

**London Borough of Hackney – Decisions taken by the Licensing Sub Committee D on Tuesday 30 May 2023**

Agenda Item No	Topic	Decision
----------------	-------	----------

**Items considered in public**

<p><b>8</b></p>	<p>King of Falafel, 297 Old Street, EC1V 9LA</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 within the Council’s Statement of Licensing Policy.</p> <p><b>Reasons for the decision</b></p> <p>The Licensing Sub-Committee, having heard from the Responsible Authorities (the Licensing Authority and the Metropolitan Police Service) believed that granting the application to vary the premises licence and to extend the hours of Late Night Refreshment will result in the licensing objectives being undermined and will have a negative impact on the area.</p> <p>The Sub-committee took into consideration that there were objections to the application from the Licensing Authority, and the Metropolitan Police Service (“the Police”). The Sub-committee also noted that there were no representations from local residents in the area, and no objections from the other Responsible Authorities.</p> <p>The Sub-committee took into account that the Licensing Authority made representations on the grounds of public nuisance, and the Police objections on the grounds of crime and disorder and public nuisance.</p>
-----------------	--	---

**London Borough of Hackney – Decisions taken by the Licensing Sub Committee D on Tuesday 30 May 2023**

Agenda Item No	Topic	Decision
		<p>The Sub-committee took into consideration the Applicant’s representations that there was new management at the premises from the end of January /beginning of February 2023, and they were looking to extend the hours of the premises on Thursday to Saturday until 04:00. The current management explained that they were not the management at the time that the current premises licence holder was operating the premises, and when the alleged breaches of conditions took place.</p> <p>The Sub-committee heard an allegation that on the 11th March only two staff were operating the premises, and there was no security employed in accordance with the conditions of the premises licence.</p> <p>The Sub-committee heard that on the 11th March 2023, the Police confirmed that it was three months since any complaints had been made. The Sub-committee heard that the premises licence holder has handed over the licence to the new management. The Police alleged that the operating hours were in breach of the premises licence.</p> <p>The Sub-committee heard allegations that the premises were still open after 01:00 on 18th of February. The Sub-committee took into consideration the concerns about the premises raised by the Police in relation to the current premises licence holder, and how they were operating the premises and the complaints received. The Sub-committee took into account the complaints received by the Police on the 26th February and the 11th March again on both occasions they were alleged to be operating after 01:00.</p> <p>The Sub-committee heard representations from the Licensing Authority about allegations of non-compliances. The Sub-committee took into consideration that the current management of the premises have no track record of operating the premises, and there are no exceptional circumstances or additional factors that could be taken into consideration. The Licensing Authority were not confident about the premises having extended hours given the alleged</p>

**London Borough of Hackney – Decisions taken by the Licensing Sub Committee D on Tuesday 30 May 2023**

Agenda Item No	Topic	Decision
		<p>breaches of the premises licence so far.</p> <p>The Sub-committee noted that the premises licence needed to be transferred to the new licence holder before the hours were amended by the Applicant. The Sub-committee took into account that the hours proposed by the Applicant are excessive and outside core hours as set out in Policy LP3.</p> <p>The Sub-committee took into account that the Police felt more security at the premises was required than was on the current premises licence. The Sub-committee heard that on Thursdays and Fridays security was needed to monitor and prevent noise nuisance.</p> <p>The Sub-committee heard from the Applicant, who is the current manager, that they have provided details of the operating hours and they closed the premises on time. The Applicant contends that they are prepared to offer more security and prevent noise nuisance. The Sub-committee expressed that there was a need for the current management to undertake first-aid training, WAVE training and any other relevant training to ensure that staff can operate the premises responsibly and to protect the safety and well-being of their customers.</p> <p>The Sub-committee heard from the Licensing Authority and the Police that a Delivery Management Plan is needed, and it needs to be made clear who the current licence holder is, and they need to operate in a way that promotes the licensing objectives. The Sub-committee heard In relation to the Delivery Management Plan, that the Licensing Authority should state the hours the Applicant needed to comply with.</p> <p>The Sub-committee felt that the premises needed to be managed well, the Applicant (new management) needed to do staff training, and management training. The Sub-committee felt that the Applicant needed to demonstrate that they will not add to the cumulative impact of the area and they need to work with the Police and the Licensing Authority over a longer period to build up a good track record.</p>

**London Borough of Hackney – Decisions taken by the Licensing Sub Committee D on Tuesday 30 May 2023**

Agenda Item No	Topic	Decision
		<p>The Sub-committee took into consideration the concerns of the Metropolitan Police Service that the application was not acceptable due to the complaints received, and the alleged non-compliances of the premises licence. It was noted that the Police had offered to help the Applicant. The Sub-committee noted that the Applicant did not address the negative impact and needed a longer period to prove themselves.</p> <p>The Sub-committee heard from the Police that the Applicant needed to consider their deliveries. The Sub-committee noted that the Police felt that the Applicant could not operate under the hours that they were seeking to provide late night refreshments, and that they have not demonstrated that they can maintain the licensing objectives.</p> <p>The Sub-committee took into consideration that the Applicant’s proposals did not allay the concerns raised by the Responsible Authorities to make an exception to grant this application. The Sub-committee felt that the Applicant failed to demonstrate that they are a responsible operator at the moment.</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 own 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> <p><b>Your right to appeal</b></p> <p><b>If you are aggrieved by any term, condition or restriction attached to this decision, you</b></p>

**London Borough of Hackney – Decisions taken by the Licensing Sub Committee D on Tuesday 30 May 2023**

<b>Agenda Item No</b>	<b>Topic</b>	<b>Decision</b>
		<b>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.</b>