



London Borough of Hackney – Decisions taken by the Licensing Sub Committee E on Tuesday 31 January 2023

Agenda Item No	Topic	Decision
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Items considered in public

6	Premises Licence: The Barrel Boulangeria, 6 Whitmore Road, N1 5DT	<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 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>The opening hours and the hours for licensable activity are:</p> <p><u>Supply of Alcohol (on sales)</u></p> <p>Monday to Sunday            12:00 - 23:00</p> <p><u>Supply of Alcohol (off sales)</u></p> <p>Monday to Sunday            12:00 - 23:00</p> <p><u>Opening Hours:</u></p> <p>Monday to Sunday            07:00 - 23:00</p>
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		<p>(The external area shall close at 22:00)</p> <p><u>Amend condition 17 as follows:</u>                      “All off sales of alcohol sold or supplied for consumption off the premises must be in a sealed container and are to be sold only with food orders”.</p> <p>The sale and consumption of alcohol (on sales) shall to be ancillary to food being available at all times by table service both on the premises and in the external area.</p> <p>Customers shall not be permitted to take glass off the premises/into external areas of the premises.</p> <p>The sale and consumption of alcohol in the external area shall be permitted until 20:30.</p> <p>Use of the outdoor area (shown on the plan) shall cease at 22:00.</p> <p>The capacity of the external area shall be no more than 24 people and 6 tables.</p> <p>And additional conditions to be added to the licence as set out in the report at paragraph 7.1</p> <p>No supply of alcohol may be made under the premises licence:</p> <p>(a) At a time when there is no designated premises supervisor in respect of the premises licence.</p> <p>(b) At a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended. Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.</p>

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		<p>(1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.</p> <p>(2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises -</p> <p>(a) games or other activities which require or encourage, or are designed to require or encourage, individuals to;</p> <p>(i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or (ii) drink as much alcohol as possible (whether within a time limit or otherwise);</p> <p>(b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;</p> <p>(c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;</p> <p>(d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner.</p> <p>(e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).</p>

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		<p>4. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.</p> <p>5. 5.1. The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sales or supply of alcohol.</p> <p>5.2 The designated premises supervisor in relation to the premises licences must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.</p> <p>5.3. The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either:-</p> <p>A. a holographic mark or B. an ultraviolet feature.</p> <p>6. The responsible person shall ensure that:</p> <p>a. where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures:</p> <ul style="list-style-type: none"> <li>• beer or cider: 1/2 pint;</li> <li>• gin, rum, vodka or whisky: 25ml or 35ml; and</li> <li>• still wine in a glass: 125ml; and</li> </ul> <p>b. these measures are displayed in a menu, price list or other printed material which is</p>

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		<p>available to customers on the premises, and</p> <p>c. where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.</p> <p><b>Reasons for the decision</b></p> <p>The Sub-committee approved the application with the above amendments and additional conditions agreed with the applicant for on-sales and off-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 Metropolitan Police Service, Environmental Protection and Environmental Enforcement in advance of the hearing, and these Responsible Authorities subsequently withdrew their objections to the application.</p> <p>The Sub-committee took into account that Other Persons maintained their objections to the application due to the impact on the residential area and local residents particularly late at night.</p> <p>The Sub-committee took into consideration that the Applicant had demonstrated that he is an experienced operator for 3 years, and that he worked in a supermarket for 10 years previously. The Applicant demonstrated that he is familiar with the area.</p> <p>The Sub-committee heard the Applicant's submissions that he has CCTV and that he will ask customers to leave the premises quietly. The Applicant confirmed that he has a pavement licence. The Applicant made submissions that the premises is a coffee shop that sells organic food and wine, craft beer and bakery items and it is not a bar.</p>

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		<p>The Sub-committee took into consideration that Applicant agreed to the above additional conditions. The Sub-committee also took into account Applicant agreed to the following:</p> <ul style="list-style-type: none"> <li>i) alcohol being sold ancillary to food at all times for both on and off sales of alcohol.</li> <li>ii) on sales of alcohol being served to seated customers by table service both inside the premises and in the external area.</li> <li>iii) in accordance with Policy LP6 to close the external area at 22:00 to reduce any noise or disturbance to local residents.</li> </ul> <p>The Sub-committee took into consideration the concerns raised by local residents and the impact of noise and anti-social behaviour in the evening. The Sub-committee took into account that the premises are situated on the ground floor of a residential building.</p> <p>The Sub-committee heard the Applicant’s submissions that the premises were not expecting to have a high volume of customers late at night and that they would not have a lot of deliveries. The Sub-committee took into account that the premises were predominantly concentrating on breakfast and lunch trade and that dinner sales were expected to be minimal.</p> <p>The Sub-committee took into consideration that the Applicant wanted to maintain a good relationship with local residents and the Applicant was happy for local residents to contact him at any time now and in the future regarding their concerns about the premises.</p> <p>The Sub-committee felt that the above additional conditions and the reduced alcohol hours in the external area to 20:30 and the closure of the external area at 22:00 would reduce the impact of any noise or disturbance on local residents and the residential area.</p> <p>The Sub-committee felt that the additional conditions were reasonable and proportionate to</p>

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		<p>ensure the premises operated reasonably.</p> <p>Having taken all of the above factors into consideration, the Licensing Sub-committee was satisfied that the application could be approved without the licensing objectives being undermined.</p> <p><b>Public Informative</b></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>
7	550 Kingsland Road, Hackney, E8 4AH	<p><b>RESOLVED:</b></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"> <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 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, with the following amendments:</p> <p>The hours of licensable activity:</p>

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		<p>Late Night Refreshment</p> <p>Sunday - Thursday            23:00 - 00:00</p> <p>Friday - Saturday            23:00 - 0200</p> <p>Food Deliveries</p> <p>Friday - Saturday            00:00 - 0200</p> <p>Opening Hours:</p> <p>Sunday - Thursday            11:00 - 00:00</p> <p>Friday - Saturday            11:00 - 0200</p> <ul style="list-style-type: none"> <li>• Remove condition 15 from the licence as not enforceable and to be added to the Delivery Management Plan</li> </ul> <p>And the following conditions to be added to the licence:</p> <ul style="list-style-type: none"> <li>• Food Delivery services shall be permitted only on Friday to Saturday from 00:00 - 02:00</li> <li>• Display prominent signs on the premises on Fridays and Saturdays to make customers aware that they are only open for food deliveries from 00:00 - 02:00.</li> <li>• The Applicant to provide a Delivery Management Plan to the Licensing Authority for approval.</li> </ul>



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		<ul style="list-style-type: none"> <li>• The premises shall maintain a comprehensive CCTV system as per the minimum requirements of a Metropolitan Police Crime Prevention Officer. All public areas, entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Recordings shall be made available immediately upon the request of the Police or authorised officer.</li> <li>• A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises are open to the public. This staff member shall be able to show Police or an authorised officer of Hackney Borough Council recent data or footage with the absolute minimum of delay when requested.</li> <li>• There shall be ‘CCTV in operation’ signs prominently displayed.</li> <li>• An incident log shall be kept at the premises, and made available immediately to an authorised officer of the Hackney Borough Council or the Police, which will record the following:             <ul style="list-style-type: none"> <li>• all crimes reported to the venue</li> <li>• any complaints received</li> <li>• any incidents of disorder</li> <li>• any faults in the CCTV system</li> <li>• any refusal of the sale of alcohol</li> <li>• any visit by a relevant authority or emergency service.</li> </ul> </li> </ul>

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		<ul style="list-style-type: none"> <li>• There shall be clear and prominent signage asking all customers to leave quietly and respect local residents.</li> <li>• The Licensee shall ensure that all relevant staff are fully trained and made aware of the legal requirement of businesses to comply with their responsibility as regards the disposal of waste produced from the business premises. The procedure for handling and preparing for disposal of the waste shall be in writing and displayed in a prominent place where it can be referred to at all times by staff.</li> <li>• The Licensee shall ensure that any contract for general and recyclable waste disposal shall be appropriate in size to the amount of waste produced by the business. The Licensee shall maintain an adequate supply of waste receptacles provided by his registered waste carrier (refuse sacks or commercial waste bins) in order to ensure all refuse emanating from the business is always presented for collection by his waste carrier and shall not use any plain black or unidentifiable refuse sacks or any other unidentifiable or unmarked waste receptacles.</li> <li>• In order to minimise the amount of time any waste remains on the public highway in readiness for collection, the Licensee will ensure the timeframe within which it may expect its waste carrier to collect is adhered to.</li> <li>• The Licensee shall instruct members of staff to make regular checks of the area immediately outside the premises and remove any litter, bottles and glasses emanating from the premises. A final check should be made at close of business.</li> <li>• The Licensee shall provide a safe receptacle for cigarette ends to be placed outside for the use of customers, such receptacles being carefully placed so as not to cause an obstruction or trip.</li> </ul>

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		<ul style="list-style-type: none"> <li>• The current trade waste agreement/duty of care waste transfer document shall be conspicuously displayed and maintained in the window of the premises where it can be conveniently seen and read by persons standing in the Barrel Boulangerie. This should remain unobstructed at all times and should clearly identify:-               <ul style="list-style-type: none"> <li>• the name of the registered waste carrier</li> <li>• the date of commencement of trade waste contract</li> <li>• the date of expiry of trade waste contract</li> <li>• the days and times of collection</li> <li>• the type of waste including the European Waste Code</li> </ul> </li> </ul> <p><b>Reasons for the decision</b></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 Dalston Special Policy Area (“Dalston SPA”) and therefore it is subject to Policy LP10.</p> <p>The Sub-committee took into consideration that the Responsible Authorities (the Licensing Authority, Environmental Enforcement 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 1 local resident objected to the application.</p> <p>The Sub-committee after hearing from the Applicant, the Responsible Authorities and the local resident were satisfied that the premises would not add to the cumulative impact in the area, and would not undermine the licensing objectives in the Dalston SPA.</p> <p>The Sub-committee took into consideration that Environmental Enforcement were satisfied with the Applicant’s representations, and the Applicant would not add to the cumulative impact</p>

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		<p>because no alcohol will be served while operating late night refreshment.</p> <p>The Sub-committee took into consideration that the Licensing Authority is content that the Applicant will be submitting a Management Plan for deliveries.</p> <p>The Sub-committee took into consideration that it is small premises, and with the above conditions and hours that they felt that the premises would operate responsibly in the future.</p> <p>The Sub-committee considers each application on its own merits and financial circumstances are not taken into consideration.</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 Dalston SPA.</p> <p><b>Public Informative</b></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>