



London Borough of Hackney – Decisions taken by the Licensing Sub Committee D on Thursday 22 September 2022

Agenda Item No	Topic	Decision
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Items considered in public

5	Variation of a Premise Licence: Expa Local, 226-228 Homerton High Street, London, E9 6AS	<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"><li>• The prevention of crime and disorder;</li><li>• Public safety;</li><li>• Prevention of public nuisance;</li><li>• The protection of children from harm;</li></ul> <p>The Application to vary 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>Supply of Alcohol (off sales)</p> <p>Sunday to Thursday 08:00 - 00:00 Friday to Saturday 08:00 - 02:00</p> <p>Opening hours</p> <p>Sunday to Thursday 07:00 - 00:00 Friday to Saturday 07:00 - 02:00</p> <p>And the following conditions:</p>
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		<p>No single cans or bottles of beer, lager or cider shall be sold or supplied at the premises after midnight.</p> <p>No miniature bottles of spirits of 50 ml or less shall be sold or supplied at the premises after midnight.</p> <p>Any alcohol sold or supplied (for consumption off the premises) must be in a sealed container.</p> <p>The licensee shall display the telephone number/email address of the Designated premises Supervisor for use by any Responsible Authority or any person who may wish to make a complaint during the operation of the licence in a prominent external location at the premises that is easily accessible to the public.</p> <p>Prominent, clear notices shall be displayed at the point of entry to the premises and in a suitable location at any points of sale indicating that where a person appears to be under the age of 25, identification will be sought and, if not provided, service of alcohol will be refused.</p> <p>Signage shall be erected asking customers to refrain from littering the public highway outside the premises.</p> <p><b>Reasons for the decision</b></p> <p>The Licensing Sub-committee approved this Application to vary a premises licence with reduced hours and additional conditions for off-sales of alcohol at the premises.</p> <p>The Sub-committee took into account that the Applicant had agreed amended hours for supply of alcohol with the Metropolitan Police Service who subsequently withdrew their objections to</p>

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		<p>the application.</p> <p>The Sub-committee also took into consideration objections raised by Other Persons (the Ward Councillor) on the impact the premises will have on the local residents. The Sub-committee heard representations from Councillor Webb the ward Councillor that there were concerns about the impact the additional hours will have on the residential area at a time when local residents needed to sleep late at night.</p> <p>The Sub-committee noted that the premises is on a main route that was a busy and noisy road, and there were a number of other shops in the area. The Sub-committee took into consideration Councillor Webb’s representations that no one asked local residents for their view on the Application, and the additional hours late at night. The Sub-committee also took into consideration Councillor Webb’s concerns about vehicles parking in the dead end along the side.</p> <p>The Sub-committee took into consideration the representations from the Licensing Authority objecting to this Application because the extension of hours could result in a negative impact on the area late at night. The Sub-committee heard that the Licensing Authority did consider the signatures of support for this application, however, their concerns remained about the extension of the hours.</p> <p>The Sub-committee took into account that the Planning Authority objected to the Application because the extension of hours could result in a negative impact in the area due to noise and disturbance.</p> <p>The Sub-committee heard the Applicant’s representative contended that the premises is close to an NHS hospital which the Applicant would like to provide a service to NHS staff and local residents. The Sub-committee heard there are no other premises open late at night in the area.</p>

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		<p>The premises is the only shop that provided a high amount of gas and electricity sales in the area. The Applicant made representations that the additional hours will not result in additional crime and disorder in the area.</p> <p>The Sub-committee took into consideration the representations made by the Applicant, the Licensing Authority and the Other Persons (the ward Councillor), and Sub-committee felt that with the reduced hours and the above conditions that the premises will be able to operate responsibly. The Sub-committee felt the premises are well run, there were no previous complaints, and this variation of the alcohol hours would not negatively impact the area.</p> <p>The Sub-committee felt the reduced hours and the additional conditions mitigated against the concerns. The Sub-committee noted that the premises already have an operating schedule and CCTV that operates 24/7 and 6 cameras operating outside in accordance with the existing premises licence.</p> <p>The Sub-committee took into consideration that a large petition of 534 in support of the Application was submitted for hours outside of what is set out in the Council’s current Licensing Policy. The Sub-committee felt that there appeared to be a significant amount of support for this Application and it was noted that there are a number of staff shift workers in the area.</p> <p>The Sub-committee took into account that the premises is not in a Special Policy Area, and it complies with Policy LP4. The Sub-committee noted there were no previous concerns raised by the Police, and that no local residents had raised complaints about the premises or had contacted to speak in objection to this application.</p> <p>The Sub-committee took into consideration that the Council supports the principle of flexibility in its approach to licensing hours and will consider the merits of each individual application. The hours for licensable activity will always reflect the individual merits of the Application any relevant representations received as well as the requirement to promote the licensing</p>

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		<p>objectives.</p> <p>The Sub-committee were not minded to extend the hours on Thursdays because of the potential disturbance to local residents in Nesbitt House. The Sub-committee took into account that shift workers were the likely customers within walking distance from the premises rather than customers with cars. The Sub-committee took into consideration that the Applicant agreed to the closing time of midnight (00:00) Sunday to Thursday. .</p> <p>The Sub-committee took into consideration that the premises licence holder would need to apply for Planning Permission to operate under the additional hours.</p> <p>Having taken all of the above factors into consideration, the Licensing Sub-committee was satisfied that the Application to vary this premises licence could be approved and would continue to promote the licensing objectives.</p> <p><b>Planning Informative</b></p> <p>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.</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> <p><b>Your right to appeal</b></p> <p>If you are aggrieved by any term, condition or restriction attached to this decision, you have the</p>

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		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.
6	Premises Licence: Rack and Bite, 36 Great Eastern Street, London, EC2A 3ES	Details to follow.
7	Temporary Event Notices - Standing Item - Temporary Event Notice	<p><b><u>Counter Notice (Temporary Event Notice for 24 and 25 September 2022) The Kings Land, 267 Kingsland Road, London E2 8AS</u></b></p> <p><b>The decision of 22nd September 2022</b></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"> <li>● The prevention of crime and disorder;</li> <li>● Public safety;</li> <li>● Prevention of public nuisance; and</li> <li>● The protection of children from harm</li> </ul> <p>and in particular upon consideration of the ‘objection’ given by the Metropolitan Police Service, is satisfied that the proposed event would undermine the licensing objectives. Therefore, the sub-committee has decided to serve a counter notice.</p> <p><b>Reasons for the decision</b></p> <p>The Sub-committee took into consideration the objection received from the Metropolitan Police Service to the Temporary Event Notice for the period from on 24/09/2022 from 12:00 finishing on 25/09/2022 at 03:00am, which contended that this event would undermine the licensing</p>

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		<p>objectives, on the grounds of crime and disorder, public safety, and prevention of public nuisance. The Sub-committee carefully considered the reasons for this objection.</p> <p>The Sub-committee heard representation from the Metropolitan Police Service (the police) that they had concerns about late night venues, and the potential anti-social behaviour that can be attracted to the area, and that it was not about who runs the premises.</p> <p>The Sub-committee took into consideration that longer opening hours of premises meant more alcohol consumed making patrons more vulnerable and/or at risk of causing nuisance.</p> <p>The Sub-committee carefully considered the evidence presented to them by both the police and the Premises User.</p> <p>The Sub-committee took into account that the police maintained their objections to this temporary event taking place.</p> <p>The Sub-committee took into consideration the conditions offered by the Premises User. However, the proposed conditions did not allay their concerns about the licensing objectives being undermined. The Sub-committee were not persuaded how the proposed plans for the temporary event would work. The Sub-committee took into account that the premises held a temporary event in February 2022.</p> <p>The Sub-committee did not agree that the hours should be increased contrary to the Council’s Licensing Policy.</p> <p>On balance, the Sub-committee considered that the event would contribute to the alcohol-related nuisance late at night that will add to the noise and negative impact of the area. The Sub-committee considers each case on its own merits.</p> <p>The Sub-committee therefore considered that allowing the event to take place in accordance with the Temporary Event Notice would undermine the licensing objectives. It determined that it</p>

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		<p>was therefore necessary and proportionate to serve a counter notice.</p> <p><b><u>Counter Notice (Temporary Event Notice for 23 and 25 September 2022)</u></b></p> <p><b><u>Perfect Fashion, 140-142 Kingsland High Street, London, E8 2NS</u></b></p> <p><b>The decision of 22nd September 2022</b></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"> <li>• The prevention of crime and disorder;</li> <li>• Public safety;</li> <li>• Prevention of public nuisance; and</li> <li>• The protection of children from harm</li> </ul> <p>and in particular upon consideration of the ‘objection’ given by the Metropolitan Police Service, is satisfied that the proposed event would undermine the licensing objectives. Therefore, the sub-committee has decided to serve a counter notice.</p> <p><b>Reasons for the decision</b></p> <p>The sub-committee took into consideration the objection received from the Metropolitan Police Service to the Temporary Event Notice for the period from on 23/09/2022 from 23:00 finishing on 25/09/2022 at 02:00am, which contended that this event would undermine the licensing objectives, on the grounds of crime and disorder, public safety, and prevention of public nuisance. The sub-committee carefully considered the reasons for this objection.</p>



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		<p>The Sub-committee heard representation from the Metropolitan Police Service (the police) that the Premises User had failed to comply with the conditions of their premises licence. The Sub-committee heard that the Premises User did not understand what was required to comply with the licensing legislation. In addition it was a concern that the Premises User did not understand what was required to comply with the licensing objectives in the Dalston Special Policy Area.</p> <p>It became clear to the Sub-committee during the hearing that in order for the Premises User to be able to hold a temporary event they needed to comply with the requirements of their licence such as submitting a new site plan to the Licensing Authority to show the revised layout of the premises, and to apply to vary their premises licence.</p> <p>The Sub-committee took into consideration that it has been 3 years since the police informed the Premises User and served a notice on them to comply with the conditions on their licence, and the notice still had not been complied with.</p> <p>The Sub-committee felt the Premises User was not able to demonstrate that they were a responsible operator, and that they could operate outside of their licensed hours. The Sub-committee had concerns that this temporary event would add to the cumulative impact in the Dalston Special Policy Area.</p> <p>The Sub-committee took into consideration that longer opening hours of premises meant more alcohol consumed making patrons more vulnerable and/or at risk of causing nuisance.</p> <p>The Sub-committee carefully considered the evidence presented to them by both the police and the Premises User's representative. The Sub-committee took into consideration the submissions made by the Premises User's representative, however, that did not allay their concerns about the licensing objectives being undermined.</p>

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		<p>The Sub-committee took into account that the police maintained their objections to this temporary event taking place.</p> <p>The Sub-committee did not agree that the hours should be increased contrary to the Council's Licensing Policy.</p> <p>On balance, the Sub-committee considered that the event would contribute to the alcohol-related nuisance late at night that will add to the noise and negative impact of the Dalston Special Policy Area. The Sub-committee considers each case on its own merits.</p> <p>The Sub-committee therefore considered that allowing the event to take place in accordance with the Temporary Event Notice would undermine the licensing objectives. The Sub-committee determined that it was therefore necessary and proportionate to serve a counter notice.</p> <p><b>Public Informative</b></p> <p>The Premises User is advised that they should work with the Responsible Authorities (the police and the Licensing Authority) to ensure the premises is run responsibly and in accordance with the licensing objectives.</p> <p>- <b><u>Counter Notice (Temporary Event Notice for 30 September and 2 October 2022)</u></b></p> <p>- <b><u>Perfect Fashion, 140-142 Kingsland High Street, London, E8 2NS</u></b></p> <p><b>The decision of 22nd September 2022</b></p> <p>The Licensing sub-committee, in considering this decision from the information presented to it</p>

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