

## MINUTES OF A MEETING OF THE LICENSING SUB COMMITTEE E

THURSDAY, 3RD DECEMBER, 2015

**Councillors Present:** Councillor Sophie Linden in the Chair  
Councillor Abraham Jacobson (substitute)

**Officers in Attendance:** Mike Smith (Principal Licensing Officer), Butta Singh (Senior Lawyer), Darren Reilly (Licensing Enforcement Officer), Peter Gray (Governance Services Officer)

**Also in Attendance:** Nadya Sale (Applicant from Wittles)  
Jeremy Bark, Solicitor (Canalside Here East)  
Gavin Poole (Canalside Here East)  
Sara McCarthy (Canalside Here East)

### 1. Election of Chair

1.1 Councillor Sophie Linden was duly elected as chair.

### 2 Apologies for Absence

2.1 None

### 3 Declarations of Interest - Members to declare as appropriate

3.1 There were no declarations of interest

### 4. Minutes of the Previous Meetings

4.1 The minutes of the meetings held on Thursday 24<sup>th</sup> September and Tuesday 3<sup>RD</sup> November were agreed as a correct record.

### 5 Licensing Sub-Committee Hearing Procedure

5.1 The chair referred the Sub-Committee to the hearing procedure to be followed at the meeting.

### 6 Premises Licence: Wittles, 45 Blackstock Road, London, N4 2JF

- 6.1 Mike Smith, Principal Licensing Officer, introduced the application for a premises license to supply alcohol at Wittles, 45 Blackstock Road. He reported that the Police, Licensing and the Health authority had withdrawn objections, following agreement of conditions. Further, there had been agreement on the opening hours.
- 6.2 Nadya Sales, the applicant, spoke in support of the application, wanting to sell wine at the venue. She confirmed that it would be necessary for her to apply for planning permission for the business.
- 6.3 Barry Coughlan, Senior Planning Officer, confirmed that the business would require planning permission. He told the Sub-Committee that the change of use could cause a nuisance.
- 6.4 The Chair emphasised that the applicant should now regulate planning status of the premises.

### **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;
- The protection of children from harm;

the application has been approved in accordance with the Council's licensing statement and the proposed conditions set out in paragraph 8.1 of the report, with the following amendments:

- the deletion of conditions 9 and 10
- Opening Hours be amended to read; Monday - Saturday 08:00hrs - 19:00hrs and Sunday 08:00hrs - 13:00hrs
- The sale of alcohol 'off the premises' be amended to read; Monday - Saturday 12:00hrs - 19:00hrs and Sunday 12:00hrs - 13:00hrs
- The sale of alcohol 'on the premises' will cease 30 minutes prior to the premises closing.

and the following additional conditions:

Any sales of alcohol shall be charged at not less than 50p per unit of alcohol. The license holder will prepare a price list calculating the units for each available product, which shall be made available to the Police or Licensing Enforcement on request.

### **Reasons for the decision**

The application has been approved, with the above amendments and additional conditions, as the Licensing Sub-Committee was satisfied that the licensing objectives would not be undermined.

**Public informative**

The applicant is reminded of the need to operate the premises according to any current planning permission relating to its user class, conditions and hours.

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.

- 7 Premises License: Units 3, 4, 5, 6, 7, 8, 9 & 10 Canalside, Here East Estate, Queen Elizabeth Olympic Park, London**
- 7.1 Mr Smith, Principal Licensing Officer, introduced the application for a premises license at Canalside Here East. He referred the Sub-committee to the proposed licensable activity at page 51 of the report. He told the Sub-Committee that the applications were identical except in layout. He referred the Sub-Committee to the email correspondence between the Planning Authority and the applicant.
- 7.2 Mr Jeremy Bark, Solicitor, in his opening on behalf of the applicant, stated that the development formed part of the legacy deal. There was to be a large number of tenants at Canalside with over 5000 people employed. The units would include a Tapas restaurant and a Juice bar with branches of two universities, one of which was already in situ. He told the Sub-Committee that the operators were very experienced and brought a lot of expertise, currently managing projects at Kings Cross and Liverpool Street. He referred to the fact that LP5 and LP12 were the relevant sections of the licensing Policy and that there had been ongoing discussions with the Police and Licensing Authorities on the development. He referred the Sub-Committee to the agreed conditions and approved plan. There was to be limited off sales and only in the seated area and those edged in green on the plan. Other than in the designated area edged and hatched in blue all service of alcohol for consumption on the premises would be by way of waiter/waitress service. He referred the Sub-Committee to the conditions around off sales and arrangements for high profile sporting events taking place within the Queen Elizabeth Olympic Park. A further condition confirmed the requirement to comply with any Broadgate Estate current rules and regulations relating to outside spaces. He told the Sub-Committee that there would be no less than 10 SIAs patrolling the area during the day with 5 SIAs patrolling at night. Further, the security operatives would carry body cameras. He stated that the nearby bridge was only accessible from the local school. Further, there was an excellent transport network to Stratford. He confirmed that the development was not in the SPA area. Further, he emphasised that the Broadgate Estate rules and regulations would apply. It would be made clear that tenancies would be reviewed if conditions were not complied with. He submitted that the plans were carefully thought out and the intention was not to disturb residents. He said that evidence of cumulative impact was required.
- 7.3 The Chair stated that condition 23, regarding the Broadgate Estate rules should be made more understandable. She stressed that the use of the outside area was the central issue. Mr Bark stated that Broadgate had draft rules and regulations relating to the outside areas, outlining expectations of tenants and that tenancies could be reviewed if the rules and regulations were not complied with. He offered to send a copy to the Council. The Sub-Committee noted that Mr

Reilly had not yet seen the document and was handed a copy. Mr Bark told the Sub-Committee that one person would be monitoring the cameras at the development and there would be radio links throughout.

- 7.4 Darren Reilly, (Licensing Authority representative), in his opening, outlined licensing objections to the application. He referred to the fact that West Ham United football matches would attract large numbers of football fans every two weeks and on cup final days. He expressed concerns about unrestricted outside drinking and potential public disturbance and the risk of patrons with open containers spreading out of the designated areas. Further, he emphasised that the consumption of alcohol should be ancillary to food. He submitted that the development was situated opposite a very residential area and that there were a number of premises in the development applying for a premises licence with consequent general cumulative impact implications. He stated that there were concerns regarding the risk of negative impact from outside areas. He concluded by stating that the conditions offered did not properly satisfy licensing objections.
- 7.5 The Chair's clarified that the Queen Elizabeth Olympic Park byelaws would be enforceable. She expressed concern at the potential for large groups of people at the venue, the difficulties in estimating likely numbers, the appropriateness of outside drinking on the landscaped area and possible public nuisance. She referred to licensable objections.
- 7.6 Mr Bark said that the areas in question were raised, planted with trees and foliage and were for use by families. He stated that full restaurant conditions would remove the flexibility required at the venue to allow people to drink. He confirmed that patrons would be required to move to the seated area at 9.30pm and that signs could be erected requesting patrons to remain within the grassed or seating area. He emphasised the need to be careful of the risks involved. He reiterated that the area was highly regulated and subject to byelaws. He said that Innovation City (London) had much experienced of managing these types of spaces in other locations together with high capacity pubs. He said that safeguards were in place without too many restrictions. Further, tenants would be briefed on what was expected of them and glasses would have the Bar's logo on the side to stop patrons moving away and ensuring the Unit accountability. He suggested that Here East Management Team could assess risks of events at Olympic stadium. He referred to the lack of objections from residents.
- 7.7 Mr Gavin Poole stated that this was a high end business. Further, the views of neighbours in the area were taken very seriously.
- 7.8 In summing up, Mr Reilly stated that he accepted that this was a high end development. He reiterated his concerns about unrestricted drinking in the outside area and the potential for public nuisance, submitting that open alcohol containers should not leave the seated area. He said that holding units to account was unworkable in terms of enforcement. He further stressed the need for the consumption of alcohol to be ancillary to food.
- 7.9 Mr Bark summed up by submitted that there was a carefully thought out policy on the proposals with clear conditions on the operation. If these were not complied with the use of the units could be removed from tenants. He stressed that the businesses within the units were food led.

### **Decision**

The Sub-Committee has adjourned the hearing in order to allow further discussions to take place between the applicant and the Licensing Enforcement Team. A reconvened hearing will only need to take place if the parties have not agreed the Broadgate Estate rules and regulations.

Notwithstanding the adjournment the Sub-Committee have agreed the following amends to the application;

Condition 20 be amended to read;

- Off sales of alcohol in open containers referred to in condition 18 above shall cease at 9pm on Mondays to Sundays except within the designated seating areas shown on the layout drawings edged in green immediately outside the licensed premises such sales may take place until 10pm on Sundays to Wednesdays and 10:30pm pm on Thursdays to Saturdays, provided that such off sales for the last hour of operation are to persons seated at tables and are consuming a substantial meal from the menu.

Condition 23 be amended to read:

- The premises shall comply with any Broadgate estate rules and regulations relating to the use of the outside space, as agreed with the licensing service. Any changes to the rules and regulations relating to the use of the outside spaces requires the consent of the Licensing Authority before being approved.

Along with the following additional conditions:

- That signs be erected within the landscaped area requesting patrons to remain within the grassed or seating area and to respect the rights of peace and quiet for residents in the area
- Whenever West ham united FC are playing at QE Olympic Stadium then open containers and off sales of alcohol shall not be permitted to the landscaped areas edged in green.
- The Here East Management Team (HEMT) is to notify the Licensing Service of any high profile sporting or cultural event taking place within the QE Olympic Park in order for the Licensing Service to determine whether the condition employed for when West Ham United are playing at the stadium be applied for the event.

### **Reasons for the Decision**

The Sub-Committee was satisfied, subject to the relevant agreement being reached, the application be approved, with the above amendments and additional conditions, as the Licensing Sub-Committee was satisfied that the licensing objectives would not be undermined.

**8 Temporary Event Notices - Standing Item**

8.1 There were no temporary events notices

**Duration of the meeting:** 2pm – 4.15pm

**Signed**

.....

**Councillor Sophie Linden**

**Chair of Committee**

**Contact:**

Peter Gray

Tel No: 020 8356 3326

[governance@hackney.gov.uk](mailto:governance@hackney.gov.uk)