's legal representative that they tried to mediate on a number of occasions with the Responsible Authorities and no local residents objected during the consultation period. The Applicant made submissions that he spoke to the building manager where local residents live and when he spoke to people passing in the street the Applicant contended that he received nothing but positive feedback about the premises.</p> <p>The Sub-committee heard submissions from the Applicant's legal representative that the premises would offer a high quality experience to customers, the Applicant had made a substantial investment of half a million pounds into the premises and 11 local staff would be employed at the premises. The Applicant's representative also confirmed that work had been done on the process and procedures, and they submitted a number of policies for the premises. The Sub-committee noted that the Applicant provided a Noise Plan and Dispersal Plan.</p> <p>The Sub-committee took into account that the proposed hours were less than core hours under Policy LP3, and they wanted to continue working with the Responsible Authorities. The Sub-committee noted that the Applicant worked with the Responsible Authorities during the consultation period, and the Applicant intended to play low level music.</p> <p>The Sub-committee heard submissions from the Applicant that they had good engagement with local residents. The Applicant contended that they put up notices around the perimeter of the building and they said they spoke to passing residents and the building manager of the residential block.</p>

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		<p>The Sub-committee carefully considered the representations made by the Applicant, and the Applicant's legal representative, and they took into consideration the work they had done to improve the premises to prevent noise breakout alongside the representations of the Responsible Authorities (Environmental Protection and the Licensing Authority). The Applicant did not allay the concerns raised by the Licensing Authority and Environmental Protection who maintained their objections to the application.</p> <p>The Sub-committee after hearing from the Applicant and their legal representative felt that the Applicant did not fully appreciate the potential impact such an operation would have on local residents living nearby. The Sub-committee was not convinced that the Applicant had carried out the required consultation for this application with local residents. This led to subsequent complaints being made to the Responsible Authorities because local residents were not given the opportunity to make representations, and have their objections considered in advance of the hearing. The Sub-committee felt this was an important factor given that the premises are situated in a large residential area that will have a negative impact on local residents, and could give rise to public nuisance and disturbance to families.</p> <p>The Sub-committee took into account that the Applicant contended that there had been no written request by Environmental Protection to install noise equipment. The Sub-committee noted that in mitigation of the noise issues the Applicant made submissions that they intend to install double glazing on 2 metre tall windows and installation of hedges. The Sub-Committee felt it would have been good for the Applicant to have proposed solutions one month ago. The Sub-committee also noted the concerns in relation to Late Night Refreshment, and the fact that the premises had no kitchen</p> <p>In accordance with Policy LP5 the Sub-committee took into account that the premises did not have Planning Permission, and there were no Planning records or pending planning application for the premises.</p>

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		<p>The Sub-committee cannot take into consideration financial circumstances as a reason to grant the application.</p> <p>The Sub-committee took into consideration when refusing this application that each case is considered on its own merits. The Sub-committee believed that the licensing objectives would be undermined by granting this application, and as such believed it was appropriate to refuse the application in its entirety.</p> <p>PLANNING INFORMATIVE</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>
7	Light Bar, 233 Shoreditch High Street, London E1 6PJ	<p>RESOLVED</p> <p><u>The decision</u></p> <p>The Licensing Sub-Committee, in considering this decision from the information presented to them within the report and at the hearing and having regard to the promotion of 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

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		<p>the application for a premises licence has been approved to in accordance with the Council's Statement of Licensing and the proposed conditions set out in paragraph 8.1 of the report, with the following amendments:</p> <ul style="list-style-type: none">• The hours for licensable activities, shall be, as agreed: <p>Films</p> <table><tr><td>Sunday to Wednesday</td><td>09:00 - 00:00</td></tr><tr><td>Thursday to Saturday</td><td>09:00 - 01:30</td></tr></table> <p>Live Music</p> <table><tr><td>Sunday to Wednesday</td><td>09:00 - 00:00</td></tr><tr><td>Thursday to Saturday</td><td>09:00 - 01:30</td></tr></table> <p>Recorded Music</p> <table><tr><td>Sunday to Wednesday</td><td>09:00 - 00:00</td></tr><tr><td>Thursday to Saturday</td><td>09:00 - 01:30</td></tr></table> <p>Performance of Dance</p> <table><tr><td>Sunday to Wednesday</td><td>09:00 - 00:00</td></tr><tr><td>Thursday to Saturday</td><td>09:00 - 01:30</td></tr></table> <p>Anything of a similar description (to Live music, Recorded Music, Performance of Dance)</p>	Sunday to Wednesday	09:00 - 00:00	Thursday to Saturday	09:00 - 01:30	Sunday to Wednesday	09:00 - 00:00	Thursday to Saturday	09:00 - 01:30	Sunday to Wednesday	09:00 - 00:00	Thursday to Saturday	09:00 - 01:30	Sunday to Wednesday	09:00 - 00:00	Thursday to Saturday	09:00 - 01:30
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		<p>Sunday to Wednesday 09:00 - 00:00 Thursday to Saturday 09:00 - 01:30</p> <p>Late Night Refreshment</p> <p>Sunday to Wednesday 23:00 - 00:00 Thursday to Saturday 23:00 - 01:30</p> <p>Supply of Alcohol (on-sales)</p> <p>Sunday to Wednesday 09:00 - 00:00 Thursday to Saturday 09:00 - 01:30</p> <p>Opening hours of the premises</p> <p>Sunday to Wednesday 07:00 - 00:30 Thursday to Saturday 07:00 - 02:00</p> <p>Non-standard hours will be removed from the licence.</p> <p>Amend Condition 35 as follows:</p> <ul style="list-style-type: none"> • “ The total capacity of the premises shall be limited, to no more than 300 patrons, at any one time excluding staff “. <p>And additional condition</p> <ul style="list-style-type: none"> • Use of the outside area shall cease at 22:00

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		<p>Reasons for the decision</p> <p>The application for a premises licence has been approved, as members of the Licensing Sub-committee were satisfied that the licensing objectives would not be undermined in the Shoreditch Special Policy Area ("Shoreditch SPA")</p> <p>The Sub-committee took into consideration that the Responsible Authorities (the Licensing Authority and the Metropolitan Police Service ("the Police")) made representations on the grounds of crime and disorder and prevention of public nuisance. The Sub-committee noted no other Responsible Authorities made representations about the application, and no local residents objected to the application.</p> <p>The Sub-committee took into consideration the representation made by the Licensing Authority and the Police on the grounds of the prevention of public nuisance in the Shoreditch SPA and therefore it is subject to Policy LP10.</p> <p>The Sub-committee heard representations from the Applicant's legal representative that because of the premises specific location, the Light Bar did not adversely impact on the Shoreditch SPA because customers did not tend to disperse into the more sensitive areas covered by the SPA but, instead, exited the other way towards Liverpool Street Station and so away from the Shoreditch SPA.</p> <p>The Sub-committee after hearing from the Applicant and the Licensing Authority and the Police were satisfied that the premises would not add to the cumulative impact in the area, and would not undermine the licensing objectives in the Shoreditch SPA.</p> <p>The Sub-committee took into account that the Applicant agreed to further restrictions on the first floor for corporate events.</p>

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		<p>The Sub-committee took into account that the Licensing Authority felt that the conditions and the reduced hours agreed by the Applicant alleviate their concerns about the premises; it was less likely to result in the licensing objectives being undermined.</p> <p>The Sub-committee heard that the capacity will be reduced to 300 persons. The Applicant had demonstrated that they were an experienced operator with a proven track record, and they would be able to operate the premises responsibly.</p> <p>Having taken all of the above factors into consideration the Sub-committee was satisfied that by granting this premises licence, the licensing objectives would not be undermined in the Shoreditch SPA.</p>
8	Premises Licence: Black Rock Rooms, Basement, 9 Christopher Street, London, EC2A 2BS	<p>RESOLVED:</p> <p><u>The decision</u></p> <p>The Licensing Sub-Committee, in considering this decision from the information presented to them within the report and at the hearing and having regard to the promotion of 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 and the proposed conditions set out in paragraph 8.1 of the report.</p> <p>Reasons for the decision</p>

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		<p>The application for a premises licence has been approved, as members of the Licensing Sub-committee were satisfied that the licensing objectives would not be undermined.</p> <p>The Sub-committee took into consideration that the Responsible Authorities (the Environmental Protection Team, the Environmental Enforcement Team and the Metropolitan Police Service ("the Police")) agreed conditions with the Applicant in advance of the hearing and subsequently withdrew their representations. The Sub-committee noted no other Responsible Authorities made representations about the application.</p> <p>The Sub-committee took into consideration the representation made by 5 Other Persons (local residents). The Sub-committee took into account that the local residents had concerns about the late hours applied for until 02:00, which they considered very late and would cause a disturbance. The Sub-committee noted that the local residents had not experienced anything like that previously, however, together with all the premises open after midnight the local residents had concerns about how the premises would operate in the future and with off-sales.</p> <p>The Sub-committee noted that this was a mirror licence where recorded music would be played at ambient levels on a digital system, there would be no live music played.</p> <p>The Sub-committee took into account that a dispersal policy was not necessary for this small premises with a maximum capacity of 26 persons and an average of 15 patrons on the premises daily. The Applicant clarified that the majority of whiskey was sold with small plates or appetisers and a small number of bottles were sold for off premises consumption after the master classes.</p> <p>The Sub-committee after hearing from the Applicant and the local residents were satisfied that it was a small premises that would not add to the cumulative impact in the area, and would not undermine the licensing objectives. The Sub-committee took into consideration that the premises were not in a special policy area, SIA door security was provided Thursday, Friday</p>

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		<p>and Saturday, and the premises had a good track record.</p> <p>Having taken all of the above factors into consideration the Sub-committee was satisfied that by granting this premises licence, the licensing objectives would not be 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>