

## MINUTES OF A MEETING OF THE LICENSING SUB COMMITTEE E TUESDAY, 6 JUNE 2023

The live stream can be viewed here:

<https://www.youtube.com/live/eDJWH95MQKk?feature=share>

**Councillors Present:** Cllr Gilbert Smyth in the Chair  
Cllr Sheila Suso-Runge  
Cllr Joe Walker

**Officers in Attendance:** Mark Agnew, Governance Officer  
Amanda Nauth, Licensing Lawyer  
Subangini Sriramana, Principal Licensing Officer  
(Acting)

**Also in Attendance:** Cllr Christopher Kennedy, observing

### **Item 7 Application for a Premises Licence:**

Chicken Burg Ltd, Ground Floor, 85 Kingsland High Street, E8 2PB

#### Applicant

Tahir Shah, Applicant

#### Responsible Authorities

David Tuitt, Licensing Service, Hackney Council

#### Other Persons

C1 (Anonymous)

C2 (Anonymous)

### **Item 8 Application for a Premises Licence:**

Immersive Group Gaming Ltd, 1 Principal Place - Unit 2A/2B, Worship Street, EC2A 2BA

#### Applicant

Daniel Hochar

Nathan Nichols

Dominic Pierre

## **1 Election of Chair**

1.1 Cllr 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 Premises Licence: Chefs Signature, 22 Well Street, Hackney E9 7PX**

6.1 Following publication of the agenda this item was approved under delegated authority.

#### **7 Premises Licence: Chicken Burg Ltd, Ground Floor, 85 Kingsland High Street, E8 2PB**

7.1 The Licensing Sub-Committee heard from the Principal Licensing Officer (Acting), the applicant, the Licensing Service, and other persons in objection to the application. The applicant was seeking authorisation for late night refreshments from Friday to Sunday.

7.2 The Sub-Committee noted that the Police were unable to attend but had reported that the applicant had agreed to conditions that had been proposed, that many of the Police's concerns had been addressed, but that the Police still requested that should a licence be granted that hours be reduced substantially from 05:00.

7.3 During the discussion of the application a number of points were raised, including the following;

- the applicant confirmed they had notices on the premises to remind customers to respect local residents, and had both digital security cameras and security guards on premises, who were present between 21:00-23:00, but that would be extended to match any new closing times;
- in addition the security guards would be SIA approved;
- the applicant would be flexible with the closing hours and believed that there would be no safety concerns related to children;
- the applicant also confirmed that the premises was a restaurant with seating for 20, that didn't do deliveries;
- C1 highlighted that anti-social behaviour (ASB) had been particularly high in the last year and that drug dealing was a particular issue in the area; noted that the original issued licence was not publicly available; and questioned why a 'chicken shop' required two security guards;
- C2 agreed with the observations related to ASB and drug dealing and highlighted that the premises was not a restaurant, but a take-away whose customers attended before or after drinking; and requested that the extended licence not be granted due to it adding to the cumulative impact and that the applicant had failed to address residents' concerns;
- the Licensing Service highlighted LP10 and that the premises was in one of Hackney's special policy areas (SPA);

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- the applicant confirmed that this was their first experience of managing a licensed business;
- there was some confusion over the number of available tables for eating in, with the Metropolitan Police reporting two and the applicant reporting 5 allowing four spaces at each table which equated to the 20 seats in the application;
- the applicant confirmed that between 6-10 customers could queue if the seating was at full capacity;
- there was some challenge as to whether the premises was a restaurant or a take-away, and that this would need to be confirmed in relation to any change in the current licence;
- the applicant confirmed that there would be an element of take-away, as they would not be able to prevent customers from removing food purchased on site;
- the Licensing Service clarified that they viewed the application as one for a take-away, with some seats, rather than one for a restaurant, and that if an amended licence was approved it would be unrealistic to expect the restrictions to be enforceable;
- the applicant confirmed that there would be no alcohol sold or consumed on the premises;
- the Chair explained that as this was the applicant's first business and that the premises was in an SPA, an extension to 05:00 would not be considered reasonable;
- the Chair noted the concerns about the extension of hours that had been raised by the Metropolitan Police, the Licensing Service, and other persons;
- the Sub-Committee members agreed that any operating hours should remain based on the core hours so any extension beyond that would need to be one that was considered reasonable;
- the Chair also confirmed that economic reasons for an extension could not be considered by the Sub-Committee;
- there was discussion of operating hours of Mon-Thur until core, Fri-Sat until 01.00, and Sunday until 23.00;
- there was also discussion as to how food was served, and that a condition might be required to ensure plates were used;
- the applicant was reminded that breaching any proposed new licensing restrictions, if an application was granted, would result in the loss of that licence.

## **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,

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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 amendments:

**Late Night Refreshment:**

Friday - Sunday 23:00 - 01:00

**The opening hours of the premises:**

Monday - Thursday 10:00 - 23:00

Friday- Sunday 10:00 - 01:00

- Amend condition 12 as follows:

"12. An SIA (1) door supervisor shall be employed on Friday- Sunday evenings from 21:00 until 30 minutes after the premises close. When employed, all SIA staff shall wear a high visibility armband or vest to be easily identifiable. They shall enter their name, address, SIA number and times they begin and finish their shift in a daily register. If employed by an agency all agency contact details shall be recorded also".

And the following conditions to be added to the Licence: :

- No deliveries shall be permitted.
- No alcohol is permitted to be consumed on the premises.
- No take away food or food delivery is permitted.
- All food shall be served on dining plates with cutlery and shall only be eaten on the premises.
- No food containers or plastic cutlery or other single use plastic items are permitted to consume food on the premises.

**Reasons for the decision**

The application for Late Night Refreshment 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).

The Sub-committee took into consideration that Environmental Enforcement agreed conditions in advance of the hearing with the Applicant and withdrew their representation.

The Sub-committee took into consideration the representations made by the Metropolitan Police Service ("the Police") that the Applicant agreed most of their conditions, and the Police concerns were overcome, however, they still objected to the late hours the Applicant was seeking Friday - Sunday until 05:00.

The Sub-committee took into consideration the representations made by the Licensing Authority that the premises is located in the Dalston SPA therefore it is subject to policy LP10. This area has been identified as suffering from negative cumulative impact as a result of the high concentration of licensed premises.

The Sub-committee took into consideration the objections raised by local residents that live close to the premises, the anti-social behaviour that they believe will have a

significant impact on local residents, and that it will add to the cumulative impact in the Dalston SPA.

The Sub-committee took into consideration the Applicant's representation that the premises is a restaurant and not a take away and that it is a small premises with 5 tables and 4 chairs with up to 20 seated customers at any one time.

The Sub-committee felt on the evidence presented to them that the premises will not add to the cumulative impact of the Dalston SPA with the additional conditions, and the reduced hours which will help the premises operate responsibly.

The Sub-committee took into account that the conditions the Applicant agreed to mean that there is no risk of bottles being taken from the premises, no broken glass, no take away food containers will be used which will prevent littering in the area, and all food will be served on dining plates with cutlery on the premises to seated customers because no take away food is permitted at the premises.

The Sub-committee takes each application on its own merits and they cannot take into account economic factors as exceptional reasons to grant an application.

After hearing from the Applicant, and from the Metropolitan Police Service, the Sub-committee was satisfied with the additional conditions and the reduced hours that the Applicant agreed to would mitigate any negative impact that granting the licence would have on the Dalston SPA, and on the potential for patrons to stay in the Dalston SPA area for longer.

The Sub-committee felt that the premises due to its size and capacity would have less of a negative impact on the Dalston SPA.

The Sub-committee encourages the Applicant to work with the Responsible Authorities to comply with the terms and conditions of his licence and to maintain the licensing objectives.

Having taken all of the above factors into consideration, the Licensing Sub-committee was satisfied, when granting this application for Late Night Refreshment, that the Applicant had offered adequate conditions, to justify them making an exception to grant this licence within the Dalston SPA.

### **Public Informative**

The Applicant is encouraged to continue working with the Metropolitan Police Service to prevent any negative impact in the area.

## **8 Premises Licence: Immersive Group Gaming Ltd, 1 Principal Place - Unit 2A/2B, Worship Street, EC2A 2BA**

8.1 The Licensing Sub-Committee heard from the Principal Licensing Officer (Acting), the applicant, and a representation from other persons in objection to the application. The applicant was seeking to supply alcohol for consumption on the premises from Monday to Sunday.

8.2 During the discussion of the application a number of points were raised, including the following;

- the applicant confirmed the proposed operation of the games, highlighting that Groups of 1-6 persons would enter 9 9sqm game boxes with interactive touchscreen walls;
- there were already three venues in the UK and they have been selling alcohol on those sites;
- in the other venues customers could order refreshments from inside the games boxes and then staff would undertake Challenge 25;
- in addition CCTV looked in and there is glass frontage to the boxes.
- the applicants confirmed that they would employ security using one of the SIA approved companies with knowledge of the local area;
- Sub-Committee members confirmed that they had read the representation from other persons in opposition to the application;
- Sub-Committee members received clarification from the applicants on the how the game boxes operate and the technology employed;
- the applicants confirmed that the pre-booking process provided information about the restrictions related to the purchase of alcohol, and that larger scale events would have a pre-ID check and wristband system;
- the games were timed for 30/45/60 mins and the scheduling system would ensure no one could book for after closing;
- the applicants confirmed that their experience had been that most people leave when the game concludes, and that 75-90% of the people would book in advance;
- in relation to the capacity of the bar on the site the applicants believed no more than c20/25 people would be present;
- in relation to food, there was no oven installed and no food cooked on the premises, but they may serve snacks as at other venues;
- the applicants also confirmed that the boxes were wheelchair accessible and clients could turn the volume down.
- the Sub-Committee welcomed the application, and the professionalism of the applicants, and highlighted the importance of training staff re violence against women, and the Hackney Nights portal.

### **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 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:

### **Supply of Alcohol on the Premises:**

Sunday to Wednesday 11:00 - 22:30

Thursday to Saturday 11:00 - 23:30

**The opening hours of the premises:**

Sunday to Wednesday 11:00 - 23:00

Thursday to Saturday 11:00 - 00:00 (Midnight)

And the following condition:

- The Premises licence holder will agree the capacity of the premises with the Licensing Authority after they have carried out a Fire Risk assessment of the premises.

**Reasons for the decision**

The application for the supply of alcohol on the premises has been approved because the Licensing Sub-committee was satisfied that the licensing objectives would not be undermined in the Shoreditch Special Policy Area (Shoreditch SPA).

The Sub-committee took into consideration that the Metropolitan Police Service (“the Police”) and the Environmental Enforcement Team agreed conditions in advance of the hearing with the Applicant and withdrew their representations.

The Sub-committee took into consideration the written objections raised by Other Persons (a local resident) who was unable to attend the hearing. The Sub-committee confirmed that they had read the local resident’s representation.

The Sub-committee took into consideration the Applicant’s representation that the Gaming company provides gaming boxes for 1 - 6 people in each game box. All participants wear hats and are monitored in the venue.

The Sub-committee heard that the Applicant is an experienced operator of 3 venues in the country since 2020. The Applicant proposes that to have 9 game boxes in the Shoreditch venue. The Manager of the Shoreditch venue is also an experienced operator.

The Sub-committee took into consideration that the Applicant has agreed to provide SIA door security on peak days Friday and Saturday and they will monitor after closing time on peak days. The Sub-committee noted each gaming box will have CCTV so that each game box can be monitored. The Sub-committee heard submissions from the Applicant that customer ID and age is checked at the pre-booking stage and alcohol cannot be purchased at the venue without customer ID. In addition the Sub-committee heard that customers will also be given arm bands to monitor them while they have a scheduled session in the gaming box. The Sub-committee noted 75-90% of tickets are purchased online and very few customers buy tickets on the spot. Therefore, the venue will not attract large crowds late at night.

The Sub-committee heard from the Applicant that the premises will not have a kitchen and they will not serve hot food. The Sub-committee noted that the premises will only serve snacks, pre-made cocktails with limited staff, and that alcohol will be sold from 18:00.

The Sub-committee heard that the Applicant does not expect more than 20-25 people at any one time and very rarely will there be large numbers.

The Sub-committee also took into account that the staff will receive WAVE training and they will ensure customers are familiar with the premises area.

The Sub-committee was satisfied that the Applicant had mitigated against concerns raised by the Police. The Sub-committee felt that the Applicant made comprehensive representations about the nature of the business and how they intended to operate the premises.

The Sub-committee felt that the Applicant demonstrated that the policies and procedures they have in place will enable them to operate the premises responsibly.

The Sub-committee took into account that the Applicant agreed reduced hours to operate the premise closer to the core hours as set out in Policy LP3 except on the peak days Thursday to Saturday.

The Sub-committee were satisfied that the Applicant demonstrated that they will not add to the cumulative impact in the Shoreditch SPA and the staff would carry out training. The Sub-committee also took into consideration that the Applicant provided a Dispersal Policy, and the Applicant wanted to maintain a positive and constructive relationship with the Responsible Authorities. The Sub-committee noted that the Applicant may need Planning Permission for the use of the premises.

The Sub-committee takes each application on its own merits and they cannot take into account economic factors as exceptional reasons to grant an application in the Shoreditch SPA.

After hearing from the Applicant, and Other Persons (a local resident), the Sub-committee was satisfied with the reduced hours that the Applicant agreed to would mitigate any negative impact that granting the licence would have on the Shoreditch SPA, and on the potential for patrons to stay in the Shoreditch SPA area for longer. The Sub-committee felt the Applicant had offered adequate conditions, to justify them making an exception to grant this licence within the Shoreditch SPA.

The Sub-committee encourages the Applicant to work with the Responsible Authorities to comply with the terms and conditions of their licence and to maintain the licensing objectives.

The Sub-committee encourages the Applicant to undertake other staff training to operate the premises and deal with vulnerable customers.

Having taken all of the above factors into consideration, the Licensing sub-committee was satisfied, when granting this application for a premises licence, that the licensing objectives would not be undermined in the Shoreditch SPA.

### **Planning Informative**

1. The Applicant is 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.



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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.

## **9 Temporary Event Notices - Standing Item**

9.1 Following publication of the agenda this item was resolved.

### **END OF MEETING**

**Duration of the meeting:** 2:00pm – 3.45pm

**Chair of the meeting:** Cllr Gilbert Smyth

#### Contact

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