

London Borough of Hackney – Decisions taken by the Licensing Sub Committee E on Thursday 2 February 2023

Agenda Item No	Topic	Decision
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Items considered in public

7	Premises Licence: The Dalston Lounge, 13 Bradbury Street, N16 8JN	<p>The Licensing Sub-Committee in considering this decision from the information presented to it within the report and at the hearing 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>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 as applied for with the following amendments agreed with the Applicant.</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 data-bbox="840 1093 1366 1225"> <tr> <td>Monday to Thursday</td> <td>20:00 - 22:30</td> </tr> <tr> <td>Thursday</td> <td>20:00 - 23:00</td> </tr> <tr> <td>Friday to Saturday</td> <td>20:00 - 23:30</td> </tr> <tr> <td>Sunday</td> <td>20:00 - 22:30</td> </tr> </table> <p><b>Recorded Music</b></p> <table data-bbox="840 1329 1366 1426"> <tr> <td>Monday to Thursday</td> <td>20:00 - 22:30</td> </tr> <tr> <td>Thursday</td> <td>20:00 - 23:00</td> </tr> <tr> <td>Friday to Saturday</td> <td>20:00 - 23:30</td> </tr> </table>	Monday to Thursday	20:00 - 22:30	Thursday	20:00 - 23:00	Friday to Saturday	20:00 - 23:30	Sunday	20:00 - 22:30	Monday to Thursday	20:00 - 22:30	Thursday	20:00 - 23:00	Friday to Saturday	20:00 - 23:30
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<b>Agenda Item No</b>	<b>Topic</b>	<b>Decision</b>
		<p>Sunday 20:00 - 22:30</p> <p><b>Late Night Refreshment:</b></p> <p>Friday to Saturday 23:00 - 23:30</p> <p><b>Supply of Alcohol</b></p> <p>Monday to Thursday 11:00 - 22:30                      Friday to Saturday 11:00 - 23:30                      Sunday 11:00 - 22:30</p> <p><b>Opening hours</b></p> <p>Monday to Thursday 10:00 - 23:00                      Friday to Saturday 10:00 - 00 :00                      Sunday 10:00 - 23:00</p> <p>And additional conditions:</p> <ul style="list-style-type: none"> <li>• Alcohol shall not be sold, supplied, or consumed on the premises otherwise than to persons who are taking substantial table meals and that the consumption of alcohol by such persons is ancillary to taking such meals. The supply of alcohol shall be by waiter or waitress service only.</li> <li>• 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.</li> <li>• The capacity of the premises shall be no more than 42 persons at any one time.</li> </ul>

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		<ul style="list-style-type: none"> <li>• There shall be no more than 3 smokers at any one time outside.</li> <li>• 1 SIA Security door staff on Fridays and Saturdays.</li> <li>• A noise limiter to be set and agreed with the Environmental Protection Team.</li> <li>• The Applicant to provide a Delivery Management Plan to the Licensing Authority for approval.</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</li> </ul>

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		<p>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.</p> <ul style="list-style-type: none"> <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> <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 Dalston Lounge. 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><u>Reasons for the decision</u></b></p> <p>The application for a premises licence for on and off sales has been approved because the Licensing Sub-Committee was satisfied that the licensing objectives would not be undermined in the Dalston Special Policy Area (Dalston SPA).</p> <p>The Sub-committee noted that there were objections raised by the Responsible Authorities (Environmental Enforcement, the Metropolitan Police Service (“the Police”), and the Licensing Authority), and one Other Person (a local resident).</p>

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		<p>The Sub-committee noted that the application was for a licensed restaurant with live and amplified music, and that the hours the Applicant was seeking was in excess of Core hours Policy LP3.</p> <p>The Sub-committee took into consideration that there were conditions in the licence for no vertical drinking, and that the premises are near Dalston Square, which is a busy area.</p> <p>The Sub-committee heard from the Police and the Licensing Authority that the premises is situated on a side road off of Kingsland High Road, running parallel to Gillett Square, in the middle of the Dalston SPA. The Sub-committee took into consideration that the area had a high level of ASB and the Applicant needed to demonstrate how they will not add to the cumulative impact currently being experienced in the area, and why they were seeking hours in excess of Core hours. The Sub-committee noted that the Police had concerns about the previous owner.</p> <p>The Sub-committee heard that the Applicant said that their shop had not been open and they were trying to work with the Licensing Authority and the Police to have a good working relationship with them going forward. The Sub-committee heard that the lease for the premises had been transferred to the Applicant and they were not responsible for any of the previous incidents that occurred at the premises. The previous business went into liquidation and the licence lapsed.</p> <p>The Sub-committee noted that the Applicant agreed to off sales with food orders. The Applicant also agreed to operate to Core hours with a capacity of 42 persons at any one time. The Sub-committee heard that the Applicant will ensure that the CCTV system is working at all times. The Sub-committee took into consideration that the Police were happier with the proposed restaurant that the Applicant described to operate under Core hours.</p> <p>The Sub-committee noted that there were other license premises in the area. However, they felt that one additional premise will not add to the cumulative impact and the problems in the</p>

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		<p>area. The Sub-committee felt that the conditions and the reduced hours would help the premises operate responsibly.</p> <p>Having taken all of the above factors into consideration the Licensing Sub-Committee was satisfied that this application could be approved without the licensing objectives being undermined.</p> <p><b>Public Informative:</b></p> <p>The Premises Licence holder is advised to inform the Licensing Authority of the Planning Permission they have obtained for the premises.</p>
8	Application to Vary a Premises Licence – Vintage Bottle, 14 Chatsworth Road, London,E5 0LP	<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 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 refused in accordance with Licensing Policies LP1, LP2, LP3 and LP4 within the Council’s Statement of Licensing Policy.</p>

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		<p>Reasons for the decision</p> <p>The Licensing Sub-Committee, having heard from the Responsible Authorities (the Licensing Authority and the Metropolitan Police Service (“the Police”) believed that granting this application is likely to result in the licensing objectives being undermined and will have an impact on the area.</p> <p>The Sub-committee took into consideration that there were objections raised by Other Persons (the local ward councillor and the residents association) on the grounds of the four licensing objectives. The Sub-committee took into consideration the objections raised by the Police and the Licensing Authority on the grounds of public nuisance and crime and disorder.</p> <p>The Sub-committee took into consideration the concerns of the Police who did not support this application due the impact it would have on street drinking which would lead to unregulated drinking late at night, and anti-social behaviour. The Police made representations that the premises is located on a busy road which has a number of retail outlets and the premises is in a residential area. The Sub-committee took into account that the excessive hours being sought by the Applicant would increase anti-social behaviour and will have an impact on local residents. The Sub-committee noted that the extension of hours would mean that people would have more access to alcohol for longer hours late at night.</p> <p>The Sub-committee took into consideration representations made that the Applicant did not consider the local residents when making this application. The Sub-committee took into consideration that the Police and the Licensing Authority agreed that the hours applied for 24 hours each day were excessive and beyond Core hours (LP4).</p> <p>The Sub-committee heard the Applicant’s representations that they sell groceries, and they wanted to sell alcohol 24 hours a day following demands from customers to open later and to sell alcohol and groceries.</p>

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		<p>The Sub-committee did not feel that the Applicant understood the requirements of the application for an alcohol licence, and he would not be able to prevent public nuisance and crime and disorder in the residential area. The Sub-committee felt that the premises was more of an off-licence than a grocery store, and that there were not strong mitigating factors to support why they should be granted a licence in a quiet residential area.</p> <p>The Sub-committee carefully considered the representations made by the Applicant, the Metropolitan Police Service and the Licensing Authority. The Sub-committee was not convinced that the Applicant’s proposed conditions would be operational. Therefore, the Sub-committee decided to refuse the application to vary the premises licence for off sales 24 hours each day 7 days a week which is contrary to the Council’s Licensing Policy and specifically Policy LP4 (“Off sales of alcohol”).</p> <p>The Sub-committee also felt that by not granting this variation application it would prevent anti-social behaviour, in terms of more people coming into the area, consuming alcohol, and staying in the area for longer which would contribute to increasing public nuisance, and crime and disorder in the area.</p> <p>The Sub-committee took into consideration when refusing this application that each case is considered on its merits. The Sub-committee believed that the licensing objectives could not be promoted by granting this variation application, and as such believed it was appropriate to refuse the application in its entirety.</p>