

MINUTES OF A MEETING OF THE LICENSING SUB COMMITTEE C

TUESDAY, 26TH JULY, 2016

Councillors Present: Cllr James Peters (Substitute) in the Chair

Cllr Peter Snell

Apologies: Councillor Margaret Gordon

Officers in Attendance: Stephen Collingwood (Specialist Noise & Advice Officer), Emma Perry (Governance Services Officer) and Mike Smith (Principal Licensing Officer) and Robert Walker (Legal Officer)

Also in Attendance: Broadway BBQ
Graham Hopkins, Agent
Hasan Aybakar, Applicant
Linda Potter, Licensee

1 Election of Chair

1.1 Councillor Peters was duly elected to chair the meeting.

2 Apologies for Absence

2.1 An apology for absence was received from Councillor Gordon.

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 The minutes of the meeting held on 22 March 2016 were not approved and would be deferred to a future meeting, as there was not a member in attendance that had attended that meeting.

5 Licensing Sub-Committee Hearing Procedure

5.1 The Chair outlined the Licensing Sub-Committee hearing procedures, as detailed on page 7 and 9 of the agenda.

6 Premises Licence - Theatre/Media Conference Centre, Here East Estate, Waterden Road, QE Olympic Park, E15 2EE

6.1 The application was withdrawn and approved under delegated authority.

7 Review of Premises Licence: The Colourworks/ Shapes, 117 Wallis Road, E9 5LN

7.1 The licence was surrendered and the application withdrawn.

8 Premises Licence - Shoreditch Heart, 265 Kingsland Road, E2 8AS

8.1 The application was withdrawn and approved under delegated authority.

9 Variation of Premises Licence - Broadway BBQ, 51 Broadway Market, E8 4PH

9.1 Mike Smith, Principal Licensing Officer, introduced the application for a variation of a premises licence. Mike Smith advised that neither the Police or Licensing were able to attend the hearing, however they had both submitted statements which had been circulated in advance of the meeting.

9.2 Mike Smith also advised that the applicants had amended their proposed hours for licensable activity and opening hours as follows:-

Late Night Refreshment	Mon – Thurs	23:00 - 12:30
	Fri – Sun	23:00 - 01:00
Opening hours	Mon – Thurs	08:00 - 12:30
	Fri – Sun	08:00 - 01:00

9.3 Graham Hopkins, Agent, outlined the application on behalf of the Applicants. Mr Hopkins stated that the Applicants had been operating the premises for the past three years with no problems and the Police representation made no specific reference to any crime linked to the premises. The premises was not located within the Special Policy Area (SPA) and there had not been any breach of conditions.

9.4 Mr Hopkins made reference to the Brewdog Bars Ltd v Leeds City Council case which had been considered by the Leeds Magistrates' Court, where the appeal was upheld and the licence granted. He argued that, in accordance with the ruling, the Council's cumulative impact policy should not be rigidly applied and believed that representations made by the responsible authorities were an over-reaction and were unsubstantiated.

9.5 Mr Hopkins also referred to paragraph 6.6 of the Council's Licensing Policy which he stated encouraged a managed expansion of the diverse evening and night-time economy in Broadway Market.

9.6 Mr Hopkins stated that there were already a number of licenced premises in the surrounding area which opened until around 2-3am, including a takeaway fish and chip shop at the end of Broadway Market and a nearby off-licence. The Applicants believed that later operating hours encouraged an early dispersal of people at staggered times.

9.7 If granted, Mr Hopkins explained that the Applicants would increase the number of staff on duty from two to a minimum of three, as well as decreasing the number of chairs to encourage a quick turnaround of customers. The

- Applicants also offered to only provide late night refreshment through a hatch after midnight, should such a condition be deemed appropriate by the Sub-Committee. Mr Hopkins stated that there was no seating in the premises.
- 9.8 Mr Hopkins also advised that the application had not received any objections from local residents or businesses. It was believed that the majority of its customers would be from the local area.
- 9.9 The Chair sought clarification from the Sub-Committee's Legal Officer on the *Brewdog v Leeds* case and paragraph 6.6 referred to in Mr Hopkin's opening submission. Robert Walker, Legal Officer, explained that the *Brewdog v Leeds* case was a decision in the magistrates court and was not binding on the Sub-Committee. The Legal Officer explained however, that each case must be determined on its own merits and that a licensing authority should apply its policy where relevant representations were made. He advised that the Sub-Committee should consider issues relating to cumulative impact when making its decision on this application, in accordance with LP15, given the representations that had been made by the responsible authorities on the issue.
- 9.10 Robert Walker also explained that paragraph 6.6 of the Licensing Policy was cross-referencing the Council's Core Strategy, a planning policy document. He stated that Core Strategy 15 encouraged the expansion of a diverse evening and night-time economy in Broadway Market and other areas of the borough, taking account of its impact on local residential amenity, community safety and transport in these areas. The paragraph went on to state that the Council had adopted special policy areas as one licensing tool for managing the evening and night-time economy. He advised the Sub-Committee that the Council's statement of Licensing Policy did not in itself encourage a managed expansion of the night-time economy in Broadway Market and that, regardless, the Sub-Committee should only grant applications based on their own merits, having regard to the licensing objectives.
- 9.11 In response to a question regarding the number of other licensed premises in the surrounding area, the Principal Licensing Officer advised that he had checked the licensable hours for premises between the Cat and Mutton and the Dove pubs on Broadway Market, which all had an operating hour up to 1am at the latest.
- 9.12 In the absence of the Police, the Sub-Committee took into consideration the representation from PC Amanda Griggs, as follows:-

'I am a Police Licensing Officer for the London Borough of Hackney and have been since 2007. I write this statement in relation to Broadway BBQ, 51 Broadway Market, London, E8 4PH and the application to vary its premises licence.

The venue is situated on Broadway Market, a busy street in the London Fields area. The street is filled with licensed premises selling alcohol and hot food late into the night as well as being highly residential. As a result the street suffered from a high level of ASB and associated disorder, especially during the summer months when people gather outside venues preventing cars and pedestrians from passing.

The area is repeatedly being granted dispersal authority under Section 35 of the Anti-social behaviour Crime and Policing Act 2014 giving officers powers to remove ASB from the area.

The Local Neighbourhood Policing Team regularly run operations in the area targeting ASB and alcohol related disorder, as do the Licensing Unit in conjunction with other Local Authority partners.

Broadway Market is also cited as a repeat street location for offences under the Trident Knife initiative Operation Sceptre.

Although the venue itself does not have large amount of crime directly attached to it, there were 100 crimes reported along Broadway Market since 1st April 2016. These range from thefts to GBH assaults and do not include any of the ASB dealt with on a daily basis by the NPT.

Ultimately Police believe that on this basis another late night venue in the area will keep people in the area for longer, adding to the ASB, littering, urinating etc. and ultimately negatively effecting the large number of local residents.'

- 9.13 Stephen Collingwood outlined the representation from Community Safety (Pollution Team). Stephen Collingwood stated that regular complaints regarding noise nuisance in the general area had been received by the team from local residents. However, the complaints received were not specific to the premises. He stated that he had attended Broadway Market and had witnessed the state of the street around midnight. He explained that there were residential properties along Broadway Market, as well as off it. He believed that granting any extension of the premises opening and licensable hours would cause further disruption to local residents.
- 9.14 Stephen Collingwood recognised that the Applicants had reduced the operating hours in the application, however he confirmed that the representation still stood and it was felt that 1am was too late given the context of the surrounding area and the close proximity of residential properties.
- 9.15 In the absence of Licensing Enforcement, the Sub-Committee took into consideration the representation from Darren Reilly, Licensing Enforcement Team Leader, as follows:-

'A previous application from this premises seeking to open late resulted in only the current hours being granted. This was mainly due to issues with licensed bars in Broadway Market and these issues still exist. There are lots of bars in this small but saturated street and we regularly receive complaints about things like noise, asb and blocking pavements. We have not received any complaints regarding this premises but then it does currently close before all of the bars do. We are very concerned that granting hours which allow it to open after the bars close will cause further noise, litter and asb as well as keeping intoxicated people in the Street for much longer while they purchase and likely consume food in the area. It is for this reason that we do not support an extension of hours for this premises and we recommend that as with the previous application no hours are granted beyond the closing times of local bars are granted.'

- 9.16 Discussion took place surrounding LP15 – Cumulative Impact. In response, the Applicants stated that the venue was not located within the SPA and believed that the Police would have been in attendance to present their evidence if it was felt that the premises would cause undue disturbance to neighbouring residents. The Applicants did not believe that the premises would add to the cumulative impact in the area and stated that they were only a small premises.
- 9.17 The Chair referred to the Police representation and confirmed that the Police had not withdrawn their objections following the reduction of operating hours made that afternoon. He explained that the representation contained evidence that, in the Police's view, granting the application would add to issues of cumulative impact.
- 9.18 Councillor Snell stated that the original licence had only been granted in 2014 and raised concern that there would be a gradual increase in operating hours being applied for. In response, Mr Hopkins stated that this was an existing venue, which had not caused any concerns to responsible authorities or local residents. It was felt that the additional hours being applied for would help the area and encourage a more staggered dispersal of people.
- 9.19 Discussion took place regarding LP12 – Licensing Hours, which stated that in residential areas the Council would not normally grant licences beyond 12 midnight, unless the applicant can demonstrate that operating hours beyond this would not cause undue disturbance to local residents.
- 9.20 In response, the Applicants stated that the premises was located within a mixed use area, which had not received any representations or complaints from local residents.
- 9.21 In summing up, Mr Hopkins requested that the application be granted, given the reduction of operating hours proposed.
- 9.22 **RESOLVED** that:

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 be refused in accordance with the Council's Licensing Policy.

Reasons for the decision

The Licensing Sub-Committee, having considered the representations from the applicant and responsible authorities, believed that granting the extension of opening hours and late night refreshment at the premises would undermine the prevention of crime and disorder and public nuisance licensing objectives.

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The Sub-Committee had regard to the local residential amenity, community safety and transport of the area as well as the operating hours of other known licensed premises located near to the premises. The Sub-Committee noted representations concerning negative cumulative impact and the proximity of residents on and near to Broadway Market.

The Sub-Committee considered the representations from the Police that the area suffered from a high level of anti-social behaviour and associated disorder as a result of a concentration of licensed premises selling alcohol and food late into the night. The Sub-Committee also considered the representations from the Licensing Authority and Environmental Health Authority (Pollution) relating to public nuisance complaints associated with licensed activity along Broadway Market, including noise as well as anti-social behaviour.

The Sub-Committee agreed with the responsible authorities that, given the concentration of licensed premises on Broadway Market, any extension of licensable and opening hours beyond midnight would undermine the licensing objectives through keeping more people in the area for a longer period of time and would cause crime and disorder and public nuisance.

The Sub-Committee, having heard from the applicant, did not believe that he had demonstrated that he would adequately deal with the concerns raised by the responsible authorities if the premises were to operate to a later hour.

10 Temporary Event Notices - Standing Item

10.1 There were no Temporary Event Notices to consider.

Duration of the meeting: 19:00 – 20:10

Signed

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Chair of Committee

Contact:

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