

MINUTES OF A MEETING OF THE LICENSING SUB-COMMITTEE A THURSDAY 9 FEBRUARY 2023

Councillors Present: Councillor Gilbert Smyth in the Chair

Councillor Sharon Patrick

Councillor Eluzer Golberg (observing)

Councillor Midnight Ross (observing)

Councillor Joe Walker (observing)

Apologies: None.

Officers in Attendance: Amanda Nauth, Licensing Lawyer
Subangini Sriramana, Principal Licensing Officer
Gareth Sykes, Governance Officer

Also in Attendance: **Item 6 Application for a premises licence: Doner Hub, 151 Hoxton Street, London, N1 6PJ**

Applicant

Fezal Yurdakul, Acting agent at Pera Solutions Ltd

Responsible Authorities

PC Amanda Griggs, Police

David Tuitt, Licensing Service, Hackney Council

Other Persons

None.

1 Election of Chair

1.1 Cllr Gilbert Smyth was elected as Chair.

2 Apologies for Absence

2.1 None.

3 Declarations of Interest - Members to declare as appropriate

3.1 None.

4 Minutes of the Previous Meeting

4.1 None.

5 Licensing Sub Committee General Information & Hearing Procedure

5.1 The Chair of the Sub-Committee outlined the hearing procedure for the meeting participants.

6 Application for a premises license: Doner Hub, 151 Hoxton Street, London, N1 6PJ

6.1 The Licensing Sub-Committee heard from Hackney Council's Principal Licensing Officer (Acting), a consultant representing the applicant and the responsible authorities, the Licensing Authority and the Police. The application before the Sub-Committee was for a premises licence to allow authorisation for the provision of late night refreshment and sale of alcohol on Monday to Sunday. Responsible Authorities, Licensing and Police, had made representations on the grounds of the prevention of crime and disorder and prevention of public nuisance. Environmental Enforcement had made a submission on the grounds of the prevention of public nuisance and had proposed conditions as set out in para 8.1 of the published report - these conditions were agreed with the applicant prior to the meeting. There were no other persons registered to speak.

6.2 During the course of the meeting there was a discussion where a number of points were raised including the following:

- The premises, Doner Hub, was a restaurant with seating inside that also takes takeaway orders and had a permitted use class E;
- The agent for the applicant explained that her client had instigated a number of training programmes for staff as well as recyclable and waste management policies and delivery management processes to mitigate against any public risk;
- The agent for the applicant highlighted, in relation to the increase in proposed hours, the number of licensed premises in the immediate vicinity with late opening hours;
- The Police in their representation raised concerns over the hours requested and some lack of detail around the application. They highlighted that they wanted to see more information about why the applicant requires both on and off sales and how the venue opening late into the night would encourage people to gather in the venue;
- The Licensing Authority made a representation highlighting concerns over the proposed hours and their negative impact on the licensing objectives in particular the prevention of public nuisance. There were also concerns raised about activities associated with takeaways such as noise from loitering from customers and noise and fumes caused by third party delivery riders/collections. The Licensing Authority added that the proposed hours were also outside the core hours, as set in LP3, also the application also appeared to be a change of use of building, the applicant may wish to demonstrate that the appropriate planning permission is in place in accordance with LP5 (Planning Status);
- The agent for the applicant explained that besides an inside seating area for customers there was also a toilet for customers. The agent was of the view with this area their applicant, with along with one other member of staff, could contain customers in the early hours and potentially mitigate against incidents of anti-social behaviour (asb);

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- The agent for the applicant explained that the business of Doner Hub was 50% restaurant and 50% takeaway. They added that the sale of alcohol was not a top priority for the applicant;
- The Police expressed concerns about the applicant's ability to manage rowdy customer behaviour early in the morning. Two members of staff was felt was not enough;
- The agent for the applicant noted the Police's concerns and explained that her client would agree to close off the seating area and only provide takeaways after 11:00pm;
- The applicant would provide deliveries through online third party delivery companies and it was understood that these deliveries would be by bicycle;
- The agent for the applicant confirmed that her client would agree to a Delivery Management Plan;
- On the issues of noise disturbance at the rear of the premises, where deliveries would take place, the agent for the applicant explained that they understood that a flat at the rear was unoccupied;
- The agent for the applicant gave a brief overview of the delivery management systems that her client had in place including training for Doner Hub staff such as the the checking of identifications of delivery company representatives;
- It was reiterated that there would be a condition that the serving of alcohol would be ancillary to the serving of hot food;
- The Licensing Authority reminded the Sub-Committee that there was an enforcement notice in relation to the premises regarding change of use which was relevant to the promotion of the licensing objectives;
- The agent for the applicant explained that her client was appealing against the enforcement notice;
- The legal officer explained that if the Sub-Committee was minded to approve the application then a planning informative could be added to the decision;
- The agent for the applicant confirmed that her client would agree to a reduction in hours back to core hours;
- In their closing remarks the Police welcomed the news that the applicant had accepted a number of conditions including the scaling back to core hours;
- The Licensing Authority reiterated that there was an enforcement notice in place and they were concerned about the negative impact that would have on the licensing objectives;
- The agent for the applicant in their closing remarks welcomed their opportunity to speak to the Sub-Committee and how they implemented a number of mitigation measures e.g. the installation of an extractor fan.

The Decision:

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:

- The prevention of crime and disorder;
- Public safety;
- Prevention of public nuisance; and

- The protection of children from harm,

the application for a premises licence for Late Night Refreshment and the sale of alcohol 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 amendments:

- The hours for licensable activities, shall be, as agreed:

Late Night Refreshment:

Friday to Saturday 23:00 - 01:00

Supply of Alcohol (on and off sales)

Monday to Thursday 10:00 - 23:00

Friday to Saturday 10:00 - 23:00

Sunday 10:00 - 22:30

Opening hours

Monday to Thursday 10:00 - 23:30

Friday to Saturday 10:00 - 01:00

Sunday 10:00 - 23:00

And the following conditions:

- Any alcohol sold or supplied for consumption off the premises must be in a sealed container.
- Alcohol shall not be sold, supplied, or consumed on the premises unless it is ancillary to food served on the premises and with food orders.
- Only deliveries and take away are permitted after 23:00 on Fridays and Saturdays.
- The Licence holder shall have one additional member of staff after 21:00 on Fridays and Saturdays to monitor the premises main door and dispersal from the premises. The total number of staff after 21:00 must be at least 3 members of staff.
- There shall be a written dispersal policy submitted to and approved by the Licensing Authority and the Police which shall be reviewed regularly. 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.
- The Licence holder to submit a Delivery Management Plan to the Licensing Authority and the Police for approval.

Reasons for the decision

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The application for a premises licence for Late Night Refreshment and the supply of alcohol on and off the premises has been approved because the Licensing Sub-committee was satisfied that the licensing objectives would not be undermined

The Sub-committee took into consideration that there were objections to the application from the Licensing Authority, Environmental Enforcement, and the Metropolitan Police Service ("the Police"). The Sub-committee took into consideration that the Environmental Enforcement Team proposed conditions which the Applicant agreed to during the hearing. The Sub-committee also noted that there were no representations from local residents in the area.

The Sub-committee took into account that the Licensing Authority made representations on the grounds of public nuisance and the premises being close to the residential properties. The Sub-committee took into consideration the concerns about the additional impact on the area late at night. The Sub-committee noted concerns about the existing use of the extractor fan, and that the Applicant was trying to take measures to control the noise. The Sub-committee also noted that there are Planning issues, and the Applicant needs the appropriate planning permission.

The Sub-committee took into consideration the Police objections on the grounds of crime and disorder and public nuisance, and the Police concerns about drunken behaviour in the seating area that is open all the time. The Sub-committee noted that the Police were concerned about the additional impact on the nearby Shoreditch SPA with the later hours.

The Sub-committee heard the Applicant's legal representative make submissions that customers will take food away and the Applicant will prevent any littering. The Applicant will train their staff on delivery and how to reduce and prevent a nuisance. The Sub-committee heard that the Applicant has been managing premises for the last five years, and he is familiar with the area. The Sub-committee noted that the Applicant has other premises close by, and the Applicant is an experienced operator who is prepared to work with the Police and the Licensing Authority. The Sub-committee noted that the Planning Enforcement Notice will be appealed, and a new planning application has been submitted to the Council.

The Sub-committee took into consideration that the Applicant will serve food on the premises and the premises has a toilet. The Sub-committee heard submissions that the premises will be a restaurant and a bar 50% will be seated and 50% will be takeaway with delivery options. The Applicant contended that they wanted to sell hot food late at night with a 10 seating capacity inside the premises. The Sub-committee heard that the Applicant will supervise their own area and their shop. The Sub-committee noted that there are two pubs in the area.

After hearing from the Applicant's representative, the Applicant's Agent, the Applicant and from the Licensing Authority and the Police the Sub-committee was satisfied with the additional conditions, the reduced hours and that the seating area will be closed at 23:00 which would mitigate any negative impact that granting the licence would have on the nearby Shoreditch SPA.

The Sub-committee took into account when making their decision that alcohol will be served with food at all times and it is a small premises. The Sub-committee took into consideration that alcohol is limited to beer and the hours for alcohol are limited to core hours under Policy LP3. The Sub-committee heard that the Applicant will monitor

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their customers and they will have trained staff, and also provide clear signage to prevent queueing outside the premises.

The Sub-committee feel that these measures, which the Applicant agreed to, will help the premises to be run responsibly. The Sub-committee took into consideration that the Licensing Authority and the Police were happy with the representations made on behalf of the Applicant.

Having taken all of the above factors into consideration, the Licensing Sub-committee was satisfied that the licensing objectives would not be undermined.

Public Informative

1. The applicant and the operator are reminded of the need to operate the premises according to any current licensing conditions on the premises licence and planning permission relating to its use class, conditions and hours.
2. It also should be noted for the public record that the local planning authority should draw no inference or be bound by this decision with regard to any future planning application which may be made.
3. The Applicant is strongly encouraged to use sustainable cutlery, plates, cups, food containers, and recyclable materials and to avoid using single-use plastic to prevent litter, and protect the environment.

7 Temporary Event Notices - Standing Item

7.1 None.

END OF MEETING

Duration of the meeting: 7.00pm - 7.48pm

Chair of the meeting: Cllr Gilbert Smyth

Contact:

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