



London Borough of Hackney – Decisions taken by the Licensing Sub Committee D on Thursday 12 January 2023

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

<b>6</b>	Premises Licence Variation: Faulkners, 424-426 Kingsland Road,, E8 4AA	<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"><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 and the proposed conditions set out in paragraph 8.1 of the report, with the following amendments:</p> <ul style="list-style-type: none"><li>• The hours for licensable activities, shall be, as agreed:</li></ul> <p><b>Live Music</b></p> <table><tbody><tr><td>Sunday to Wednesday</td><td>08:00 - 00:30</td></tr><tr><td>Thursday</td><td>08:00 - 01:00</td></tr><tr><td>Friday</td><td>08:00 - 01:00</td></tr><tr><td>Saturday</td><td>08:00 - 01:00</td></tr></tbody></table> <p><b>Recorded Music</b></p> <table><tbody><tr><td>Sunday to Wednesday</td><td>08:00 - 00:30</td></tr><tr><td>Thursday</td><td>08:00 - 01:00</td></tr><tr><td>Friday</td><td>08:00 - 01:00</td></tr></tbody></table>	Sunday to Wednesday	08:00 - 00:30	Thursday	08:00 - 01:00	Friday	08:00 - 01:00	Saturday	08:00 - 01:00	Sunday to Wednesday	08:00 - 00:30	Thursday	08:00 - 01:00	Friday	08:00 - 01:00
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<b>Agenda Item No</b>	<b>Topic</b>	<b>Decision</b>
		<p>Saturday 08:00 - 01:00</p> <p><b>Performance of Dance</b></p> <p>Sunday to Wednesday 08:00 - 00:30  Thursday 08:00 - 01:00  Friday 08:00 - 01:00  Saturday 08:00 - 01:00</p> <p><b>Late Night Refreshment:</b></p> <p>Sunday to Wednesday 23:00 - 00:30  Thursday 23:00 - 01:30  Friday 23:00 - 01:30  Saturday 23:00 - 01:30</p> <p><b>Supply of Alcohol (on sales)</b></p> <p>Sunday to Wednesday 12:00 - 00:30  Thursday 12:00 - 01:30  Friday 12:00 - 01:30  Saturday 12:00 - 01:30</p> <p><b>Supply of Alcohol (off sales)</b></p> <p>Sunday to Wednesday 08:00 - 00:30  Thursday 08:00 - 00:30  Friday 08:00 - 00:30  Saturday 08:00 - 00:30</p>

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		<p align="center"><b>Opening hours of the premises</b></p> <p>Sunday to Wednesday      08:00 - 01:00  Thursday                      08:00 - 02:00  Friday                          08:00 - 02:00  Saturday                      08:00 - 02:00</p> <ul style="list-style-type: none"> <li>• Remove “ Plays” from the premises licence.</li> <li>• Remove “Anything of a similar description” from the premises licence.</li> </ul> <p>And the following additional conditions:</p> <ul style="list-style-type: none"> <li>• The external seating area shall be closed with furniture rendered unusable by 22:00 each day save for a maximum of six (6) smokers after this time.</li> <li>• There shall be a written dispersal policy submitted to and approved by the Licensing Authority and the Police which shall be reviewed regularly. The approved dispersal policy shall be implemented at the premises by the staff. All staff shall be trained on this dispersal policy. A copy of the policy shall be kept on the premises and shall be produced to a police officer or other authorised officer upon request.</li> <li>• No bottles, glasses or alcoholic drinks shall be taken outside except for consumption in the external area at the outside tables and chairs until 22:00.</li> <li>• All amplified music shall be played through a noise limiter set and sealed by an Environmental Protection Officer and the premises Acoustic Consultant.</li> </ul>

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		<ul style="list-style-type: none"> <li>• All doors and windows shall be closed during the playing of regulated entertainment except for entry and egress.</li> <li>• External noise patrols shall be undertaken at least every half an hour to ensure music noise cannot be heard at the nearest noise sensitive premises. Details shall be recorded in the Incident Book.</li> <li>• There shall be a member of staff tasked for the purpose on the door from the terminal hour until at least 30 minutes after the premises closes and all customers have left the premises. They shall ensure that no glasses, bottles or open alcoholic drinks are removed from the premises, remind customers to leave quietly, quickly and ensure that they do not loiter outside the premises.</li> <li>• The Premises Licence Holder / Designated Premises Licence holder shall ensure that an ongoing daily risk assessment shall be undertaken taking into account any advice received from the Police or events taking place locally, to identify any need for additional staff or SIA Licensed Door Supervisors to be on duty.</li> <li>• Off sales of alcohol shall only be made to accompany a substantial food order for customer collection or home delivery and be limited to a maximum of 8 bottles or cans or beer, lager or cider and or 2 bottles of wine per order.</li> <li>• No children shall be permitted on the premises after 20:00.</li> <li>• Staff shall verbally instruct delivery drivers and riders to turn their engines off while collecting orders. Delivery drivers remain inside the premises when collecting food orders.</li> </ul>

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		<p><b>Reasons for the decision</b></p> <p>The application to vary a premises licence has been approved, because members of the Licensing Sub-committee were satisfied that the licensing objectives would not be undermined.</p> <p>The Sub-committee took into account that the Responsible Authorities (the Environmental Protection Team, the Licensing Authority and the Metropolitan Police Service (“the Police”) raised objections to the application. The Environmental Protection Team, and the Licensing Authority objected to the application on the grounds of public nuisance. The Police objected to the application on the grounds of public nuisance and crime and disorder. The Sub-committee noted no other Responsible Authorities and no local residents objected to the application.</p> <p>The Sub-committee took into consideration the representations made by the Police and their concerns about the impact that the increased hours would have on the Dalston Special Policy Area (Dalston SPA) and the cumulative impact on the area. The Sub-committee noted that the Applicant took on board the advice from the Police and the Licensing Authority and revised their hours and conditions to be more suitable for the Dalston SPA. The Sub-committee took into consideration that alcohol will be ancillary to food.</p> <p>The Sub-committee heard the representations made by the Applicant’s representative that the premises is a fish and chip restaurant which has been open for the last 20 years. The Sub-committee noted that the Applicant was seeking the variation of the premises licence to improve the business. The Sub-committee took into account that the existing premises licence has a restaurant condition that alcohol cannot be supplied on the premises without a substantial table meal being served which will remain on the licence. The Sub-committee noted that the takeaway meals are delivered by electric bikes and motorcycles and events at the weekend are usually birthdays or similar celebrations.</p> <p>After hearing representations from the Applicant and the Responsible Authorities (the</p>

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		<p>Environmental Protection Team, the Licensing Authority and the Metropolitan Police Service) the Sub-committee felt that the variation should be granted because the Applicant offered reduced hours which helped to alleviate their concerns. The Sub-committee took into consideration that the premises is situated on the boundary of the Dalston Special Policy Area and may add to the cumulative impact in the area.</p> <p>The Sub-committee felt that with the conditions offered by the Applicant including a dispersal policy together with the reduced hours it would mitigate the concerns and impact on the area. The Sub-committee took into account that the Police and the Licensing Authority agreed to the conditions. The Sub-committee felt that the Applicant demonstrated that they are an experienced operator with a good track record who could operate the premises responsibly.</p> <p>The Sub-committee took into account that the Applicant agreed that there will be a cut-off time for the number of deliveries. Drivers on electric bikes will be inside. The deliveries by electric bikes will turn off their engine and the food order will be collected inside to mitigate the noise and music will be regulated through a noise limiter. The Sub-committee noted that the premises will remain as a restaurant, and it was agreed off-sales of alcohol will end at 00:30 Thursday to Saturday.</p> <p>The Sub-committee took into consideration that the Licensing Authority accepted the reduced hours, the conditions and that the premises will remain as a restaurant predominantly. The Licensing Authority were also satisfied that the takeaway hours were being reduced by one hour and that alcohol will be served ancillary to food.</p> <p>The Sub-committee heard that the Police had no reason to visit the premises and they were aware that the Applicant has held the licence for this restaurant for the last 20 years. The Sub-committee took into account that the Applicant agreed to the outside seating area being closed at 22:00. The Sub-committee took into account that the Police had concerns, however, they had been allayed following the representations made by the Applicant.</p>

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		<p>The Sub-committee cannot determine the application based on economic factors. Each application is determined on its own merits.</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, that the licensing objectives would continue to be promoted.</p>
8	EXPEDITED REVIEW: Queen of Hoxton, 1-5 Curtain Road, London, EC2A 3JX including the Roof Terrace, 4th Floor (EXEMPT)	The discussion and decision relating to this exempt item is available in the exempt minutes.