

MINUTES OF A MEETING OF THE LICENSING SUB COMMITTEE C

TUESDAY, 22ND MARCH, 2016

Councillors Present: Cllr Emma Plouviez in the Chair

Cllr Brian Bell, Cllr Margaret Gordon

Officers in Attendance: Darren Reilly (Licensing Enforcement Manager),
Butta Singh (Senior Licensing Lawyer), Catherine
Slade (Planning Authority Representative), Mike
Smith (Principal Licensing Officer), Natalie
Williams (Governance Services Officer)

Also in Attendance: Brian Sharkey – Licensing Police

Oslo

Julie Tippins – Head of Compliance

Walaiti Rathore – Solicitor

Red Gallery

Yarda Krampol – Director

Andrew Woods – Solicitor

1 Election of Chair

1.1 Councillor Plouviez was duly elected to chair the meeting.

2 Apologies for Absence

2.1 There were no apologies for absence.

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 **RESOLVED:** that the minutes of the meeting held on 8th December 2015 be approved as a true and accurate record.

5 Licensing Sub – Committee Hearing Procedure

5.1 The Chair outlined the Licensing Sub Committee hearing procedure on page 7 of the agenda for all parties present.

6 Variation of Premises Licence: Oslo, 1-3 Amhurst Road, E8 1LL

- 6.1 Mike Smith, Principal Licensing Officer, introduced the report in respect of an application for a variation of a premises licence as set out on page 9 of the agenda. In summary, Mike Smith advised that the application sought to extend the hours of licensable activity on Thursday, Friday and Saturday. In addition, it sought to remove condition 15 which reads “The limiting devices must be set to ensure inaudibility in all nearby residential premises and a certificate of compliance must be submitted to the Pollution Team”.
- 6.2 Mr Walaiti Rathore, the applicant’s solicitor made submissions. Speaking in favour of the application, he contended that there was no legal or evidential basis for the Sub Committee to refuse the application. He stated that the applicant had worked with the robust conditions that had been imposed and had demonstrated being a responsible operator. In support of this, he highlighted that there had not been any premises specific incidents reported. It was also noted that there were no representations from residents or neighbouring businesses.
- 6.3 In reference to outstanding planning issues, Mr Rathore requested that the Licensing Sub Committee draw no inference or be bound by outstanding planning issues. He informed Members that these were being addressed and a planning application had been recently submitted to vary the current planning conditions.
- 6.4 In reference to condition 15 of the operating schedule, Mr Rathore stated that this was an anomaly from the previous hearing. Following discussions between the Sub Committee, applicant and Mr Rathore, it was agreed that this condition would be deleted and condition 28 re-worded.
- 6.5 Brian Sharkey, police officer made submissions and objected to the application on the grounds of: the prevention of crime and disorder, public safety, and the prevention of public nuisance. It was reported that Hackney Central had become an increasingly busy area with a new night time economy. It was noted that whilst there were no real issues with the current operators, there were concerns about the negative cumulative impact extended hours of licensable activity would have on the surrounding area. The premises was reported to have a capacity of 350 on the first floor.
- 6.6 Catherine Slade, planning representative made submissions, objecting to the application on the grounds of public nuisance. It was reported that the premises is located immediately adjacent to two floors of residential accommodation on Amhurst Road. The Sub Committee was informed that planning permission was granted in 2013 for a change of use from a restaurant and bar to a restaurant and bar with live music, dancing and entertainment. It was noted that the proposed opening hours exceed the hours authorised under the current planning permission. Condition 5 which relates to the testing of the effectiveness of soundproofing was reported to have not been met.
- 6.7 Darren Reilly, Licensing representative made submissions, objecting to the application on the grounds of the prevention of public nuisance. Referring to LP12 (Licensing Hours), it was highlighted that the premises was situated in a residential area immediately next door to two floors of residential

accommodation. Concerns were raised about the location of the premises which was considered to be a destination area. Darren Reilly also expressed disappointment that the applicant and/or solicitor had failed to contact the Licensing Authority to discuss the application following objections raised.

- 6.8 In reference to the planning issues, Mr Walaiti Rathore, the applicant's solicitor informed the Sub Committee that a planning application had been submitted on 18th March 2016 to regularise all outstanding planning issues. In reference to condition 5, it was reported that live music is not played beyond 23.00 hours on any night of the week. The applicant's solicitor further stated that a URS noise assessment report was completed soon after the opening of the premises and two copies were sent to Pollution Control and a copy sent to Planning seven to ten days prior to this hearing.
- 6.9 Catherine Slade, planning representative stated that she had not seen the URS noise assessment report or the application to vary the planning hours and could not confirm receipt. Once received, the process will commence to discharge change of hours.
- 6.10 In response to points of clarity from the Sub Committee, the Licensing Authority and Police stated that they would not be in favour of a terminal hour beyond that which is currently authorised. It was also confirmed that there are no other premises within the immediate vicinity with a late night alcohol licence. There were however unlicensed fast food takeaway outlets within close proximity.
- 6.11 In response to a point of clarity, the applicant's solicitor confirmed that no discussions had taken place with the Licensing Authority ahead of the hearing. There had however been discussions with the Police, who he viewed as the primary authority on crime and disorder.
- 6.12 Discussion of the application ensued during which the applicant stated that the increase in hours was in direct response to demand. The applicant wanted the flexibility to be able to further stimulate growth within the confines of an extended licence. The applicant confirmed that the premises routinely closes earlier than permitted by the current licence during the week and on quieter, less busy days.
- 6.13 In response to the concerns expressed by the Police, the applicant's solicitor stated that the applicant had been a responsible operator. The lack of premises specific issues were believed to be testament to this. The premises was reported as having a capacity of 375 on the first floor with a total capacity of 584. The applicant and solicitor believed that the extended hours would further assist with the orderly dispersal of patrons which would be gradual and managed throughout the night.
- 6.14 In response to a question from the Sub Committee, the applicant and solicitor confirmed that live music is played between 1830-2300 hours after which a DJ plays recorded music. It was stated that all non-standard hours would be managed by the use of Temporary Event Notices (TEN's).
- 6.15 The Chair invited all parties present for closing submissions.

- 6.16 The applicant's solicitor requested that the Sub Committee approve the application as he believed there to be a lack of premises specific evidence on which the application could be refused. He mentioned that the operators were responsible and had established a good working relationship with residents and the Police.
- 6.17 The responsible authorities maintained their objections to the application. Darren Reilly, Licensing representative relayed his disappointment that no attempt had been made to engage with the Licensing Authority with regard to concerns expressed about public nuisance.
- 6.18 **RESOLVED** that:

The 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, with the following amendment:

- Condition 28 be amended so the words 'in existence at the time of the licensing application' be deleted.
- Condition 15 be deleted

Reasons for the decision

The application has been approved, with the above amendment, as the Licensing Sub-Committee felt that there was an insufficient basis to refuse the application for longer hours, although the concerns of both the Police and Licensing Enforcement were noted with regard to the negative impact that the longer hours could have on the licensing objectives within the area. However, the Sub Committee felt that this could be adequately monitored by the Responsible Authorities going forward.

Therefore, on balance the Sub-committee believed that the longer hours should be granted.

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 or has been made.

At the conclusion of this item, the Chair, Councillor Emma Plouviez left the meeting.

Councillor Brian Bell in the Chair.

7 Premises Licence: Savure, 20 Paul Street, EC2A 4JH

This item was withdrawn as it was approved under delegated authority.

8 Variation of a Time Limited Premises Licence; Red Gallery, 1-3 Rivington Street, EC2A 3DT

8.1 Mike Smith, Principal Licensing Officer, introduced the report in respect of an application for a variation of a premises licence as set out on page 77 of the agenda. In summary, Mike Smith advised that the application sought to extend the licenced area to include the ground floor.

8.2 Mr Andrew Woods, the applicant's solicitor made submissions. Speaking in favour of the application, Mr Woods informed the Sub Committee that the basement area and part of the ground floor was currently licenced as part of an application which was approved as a time limited licence in 2013 which was further extended in 2015.

8.3 Following an interjection from the Chair, the Sub Committee was unable to gain further clarity on the specific areas which were currently licenced and that which was being sought. Subsequently with the agreement of all parties present, it was agreed to defer this item.

8.4 **RESOLVED** that: the application be deferred.

Reasons for the decision

The Sub-Committee has deferred the item given that there was a dispute as to the current licensed area and therefore the degree of extension being applied for, within the Council's adopted SPA. The Sub Committee expect the applicant and Licensing Department to have sufficient clarity and agreement when the matter is scheduled to be heard again.

9 Temporary Event Notices – Standing Item

There were no Temporary Event Notices for consideration.

Duration of the meeting: Times Not Specified

Signed

.....

Tuesday, 22nd March, 2016

Chair of Committee

Contact:

Governance Services Officer:

Tel 020 8356 8407