



London Borough of Hackney – Decisions taken by the Licensing Sub Committee C on Thursday 23 March 2023

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Items considered in public

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| 5 | Premises Licence: Unit 2,1 Bouverie Road, London, N16 0AH | <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>Opening Hours:</p> <p>Monday to Thursday (Online deliveries only) - Not opened for public</p> <p>Friday to Sat 12:00 to 23:00 (Not opened for public from 22:00 to 23:00)</p> <p>Sunday 12:00 to 23:00 (Not opened for public from 21:00 to 23:00)</p> |
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|                |       | <p>Supply of Alcohol (Off Sales)</p> <p>Monday to Thursday (Online deliveries only) - Not opened for public</p> <p>Friday to Saturday 12:00 - 23:00 (from 21:30 to 23:00 online deliveries only)</p> <p>Sunday 12:00- 23:00 ( from 20:30 to 23:00 online deliveries only)</p> <p>Supply of Alcohol (On Sales )</p> <p>Friday - Saturday 12:00 - 21:30</p> <p>Sunday 12:00 - 20:30</p> <p>And the following conditions:</p> <p>Amend condition 15 to read as follows:</p> <p>“Any off sales of alcohol will be in sealed containers and alcohol shall not be consumed on the premises from Monday to Thursday”</p> <p>The Premises Licence holder to provide the Licensing Authority with an updated plan of the premises excluding the external area.</p> <p>There shall be a maximum of 3 smokers outside the premises at any one time, and smokers are not permitted to take drinks outside of the premises at any time.</p> |

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|                       |              | <p>No drinks are permitted in the external /outside area of the premises at any time.</p> <p>The capacity of the premises to be 20 persons at any one time.</p> <p>To ensure that persons purchasing alcohol via the on-line platform are over the age of 18, the company shall ensure that customers are aware that proof of ID will be a condition of sale and must be provided prior to receipt of any alcohol, delivery drivers will be instructed to ensure that the end consumer is the same individual that placed the order or no delivery shall take place.</p> <p>Delivery drivers shall conduct the delivery in a manner that will not cause a noise disturbance to the occupiers of any residential properties surrounding the delivery address. This includes the avoidance of slamming doors, playing loud music, shouting, over-revving engines and sounding horns to signal their arrival. The driver shall turn the engine off immediately upon arrival at the delivery address and will park considerately without causing any obstruction to the highway.</p> <p>All deliveries of alcohol shall only be delivered to a premises address with a valid postcode and will only be delivered directly to that property.</p> <p>The Premises Licence Holder shall organise and publicise a meeting for local residents to meet and discuss the operation of the premises at least every 3 months.</p> <p><b>Reasons for the decision</b></p> |

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|                |       | <p>The Sub-committee approved the application with the above amendments and an additional condition. This application is for on-sales (the Applicant’s sale and consumption of alcohol on the premises Friday to Sunday each week) and off-sales of alcohol (for the Applicant’s online business by delivery (Monday to Sunday each week) and off-sales from the shop premises Friday to Sunday each week during on sales hours) 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 and Environmental Enforcement in advance of the hearing, and both Responsible Authorities subsequently withdrew their objections to the application.</p> <p>The Sub-committee also took into consideration the 8 objections raised by Other Persons (local residents) and those representing them on the grounds of The Prevention of Crime and Disorder, Public Safety, Prevention of Public Nuisance and The Protection of Children from Harm, and their concerns about nuisance from the premises which will impact the residential area.</p> <p>The Sub-committee took into consideration that local residents who live opposite the premises objected to the sale of alcohol seven days a week until 23:00 in the residential area, which will lead to a risk of anti-social behaviour, noise nuisance, and litter from customers consuming alcohol and staying in the area for longer. The Sub-committee took into account the concerns about the Applicant’s ability to control their customers consuming alcohol late at night once they leave the premises. In addition there were concerns about off-sales late at night.</p> <p>The Sub-committee took into account that the Other Persons made submissions that</p> |

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|                |       | <p>the courtyard is not suitable for this premises because it would disrupt the creative workshops and initiatives within close proximity to residential areas around the courtyard. The Sub-committee also took into account that there is only one toilet and little or no parking in the area. The Sub-committee noted many of the local residents are familiar with the area and have lived there for 20 years.</p> <p>The Sub-committee heard local residents are on both sides and opposite the premises in a residential street which local residents are concerned about. The Sub-committee noted that the premises are in a small space and they heard from local residents that it is not a suitable location to grow a business. The Sub-committee also heard from local residents that it would be difficult to manage the premises outside.</p> <p>The Sub-committee heard from local residents that the Applicant has not taken into consideration the impact of operating the premises and the impact of anti-social behaviour on the local residents. The Sub-committee heard from the local residents that their fears were not allayed after hearing from the Applicant.</p> <p>The Sub-committee took into consideration the Applicant’s representations that they were seeking an alcohol licence for on and off the premises selling traditional ales and as an ale house. The Sub-committee heard the Applicant intended to have on and off sales in a shop for three or four days each week. The Sub-committee heard the off-sales were online orders that are delivered seven days a week, and the Applicant did not intend to play live music. The Applicant contended that there were no objections from the Responsible Authorities, that he had lived in Hackney for 10 years and he is a responsible person. The Applicant contended that he needed the premises to be sustainable.</p> |

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|                |       | <p>The Applicant made representations that he needed a warehouse and there were no local residents above the premises. It is a commercial space and the local residents reside across the courtyard.</p> <p>After considering all the representations made by the Applicant and the Other Persons the Sub-Committee made the following determination:</p> <p>i) The premises would operate within Core hours in accordance with Policy LP3. The “Opening hours” are usually shown on a premises licence as the hours covering both the on-sales and the off-sales otherwise the two activities would not be licenced. Therefore, this is shown as Opening hours Monday to Sunday 12:00 - 23:00. This does not mean the premises are open to customers seven days a week.</p> <p>On and off alcohol sales:</p> <p>The premises is open to customers to drink on the premises from Friday to Sunday only at the hours specified above. Also customers can buy alcohol on the premises to take away in sealed containers (like an off licence) on Friday to Sunday at the hours specified above. The Applicant will also have off-sales as an online business, which will operate online seven days each week. These alcohol sales will be by delivery only.</p> <p>ii) The Sub-committee decided to reduce the on-sales at the shop premises to three days each week: Friday, Saturday and Sunday</p> <p>iii) The Sub-committee decided that the shop premises will have a capacity for 20 customers at any one time.</p> |

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|                |       | <p>iv) The Sub-committee decided not to permit the external/outside area of the premises to be used by customers for drinking outside to prevent noise nuisance and anti-social behaviour. Also no drinks are permitted to be taken outside unless they are off sales in sealed containers to be consumed not in the vicinity of the premises.</p> <p>v) The Sub-committee decided to permit 3 customers to smoke outside the premises at any one time, and smokers are not permitted to take drinks outside of the premises at any time.</p> <p>The Sub-committee felt that the above conditions would prevent local residents being disturbed late at night. The Sub-committee reduced the hours of opening the shop premises taking into account the representations of local residents.</p> <p>The Sub-committee felt that a small capacity of 20 persons at any one time when there are on-sales on the premises would limit the impact on the local residents. In addition, reducing the hours of the on-sales would mitigate antisocial behaviour.</p> <p>The Sub-committee was not assured that the Applicant had all their processes and procedures in place. The Sub-committee felt the Applicant needed to show how he manages the courtyard. However, the Sub-committee noted that the Applicant was prepared to listen to the feedback he was given, he had given thought to the shop front and the waste collection outside the premises.</p> <p>The Sub-committee wants to support local businesses, however, they have to take into account the impact of the business on local residents.</p> <p>Having taken all of the above factors into consideration, the Licensing Sub-committee</p> |

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|                       |              | <p>was satisfied that the application could be approved without the licensing objectives being undermined.</p> <p><b>Public Informative</b></p> <p>The Applicant is advised to obtain a noise limiter and agree noise levels with the Environmental Protection Team.</p> <p>The Applicant is advised to agree a Waste Plan with the Environmental Enforcement Team.</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> <p>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.</p> <p>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.</p> <p><b>Your right to appeal</b></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> |



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| 7              | Interim Steps Pending Full Review: Ballie Ballerson, 97-113 Curtain Road, London EC2A 3BS | The applicant had agreed interim steps with the Police. Therefore this item was now withdrawn from the meeting agenda. |