

MINUTES OF A MEETING OF THE LICENSING SUB COMMITTEE D

THURSDAY 7 DECEMBER 2023

Councillors Present:	Cllr Joe Walker in the Chair
	Cllr Zoe Garbett and Cllr Gilbert Smyth
Apologies:	None.
Officers in Attendance:	Omur Izzet, Legal Officer (observing) Amanda Nauth, Licensing Lawyer Suba Sriramana, Principal Licensing Officer (acting) Gareth Sykes, Governance Officer
	<u>Item 6 Premises Licence: Basement, 8 Stoke Newington Road, London, N16</u>
Also in Attendance:	<u>Applicant</u> Domani Peireis Roger Williams <u>Responsible Authorities</u> Police Constable Amanda Griggs (licensing unit) <u>Other persons</u> C2 (had requested to remain anonymous during the hearing)

1 Election of Chair

1.1 Cllr Joe Walker was duly elected as Chair.

2 Apologies for Absence

2.1 There were no apologies received.

3 Declarations of Interest - Members to declare as appropriate

3.1 There were no declarations of interest.

4 Minutes of the Previous Meeting

4.1 There were no minutes included for consideration and approval.

5 Licensing Sub-Committee Hearing Procedure

5.1 The Chair outlined the hearing procedure to be followed.

6 Premises Licence: Basement, 8 Stoke Newington Road, London, N16

6.1 The Sub-Committee heard from the Acting Principal Licensing Officer, the Applicant, Responsible Authorities (the Police) and one Other Person in objection. The application was for a premises licence to allow authorisation for recorded music, anything of a similar description, provision of late night refreshment and supply of alcohol on Monday to Sunday. The Police had made representation on the grounds of the Prevention of Crime and Disorder and Prevention of Public Nuisance. Other Persons had made representation on the grounds of the Prevention of Crime and Disorder, Public Safety, Prevention of Public Nuisance and the Protection of Children from Harm. The Sub-Committee noted that additional information had been circulated from the Police to members proposing a number of conditions as well as proposing that the hours on a Friday and Saturday are reduced to licensable activity ceasing at 01:30 hours as per the old licence that lapsed.

6.2 During the course of submissions and a discussion of the application, the following points were noted:

- The Applicant explained that the type of venue that they were was a deaf and hearing Social Club that would cater for deaf, hearing and Lesbian, gay, bisexual, transgender, intersex, queer/questioning, asexual (LGBTIQA+) patrons on regular weekly days. The venue would also be used for special functions with the deaf and hearing community;
- The Applicant acknowledged the previous history of the venue and confirmed that they would be running the venue differently;
- The Applicant explained that on karaoke nights there was an expected number of 55-70 people;
- The capacity for the venue was 75;
- The Applicant confirmed that they would not be rent out the venue and that the clientele for the venue was a niche one;
- There would be some late night refreshment which will include beverages such as coffee, tea, bottled water, juice, and soda, and food items such as pastries, fruits, cookies, and cakes;
- On a risk assessment for the venue the Applicant confirmed that apart from discussions with the Police the venue was currently empty;
- The Applicant confirmed that they would update their venue's floor plan and that no tables would be placed on site and that a wine bar would be located upstairs at the venue;
- The Applicant added that they wanted the basement area available to them as an option when running the venue;
- The Sub-Committee member stressed to the Applicant the need for them to provide a written dispersal policy;
- The Applicant explained that five to six smokers would be allowed in the smoking area and that the risk assessments that they had made so far had been based on their conversations with the Police;
- The Sub-Committee noted that the Applicant had installed a sound limiter and that they were removing one of the base units;

- The Police confirmed that they had visited the premises and seen that the layout was the same as it was previously with removable table, chairs and the bar was in the same position;
- The Police added that the temporary events that had been operated had been fine and they had no issues with them. They add that it had taken a great deal of work to get to the point of the premises licence being granted previously and they want to continue that work. The Police highlighted that the Applicant, by operating under similar terms as the previous licence that had lapsed, would be able to build up a track record to show that they were able to comply with the terms and conditions of their licence;
- The Applicant agreed to work with the Police to confirm the appropriate access to the premises either through the front or back doors;
- The Other Persons retained their objections to the application.

In their closing remarks the Applicant reiterated the type of the venue they were hoping to run and the niche clientele they were hoping to appeal to. The Applicant briefly addressed the objections that had been raised highlighting that in their view that they appeared to be more about the wider area rather than their specific venue.

The Other Persons in their closing remarks maintained their view, as set out in their submission in the published application report. They felt that the premises remained a personal nuisance with noise breakout and they expressed their concerns, should the application be approved, of its impact on Hackney Council's licensing objectives and policy and the Special Policy Area (SPA). They added that there was no attempt to address the licensing objectives. There were also concerns expressed about the lack of a written dispersal policy from the Applicant.

On a point of clarification, the Council's Legal Officer confirmed that there were no SPAs in operation in the borough whilst a review of the licensing policy was currently under way.

The Responsible Authorities, the Police, in their closing remarks reiterated that they wished to see the Applicant operating under similar terms as the previous licence that had lapsed. That way they felt that the Applicant would be able to build up a track record to show that they were able to comply with the terms and conditions of their licence.

On a point of clarification, the Applicant confirmed that they did not have facilities to sell hot and cold food. They were working on arrangements with local restaurants to provide such options for their patrons.

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:

Recorded Music:

Monday to Thursday	12:00 - 23:00
Friday to Saturday	12:00 - 01:30
Sunday	12:00 - 22:30

Anything of a similar description:

Monday to Thursday	12:00 - 23:00
Friday to Saturday	12:00 - 01:30
Sunday	12:00 - 22:30

Late Night Refreshment:

Friday to Saturday	23:00 - 01:30
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Supply of Alcohol (on sales):

Monday to Wednesday	12:00 - 23:00
Thursday	12:00 - 00:00
Friday to Saturday	12:00 - 01:30
Sunday	12:00 - 22:30

Opening hours:

Monday to Wednesday	12:00 - 23:30
Thursday	12:00 - 00:30
Friday to Saturday	12:00 - 02:00
Sunday	12:00 - 23:00

Remove Non-standard hours from the Application.

Amend condition 19 as follows:

"All doors (including the front door at street level) shall be kept closed when regulated entertainment is in operation, except for the immediate ingress and egress of patrons. Also customers are not permitted to use Miller Terrace beyond core hours under Policy LP3"

And the following conditions to the Premises Licence:

The Premises Licence holder shall provide a risk assessment to the Licensing Authority to determine the capacity for the premises.

1. There shall be a written dispersal policy submitted to and approved by the Licensing Authority and the Police. The approved dispersal policy shall be implemented at the premises. All staff shall be briefed 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.

2. The Premises Licence holder shall work with the Police to confirm the appropriate access to the premises either through the front or back doors.

The Premises Licence holder has agreed the following 11 conditions proposed by the Police that will be added to the premises licence:

- 1) A minimum of 1 SIA door supervisor shall be employed on a Friday and Saturday after 20:00 (and additional SIA on a risk assessment basis on Fridays and Saturdays) and at other times on a risk assessment basis. 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.

- 2) The premises shall maintain a comprehensive CCTV system as per the minimum requirements of a Metropolitan Police Crime Prevention Officer. All public areas, entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Recordings shall be made available immediately upon the request of the Police or authorised officer.

- 3) A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises are open to the public. This staff member shall be able to show Police or an authorised officer of Hackney Borough Council recent data or footage with the absolute minimum of delay when requested.

- 4) 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:

- 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.

- 5) There shall be clear and prominent signage asking all customers to leave quietly and respect local residents.

- 6) 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.

- 7) 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.

- 8) The premises will display and maintain appropriate signage advising customers of the contact details of the Designated Premises Supervisor.
- 9) 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 officer upon request
- 10) The number of smokers outside will be limited to no more than 6 at any one time.
- 11) No drinks are to be taken outside.

Reasons for the decision

The application for a premises licence 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 the Environmental Protection Team 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") and two local residents (Other Persons) objecting to this application, and their concerns about the operation of the premises late at night.

The Sub-committee took into account that this was an application for a premises licence, following the lapse of the previous premises licence, which was not transferred within 28 days.

The Sub-committee took into consideration that the Police had concerns about the later hours, and that they preferred the hours that were as previously given on the premises licence. The Police made representations that the non-standard hours proposed were acceptable and that they had no concerns following the temporary events that were held at the premises. The Sub-committee noted that the premises are proposing to have events for the community to build up the night time economy. The Police made representations that they would prefer the entrance and exit to be at the front to prevent local residents being disturbed.

The Sub-committee took into account that the Police visited the premises, the layout was the same as it was previously with removable tables and chairs, and the bar was in the same position. The Sub-committee noted that previously it had taken a great deal of work to get to the point of the premises licence being granted and that the Police wanted to continue that work. The Police made representations that by the Applicant operating under similar terms as the previous licence that lapsed, the Applicant would be able to build up a track record to show that they were able to comply with the terms and conditions of their licence.

The Sub-committee took into consideration the written representations made by 2 local residents and the representations that were made during the hearing by the local resident that attended. The Sub-committee took into consideration that the local resident, who attended, did not believe that the Applicant had any experience in operating a premises licence, and that they were encouraging customers to loiter

around the premises, late at night, causing a disturbance to local residents. The Sub-committee noted that the local resident did not feel that the Applicant had made their case. In addition, the local resident made representations that there was no dispersal policy and that the noise was much louder than ambient noise.

The Sub-committee took into consideration that the local resident, who attended, was not persuaded by any of the representations made by the Applicant, and that they had not discharged their burden of proof to show how they would operate the premises. In addition, the Sub-committee noted the local resident felt that the Applicant did not demonstrate that they would not operate beyond their hours or that they would not add to the cumulative impact.

The Sub-committee heard representations from the Applicant that they were seeking an alcohol licence until 02:30 because there were other local establishments with similar hours in the area. The Applicant contended that they were looking to provide events to the LGBT customers who asked for later hours, and this prompted them to apply for later hours. The Sub-committee took into account that the Applicant did not envisage opening until 02:30 or 03:00 regularly; they were just seeking the hours so that the customers would have the option to run their events to a later time if they wanted to.

The Sub-committee took into consideration representations from the Applicant that the back door was not kept open and that they have barriers in place to prevent the noise escaping through the back door. The Applicant confirmed that they operated successful temporary events. The Applicant made representations that they were not intending to operate the premises as it had been operated previously, and they intended to have functions for local artists, the LGBT community and the deaf community. They were not proposing to have a nightclub. They just wanted to have a small wine bar. The Applicant confirmed that they held karaoke nights which had gone well, and that the clients they were looking to attract would be those for exhibitions and customers from the deaf community to hear music through vibration of headphones. The Applicant made representations that the deaf customers wanted a place where they could go and have their celebrations.

The Sub-committee took into account that the Applicant will not provide food at the premises, and the expectation was that customers would either eat before or after they came to the events. The Sub-committee noted the capacity of the premises is 75 however they were not expecting to have the maximum number of customers at any one time.

The Sub-committee took into consideration that the Applicant had CCTV operating at the premises, and that they have done a great deal of work to improve the premises. The Sub-committee took into account that they were only seeking to have the additional hours for small extended functions up to 02:30 am and just in case the event wanted to continue later. The Applicant confirmed that they have two sets of doors at the front of the premises one is the security door that would prevent noise breakout or local residents being disturbed. The Sub-committee took into consideration that the premises are situated on a main road. Therefore, there is no drop-off and picking up points from the premises. The Applicant agreed that there would be no more than six smokers at any one time outside of the premises.

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The Sub-committee took into consideration that the Police were satisfied with the hours and conditions agreed by the Applicant while the Applicant builds up a track record to demonstrate that they are a responsible operator.

The Sub-committee took into consideration mitigating factors that the Applicant had been working with their neighbours and they had used a sound limiter to prevent noise nuisance. The Sub-committee felt that the Applicant had addressed the concerns raised by local residents.

The Sub-committee took into consideration each application on its own merits, and they did not take into consideration economic factors.

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 Applicant had offered adequate conditions, reduced hours, and the licensing objectives would be promoted.

7 Temporary Event Notices - Standing Item

7.1 There were no Temporary Event Notices for consideration.

Close of meeting

Duration of the meeting: 2.00pm - 3.27pm

Chair of Licensing Sub-Committee Hearing - Cllr Joe Walker

Contact:

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