



London Borough of Hackney – Decisions taken by the Licensing Sub Committee B on Tuesday 10 January 2023

| Agenda Item No | Topic | Decision |
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Items considered in public

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| 5 | Premises Licence: Coffee and Cates, Ground Floor , North Stable, 138 Kingsland Road, London, E2 8DY | <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">● 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>The opening hours and the hours for licensable activity are:</p> <p>Films</p> <table><tr><td>Wednesday</td><td>18:00 - 22:00</td></tr><tr><td>Sunday</td><td>18:00 - 22:00</td></tr></table> <p>Supply of Alcohol (on-sales)</p> <table><tr><td>Monday - Wednesday</td><td>12:00 - 21:30</td></tr><tr><td>Thursday - Saturday</td><td>12:00 - 22:30</td></tr><tr><td>Sunday</td><td>12:00 - 21:30</td></tr></table> | Wednesday | 18:00 - 22:00 | Sunday | 18:00 - 22:00 | Monday - Wednesday | 12:00 - 21:30 | Thursday - Saturday | 12:00 - 22:30 | Sunday | 12:00 - 21:30 |
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| | | <p>The external area shall close at 22:00</p> <p>Supply of Alcohol (off-sales)</p> <table data-bbox="913 671 1469 804"> <tr> <td>Monday - Wednesday</td> <td>12:00 - 22:00</td> </tr> <tr> <td>Thursday - Saturday</td> <td>12:00 - 23:00</td> </tr> <tr> <td>Sunday</td> <td>12:00 - 22:00</td> </tr> </table> <p>Opening hours</p> <table data-bbox="913 975 1485 1161"> <tr> <td>Monday - Wednesday</td> <td>07:30 - 22:00</td> </tr> <tr> <td>Thursday - Friday</td> <td>07:30 - 23:00</td> </tr> <tr> <td>Saturday</td> <td>08:00 - 23:00</td> </tr> <tr> <td>Sunday</td> <td>10:00 - 22:00</td> </tr> </table> <p>And the following conditions:</p> <ul data-bbox="891 1286 2078 1417" style="list-style-type: none"> • The Licence holder shall provide a plan of the premises to show the extent of the external area. • Food shall be available at all times. | Monday - Wednesday | 12:00 - 22:00 | Thursday - Saturday | 12:00 - 23:00 | Sunday | 12:00 - 22:00 | Monday - Wednesday | 07:30 - 22:00 | Thursday - Friday | 07:30 - 23:00 | Saturday | 08:00 - 23:00 | Sunday | 10:00 - 22:00 |
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| | | <ul style="list-style-type: none"> • SIA registered door supervisors should be employed on a risk assessment basis. All door supervisors shall enter their full details in the premises daily register at the commencement of their work. They shall record their full name, contact telephone number, their SIA registration number and the times they commence and conclude working. If the door supervisor is provided by an agency, the name, registered business address and contact telephone number will also be recorded. This register will be made available to police or other authorised officer upon request. • There shall be a maximum of 20 seated customers outside the premises in the external area at any one time. • There shall be a written Dispersal Policy to be agreed with the Licensing Authority and the Police. The approved dispersal policy shall be implemented at the premises. All staff shall be briefed 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. • The external area shall be closed to customers from 22:00 and the tables and chairs in the outside area shall be rendered unusable after that time. • After 22:00 there shall be a maximum of 5 smokers outside the premises at any one time. • The Licence holder shall work with the Environmental Protection Team and by carrying out a Noise Impact Assessment to agree to adequate sound proofing works for the premises to prevent noise nuisance and any noise breakout or impact on local residents. |

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| | | <ul style="list-style-type: none"> • The Premises Licence Holder shall organise and publicise regular meetings for local residents to attend and/ or representatives of the local residents to discuss the operation of the premises and to address any concerns about the premises at least every 3 months. The frequency of meetings may be varied by agreement between the Premises Licence Holder and local residents. • The contact details of the duty manager and the Designated Premises Supervisor to be on display at the premises so that local residents can make contact regarding issues and concerns they have with the premises. <p>Reasons for the decision</p> <p>The Licensing Sub-committee approved the application with amended hours, and additional conditions for on-sales and off-sales of alcohol at the premises.</p> <p>The Sub-committee took into account that the Applicant had agreed in advance conditions with the Responsible Authorities (Metropolitan Police Service, the Environmental Protection Team and Environmental Enforcement) who subsequently withdrew their objections to the application.</p> <p>The Sub-committee also took into consideration objections raised by Other Persons (local residents) and the impact the premises will have on the local residents.</p> <p>The Sub-committee heard the Applicant’s representations that he had done everything that he was required to, and the outside area is part of the Lease for the premises is private land. The Applicant confirmed that they will be monitoring the outside area and there will be a barrier for the outside area. The Sub-committee heard from the Applicant that they received no negative comments or issues from the agent for the residential building. The Applicant confirmed that they live next door to the shop premises and they will put an awning, which has planning</p> |

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| | | <p>permission, at the front of the property to restrict any noise level.</p> <p>The Sub-committee took into consideration the Applicant’s representations that there will be a separate entrance with a café and that there should be no disturbance to local residents. The Applicant confirmed that half of the pavement belongs to the building boundary and part by Transport for London. The pavement had not been adopted by the Council. The Sub-committee took into account that the capacity inside was 20 and the capacity outside the premises was 30 customers. The Applicant confirmed that they were not looking to hold events with amplified music.</p> <p>The Sub-committee noted that the Applicant had previously operated Temporary Events at the premises.</p> <p>The Sub-committee heard submissions from the Applicant that no noise can be heard from the second floor upwards and the café entrance is 9 metres from the residential area. The Sub-committee heard that Applicant was responsible for the area on the southside communal area. Also on the south side they have three cameras to monitor the outside area of the premises. The Sub-committee took into consideration that the Applicant did not intend to hold any events after 23:00 hours.</p> <p>The Other Persons (local residents) confirmed that the new building entrance is within 1 metre of the premises, and local residents could be affected by loud noise, crime and vandalism.</p> <p>The Sub-committee advised that they could not take into consideration financial considerations. However, the local residents confirmed that it is public safety that is the issue for them due to the high crime rate in the area, and by granting another licence that will add to the crime and disorder and safety in the area.</p> <p>The Sub-committee heard representations from the local residents that the Applicant had not</p> |

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| | | <p>contacted them and that they feel the application is disproportionately unfair to local residents. They strongly oppose the application and the impact on local residents' health and safety concerns. The local residents made representations that the noise from the premises would have an adverse impact on local residents. The Sub-committee heard from local residents that the inside of the premises is not suitable because the premises is not soundproofed, and a café with a glass of wine and no events would be preferable.</p> <p>The Sub-committee heard that the local residents made submissions that they did not trust or have confidence in the Applicant and the proposed operation, and they felt that the proposed premises would be a drinking establishment.</p> <p>The Sub-committee took into consideration the representations made by the Applicant, and the Other Persons (local residents), and Sub-committee felt that with the above conditions that the premises will be able to operate responsibly, and reduce any impact on local residents.</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>Public Informative</p> <p>The Applicant is encouraged to continue working with the local residents and the Environmental Protection Team to deal with any issues arising relating to noise nuisance from the premises and the impact on the local area.</p> |
| 6 | Equal Parts, 245 Hackney Road, London, E2 8NA | <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"> • The prevention of crime and disorder; |

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| | | <ul style="list-style-type: none"> • Public safety; • Prevention of public nuisance; and • 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 proposed conditions set out in paragraph 8.1 of the report, with the following additional conditions:</p> <p>The maximum number of persons (excluding staff) shall be allowed at the premises shall not exceed 70 persons.</p> <p>No more than 5 persons are permitted to smoke outside the premises at any one time.</p> <p>Reasons for the decision</p> <p>The application for a premises licence has been approved because the Licensing Sub-committee was satisfied that the licensing objectives would not be undermined.</p> <p>The Sub-committee took into consideration Environmental Enforcement withdrew their representation and agreed conditions with the Applicant.</p> <p>The Sub-committee heard representations from the Applicant’s legal representative that the premises is a neighbourhood café with food and small plates. The applicant confirmed that there is an existing off-licence which can be surrendered if this licence is granted</p> <p>The Sub-committee took into consideration Other Persons objected to the application, and had not responded to the letter from the Applicant addressing their concerns. The Sub-committee noted the hours are modest and condition 8 referred to alcohol being served to seated customers only. The Sub-committee noted that condition 9 dealt with the prevention of noise</p> |

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| | | <p>nuisance.</p> <p>The Sub-committee heard that the premises has a shop front licence and off-sales will be served to customers sitting outside of the premises. The Sub-committee noted the premises were being opened in a vacant building on Hackney Road. The Sub-committee took into consideration that the retail off sales such as wine will be in sealed containers</p> <p>The Sub-committee took into consideration smokers will be in a small area near the bin store area, and no more than 5 smokers will be permitted outside at any one time. The Sub-committee heard that the capacity for the outside is subject to the number of tables and chairs. The Sub-committee noted that the capacity inside is expected to be 50 to 60 over both floors excluding the outside capacity which is estimated at 40. The Sub-committee felt there should be a capacity of no more than 70 in the premises excluding staff.</p> <p>The Sub-committee took into account that food will be available at all times and they were satisfied with the representations. The Sub-committee had no concerns about the external area. The Sub-committee felt that the premises would not have a negative impact on the area, and was not in the Special Policy Area.</p> <p>The Sub-committee noted that there were no objections from most of the Responsible Authorities, that there was one representation in support of the application, and two representations objecting to the application. The Sub-committee took into consideration that the Applicant was an experienced operator with a proven track record and other premises in the area. The Sub-committee felt that the premises were low risk with the supply of alcohol ending at 21:30 each day and closing at 22:00 with limited capacity, the prevention of noise outbreak was considered, and the hours of operation were within core hours as set out under Policy LP3.</p> <p>Having taken all of the above factors into consideration the Licensing Sub-committee was</p> |

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| | | <p>satisfied when granting this application for a premises licence that the licensing objectives would be upheld.</p> <p>Public Informative</p> <p>The Premises Licence Holder shall surrender the off licence on issue of the new premises licence.</p> <p>Your right to appeal</p> <p>If you are aggrieved by any term, condition or restriction attached to this decision, you have the 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.</p> |