



London Borough of Hackney – Decisions taken by the Licensing Sub Committee C on Tuesday 22 August 2023

Agenda Item No	Topic	Decision
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Part A – Items considered in public

6	Variation of Premises : Artist Cafe, 311 Old Street, EC1V 9LA	<p>RESOLVED:</p> <p><u>The decision</u></p> <p>The Licensing Sub-Committee, in considering this decision from the information presented to them within the report and at the hearing today and having regard to the promotion of the licensing objectives:</p> <ul style="list-style-type: none">• The prevention of crime and disorder• Public safety• Prevention of public nuisance• The protection of children from harm <p>The application to vary a premises licence has been approved in accordance with the Council's Statement of Licensing and the proposed conditions set out in paragraph 8.1 of the report, with the following amendments:</p> <ul style="list-style-type: none">• Remove Condition 8 from the premises licence.• Remove off-sales of alcohol from the premises licence.• A site plan to be provided to the Licensing Authority• The Licensing Authority to assess the capacity from the site plan to be provided by the Applicant and determine the seated capacity of the premises.• The Police and the Licensing Authority to assess and determine whether SIA door staff are required at the premises. <p>And the following conditions will be added to the premises licence:</p>
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		<p>1.An incident log shall be kept at the premises, and made available immediately to an authorised officer of the Hackney Borough Council or the Police, which will record the following:</p> <ul style="list-style-type: none"> • all crimes reported to the venue • any complaints received • any incidents of disorder • any faults in the CCTV system • any refusal of the sale of alcohol • any visit by a relevant authority or emergency service. <p>2.There shall be clear and prominent signage asking all customers to leave quietly and respect local residents.</p> <p>3.All instances of crime or disorder to be reported by the designated premises supervisor or responsible member of staff to an agreed police contact point, as agreed with the Police.</p> <p>4.Where the sale or supply of alcohol is taking place employees of the premises must request sight of evidence of the age of any person appearing to be under 25 years of age (Challenge 25). Such evidence may include a driving licence or passport.</p> <p>5.The premises will display and maintain appropriate signage advising customers of the contact details of the Designated Premises Supervisor.</p> <p>6.There shall be no open containers or glass containers or drinks taken outside the premises at any time.</p> <p>7.Alcohol shall not be sold or supplied for consumption on the premises other than to people taking a substantial table meal from the menu and that the consumption of such alcohol is ancillary to taking table meals. This shall be served by waiter/waitress service.</p> <p>8. All staff will be given refresher training every six months on the legislation relating to the sales of alcohol to underage persons and drunken persons. Written records of this training shall be kept on the premises and produced to police or other authorised officers upon request.</p> <p>9. No more than 2 persons are permitted to smoke outside the premises at any one time.</p> <p>10. Premises to operate a zero tolerance policy to drugs and comply with a. Weapons Policy</p>

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		<p>where appropriate b. Hackney Police Theft Reduction Policy 2011c. Or any subsequent reviews of these policies.</p> <p>11. The contact details of the duty manager and the Designated Premises Supervisor to be on display at the premises so that local residents can make contact regarding issues and concerns they have with the premises.</p> <p>Reasons for the decision</p> <p>The application to vary this premises licence has been partially approved as members of the Licensing Sub-committee were satisfied that the licensing objectives would not be undermined.</p> <p>The Sub-committee after considering the evidence presented to them decided to grant the use of the premises as a restaurant for alcohol to be served on the premises ancillary to a substantial table meal until 23:00. The Sub-committee were also happy for the take away service to continue, however, no off sales of alcohol will be permitted. The Sub-committee decided not to grant the extended hours for the Late Night Refreshment that the Premises Licence holder applied for.</p> <p>The Sub-committee took into consideration that apart from the Metropolitan Police Service (“the Police”) no other Responsible Authorities raised objections to this Application.</p> <p>The Sub-committee took into account that Other Persons (local residents) objected to the Application and their concerns about the impact the premises will have on the area. The local residents contended that the premises are very small and they have not had sight of a site plan to see how the seated customers are accommodated on the premises.</p> <p>The Sub-committee heard representations from Other Persons. One local resident confirmed that they lived close to the premises and Hoxton Square for the last 12 years, and the premises</p>

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		<p>has always been a coffee shop. They could not see why the alcohol should be sold seven days a week at the premises which are very small. The local resident requested that the application be refused.</p> <p>The Sub-committee noted from the representations that the local residents will not always complain in the middle of the night. However they are affected by what goes on in the area.</p> <p>The Sub-committee heard representations from a second local resident who made representations about the negative impact on the Charlotte Road and Rivington Street area late at night, and they agreed with the previous local residents' representations. The second local resident also asked that the Sub-committee refuse the application because the area is already saturated with bars and premises.</p> <p>The Sub-committee heard from the Police and local residents that there was already enough noise and antisocial behaviour added to the cumulative impact of the area, and they requested that the application be refused. The Sub-committee took into account representations from the Police that they have no issues with the premises and that they had not visited the premises. However, the Police have been monitoring the area generally at 03:00 and 04:00 in the morning and they have seen people staying in the area for longer which will add to the future impact in the area.</p> <p>The Sub-committee heard submissions from the Police that people drink on the streets late at night and they were objecting to antisocial behaviour and people staying on the streets late at night. The Police contended that hours of operation applied for are beyond core hours, and this was the only premises in the area that were seeking such late hours. The Sub-committee noted that the Police did not object to on-sales which was not an issue, and there are no current issues at the premises. The Sub-committee noted that the Police received no direct complaints about the premises.</p>

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		<p>The Sub-committee were concerned that there was no designated smoking area which meant that any smokers would be smoking on the pavement at the front of the premises late at night. The Sub-committee noted that the Premises Licence holder agreed that up to two smokers were allowed to smoke at the front of the premises at any one time.</p> <p>The Sub-committee heard submissions from Premises Licence holder’s representative that alcohol will be sold ancillary to food. There were no objections from other Responsible Authorities apart from the Police. The premises currently operate until 03:00 without complaint. The Sub-committee heard submissions on behalf of the Premises Licence holder that the premises is not an alcohol led premises. They are a food led business and they are prepared to provide training for their staff and to comply with any other conditions to maintain the licensing objectives. The Sub-committee noted that the Premises Licence holder offered to reduce the additional hours on Thursdays, and only having late night hours from Friday to Saturday until 04:00.</p> <p>The Sub-committee heard submissions from the Premises Licence holder’s representative that the premises can offer late night refreshments in a more controlled way by having extended hours. In addition the premises can control unruly behaviour more by operating as a restaurant. The premises are seeking to serve food on and off the premises. The premises currently operates as a café during the day until 18:00. After 18:00 the premises operate a different menu, serving kebabs, and other takeaway food as part of their nighttime operation, the premises can operate as a restaurant during the day also.</p> <p>The Sub-committee noted that the premises will not operate as an off-licence. Alcohol sales will be sold ancillary to food and the Premises Licence holder would be happy with restaurant hours. The Sub-committee took into consideration that the Premises are happy to restrict the hours of alcohol because it is a small premises from 10:00 to 23:00 and no alcohol hours after 23:00.</p>

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		<p>The Sub-committee heard from the Premises Licence holder that the capacity of the restaurant will be 25 seated customers. The Sub-committee had not seen the site plan showing this.</p> <p>The Sub-committee heard submissions from the Premises Licence holder’s representative that there were no substantiated complaints of nuisance from local residents or that there were complaints presented by any of the representations made at the hearing. The Sub-committee heard that the Premises Licence holder said that they spoke to local residents prior to the hearing and no concerns were raised. The Police confirmed that they had not been contacted by the Premises Licence holder prior to the hearing or after they made their representation.</p> <p>The Sub-committee heard that the Premises Licence holder’s representative did not agree that the premises will add to the cumulative impact of the area. They suggested that the Premises Licence holder could apply in six months for off-sales after they have proven that there are no concerns, and that the premises is operating well and is not adding to the cumulative impact. The Sub-committee heard submissions from the Premises Licence holder’s representative that the premises have been affected by the current economic climate.</p> <p>The Sub-committee took into account that it is a late night premises in the Shoreditch area that already has extensive hours beyond the Council's core hours LP3 until 03:00. The written evidence and the evidence presented confirmed that the area is already at saturation point. The Sub-committee took into consideration that the Premises Licence holder agreed to a substantial meal condition to operate their small restaurant.</p> <p>The Sub-committee heard that the Premises Licence holder agreed to staff being trained in courses such as Ask Angela, Welfare and Vulnerability, Staff Welfare, Hate Crime and Crime Prevention, and they agreed to display contact details for any local residents to make contact if they have any concerns.</p> <p>The Sub-committee supports local businesses in the borough, however, they cannot make</p>

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		<p>decisions based on economic factors. Each application heard by the Sub-committee is considered on its own merits.</p> <p>The Sub-committee felt that the conditions added to the premises licence will help the Premises Licence holder and their staff operate the premises responsibly as a restaurant and takeaway.</p> <p>Having taken all of the above factors into consideration the Sub-committee was satisfied that by granting this partial variation to the premises licence that the licensing objectives would continue to be promoted.</p> <p>Public Informative</p> <p>The Premises Licence holder is encouraged to work with local residents to reduce noise nuisance, and prevent any negative impact in the area.</p> <p>The Premises Licence holder is encouraged to use takeaway's sustainable cutlery, plates, cups, food containers, and recyclable disposable materials to avoid using single-use plastic disposable items to protect the local area, to prevent litter, and to protect the environment.</p>