

London Borough of Hackney – Decisions taken by the Licensing Sub Committee C on Thursday 16 June 2022

Agenda Item No	Topic	Decision
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Items considered in public

<p>6</p>	<p>Variation of Premises Licence: Okko Restaurant, 47 Broadway Market, E8 4PH</p>	<p>RESOLVED:</p> <p>The Licensing Sub-Committee, in considering this decision from the information presented to them within the report and at the hearing today 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 to vary 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, with the following amendments:</p> <ul style="list-style-type: none"> ● The opening hours and the hours for licensable activity are: <p>Opening Hours:</p> <p>Monday to Saturday 12:00 – 23:00 hours Sunday 12:00 - 22:30 hours</p> <p>Supply of Alcohol (on the premises):</p> <p>Monday to Saturday 12:00 – 22:30 hours Sunday 12:00 - 22:00 hours</p>
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		<ul style="list-style-type: none"> ● Remove off sales ● Remove restrictions that alcohol sales are limited to wine. <p>Reasons for the decision</p> <p>The Application to vary this 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Sub-committee took into consideration that the Environmental Protection Team and the Metropolitan Police Service had withdrawn their representations, and agreed conditions with the licence holder in advance of the hearing.</p> <p>The Sub-committee took into account that Other Persons (a local resident) objected to the Application due to complaints about noise nuisance from the premises, and the impact on them, which was expected to increase as a restaurant with customers outside. The Sub-committee noted that there were no other objections received by other residents and responsibly authorities.</p> <p>The Sub-committee took into account that the licence holder demonstrated that he was an experienced and responsible operator of 49 Broadway Market, which is a restaurant, with a good track record of 7 years. The Sub-committee heard submissions from the licence holder that their landlord supported the use of 47 Broadway Market as a restaurant, and the expansion of 49 Broadway Market because of their good track record over the last 7 years. The Sub-committee heard that 47 Broadway Market was built for restaurant use and there was no change of use of the premises. The Sub-committee took into consideration that the licence holder responded to the complaints received and that he agreed to conditions to mitigate the</p>

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		<p>variation and the circumstances.</p> <p>The Sub-committee heard submissions from the licence holder that after 7 years they decided to expand their restaurant at 49 Broadway Market by expanding the site into the site next door at 47 Broadway Market. The licence holder contended that they had previously applied for 28 Temporary Events from January 2022 to April 2022, however, they only used 6 nights during that period between February - April 2022.</p> <p>The Sub-committee heard that the Environmental Protection Team received a complaint about loud music from the premises on 8 April 2022. At the time the Temporary Events were used to test the operational use of the premises as a restaurant at 47 Broadway Market.</p> <p>This also helped the licence holder identify what controls were needed for the future. The Sub-committee heard that the licence holder does not intend to have loud music or a DJ at the restaurant, and they identified noise issues including sound proofing and repairing of the ceiling to improve the sound absorption. The licence holder contended that at 49 Broadway Market they had never received any noise complaints from local residents above the premises.</p> <p>The Sub-committee heard that the licence holder was working to ensure they comply with and uphold the four licensing objectives. The licence holder made representations that they did not intend to have an off-licence selling alcohol to customers off the street that would cause a public nuisance and this was replaced with on-sales to prevent a negative impact on the area late at night. The licence holder made submissions that the premises would not be a late night venue, and they did not intend to operate after 23:00. The Sub-committee heard that the premises closed early most days which would mean that local residents would not be disturbed late at night.</p> <p>The Sub-committee felt that the Environmental Protection conditions would help to control</p>

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		<p>noise emanating from the restaurant, and it was recognised that there was a need for sound proofing of the premises when 47 and 49 Broadway Market are joined together as one restaurant. It was noted that the change of the layout will not require Planning Permission. The Sub-committee heard that the layout of the premises will change at that point, and the licence holder was open to everyone including local residents about the future changes that will be carried out.</p> <p>The Sub-committee also felt that the proposed hours for alcohol sales on the premises (ending at 22.30) would not threaten the licensing objectives.</p> <p>The Sub-committee took into account that the licence holder had received advice from an acoustic specialist and they have plans to carry out sound proofing both inside and outside the premises to prevent noise nuisance, and disturbance to local residents.</p> <p>Having taken all of the above factors into consideration the Sub-committee was satisfied that by granting this variation to the premises licence, the licensing objectives would continue to be promoted.</p> <p>Public Informative</p> <p>The Licence holder is encouraged to continue working with the Environmental Protection Team to reduce noise nuisance, and prevent any negative impact in the area.</p>
7	Premises Licence: By the Bridge,283a Kingsland Road ,E2 8AS	<p>RESOLVED:</p> <p><u>The decision</u></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</p>

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		<p>of all 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 Policy and the conditions set out in paragraph 8.1 of the report, with the following amendment :-</p> <p style="padding-left: 40px;">The opening hours and the hours for licensable activity are:</p> <p>Opening Hours:</p> <p>Monday to Wednesday 08:00 - 22:30</p> <p>Thursday to Saturday 08:00 - 23:30</p> <p>Sunday and Bank Holidays 09:00 - 22:30</p> <p>Supply of Alcohol (On the premises):</p> <p>Monday to Wednesday 12:00 - 22:00</p> <p>Thursday to Saturday 12:00 - 23:00</p> <p>Sunday and Bank Holidays 12:00 - 22:00</p>

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		<ul style="list-style-type: none"> • Condition 19 shall be amended to read as follows: “There shall be no more than 25 seated patrons permitted in the premises at any one time subject to the following maximum occupancies: The downstairs - 10 seated patrons The roof terrace - 15 seated patrons as indicated on the Plan” • Condition 24 shall be amended to read as follows: “ No refuse and/or bottles are to be placed in external receptacle or in areas outside the premises between 23:00 and 08:00 each day” • Condition 26 shall be amended to read as follows: “Alcohol shall not be sold, supplied, or consumed on the premises otherwise than to seated customers served by waiter / waitress service ancillary to consumption of food from the menu. There shall be no vertical drinking on the premises, and there shall be no direct sales of alcohol to customers standing at the bar. Food shall be available at the premises at all times”. • Remove Late Night Refreshment from the licence. <p>And the following conditions:</p> <ul style="list-style-type: none"> • The roof terrace shall not be used outside the hours of 0800–2200 Sunday to Wednesday and 0800-2300 Thursday to Saturday.

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		<ul style="list-style-type: none"> • The licence holder to carry out a Fire Risk assessment of the premises. • The licence holder to carry out a noise pollution assessment of the premises. <p>Reasons for the decision</p> <p>The Sub-committee approved the application with the above amendments and additional conditions for on-sales of alcohol at the premises to prevent the licensing objectives being undermined.</p> <p>The Sub-committee took into consideration that the Applicant had agreed conditions with the Environmental Enforcement in advance of the hearing, and Environmental Enforcement subsequently withdrew their objections to the application.</p> <p>The Sub-committee took into consideration that the Metropolitan Police Service (“the Police”), and the Licensing Authority raised objections to the application. The Sub-committee heard submissions from the Police and the Licensing Authority that this application was seeking to (1) enable the premises to operate without the existing requirement for alcohol to be sold ancillary to substantial table meals (2) increase capacity from 15 seated patrons to 40 and (3) regularise a roof terrace constructed subsequent to the grant of the existing licence.</p> <p>The Sub-committee also took into account that the premises had an existing licence since February 2017.</p> <p>The Sub-committee heard submissions from the Applicant’s legal representative that the premises is well run and has a good trading history for the last 6 years, and that there had been no issue with the stairs from the Fire Service. The Sub-committee noted that the Police had visited the premises, and the premises has three tables outside that are licensed by the Council.</p>

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		<p>The Sub-committee heard submissions from the Applicant’s legal representative that there was no evidence of crime and disorder.</p> <p>After considering all the representations made by the Responsible Authorities (the Police and the Licensing Authority and the Applicant’s legal representative the Sub-committee was satisfied that the premises was a food led establishment, and they felt it was necessary, and proportionate for alcohol to be served to seated customers with food from the menu, that food must be available at all times, and no vertical drinking or standing shall be permitted at the bar.</p> <p>The Late Night Refreshment was removed from the application because the hours of licensable activity were reduced.</p> <p>The Sub-committee felt it was necessary for the licence holder to carry out both an assessment of noise pollution, and a Fire Risk assessment to address noise and capacity concerns, and to carry out any related works to ensure the premises is operating responsibly. The Sub-committee also felt that the roof terrace of the premises should operate in accordance with the permitted hours given under the Planning Permission.</p> <p>When making their decision the Sub-committee took into consideration that each application is considered on its own merits.</p> <p>Having taken all of the above factors into consideration, the Licensing Sub-committee was satisfied that the application could be approved and the licensing objectives would be promoted.</p> <p>Public Informative</p>

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		The licence holder on issue of the new premises licence will surrender their existing premises licence.