

MINUTES OF A MEETING OF THE LICENSING SUB COMMITTEE B

TUESDAY, 8TH NOVEMBER, 2016

Councillors Present: Cllr Richard Lufkin in the Chair
Cllr Christopher Kennedy, and Cllr Sharon Patrick

Officers in Attendance: Mike Smith (Principal Licensing Officer), Robert Walker (Legal Services), David Tuit, (Licensing Team Leader) and Rabiya Khatun (Governance Services Officer) .

Also in Attendance: Ms Vicki Pengilley – Applicant
Mr Graham Hopkins - Applicant representative
Mr Pengilley –Manager

1 Election of Chair

1.1 Cllr Lufkin was duly elected the chair.

1 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 The minutes of the meeting held on 28 June 2016 were approved as correct record of the meeting.

5 Licensing Sub-Committee Hearing Procedure

5.1 The Chair outlined the hearing procedure.

6 Variation Premises Licence : The Red Lion, 41 Hoxton Street, N1 6NH

6.1 The additional information was circulated at the meeting.

6.2 Mike Smith, Principal Licensing Officer, outlined the application for a variation premises licence within the Shoreditch Special Policy Area (SPA). Mr Smith reported that the Police had withdrawn its representations following an agreement with the applicant to conditions and a representation remained from Licensing Enforcement.

- 6.3 Graham Hopkins, the applicant's agent stated that there had been an error in the report and that the application included recorded music on Fridays and Saturdays.
- 6.4 Graham Hopkins, the applicant's agent made the following points in support of the application including the exceptional circumstances of the application: the Police had withdrawn its representation and were satisfied that the measures in place would not contribute to the crime and disorder and public nuisance in the area; no representations had been received from residents; there had been a demand from patrons to extend the hours for licensable activities on Fridays and Saturdays until midnight; if the licence was granted the applicant would submit an application to vary the licence to extend the opening hours by a further 30 minutes to allow for a drinking up period; patrons would remain at the pub instead of moving to another licensed premises which would potentially reduce the number of people in the area and consequently the negative cumulative impact experienced in the area; and a door supervisor would be employed from 22.00 hours to especially manage dispersal from the premises and area.
- 6.5 David Tuitt, Licensing Team Leader made representations to the application on the grounds of the prevention of crime and disorder and the prevention of public nuisance. Mr Tuitt stated that the premises is located in the Shoreditch SPA and that this area had been identified as suffering from negative cumulative impact as a result of the high concentration of licensed premises in the area. Therefore, the Council's policy LP13 would apply and the applicant had not demonstrated any exceptional circumstances.
- 6.6 In response to questions from Members seeking further clarification on the application, Mr Hopkins confirmed that the maximum capacity at the premises is 190 people; the variation application did not receive any objections from residents or businesses; the roof terrace at the premises closed 15 minutes prior to the closing hours however, the closing hours could vary during quieter periods; no noise complaints had been received from local residents in relation to the use of the terrace area; he undertook to submit a variation application on behalf of the applicant to extend the opening hours by 30 minutes throughout the week to allow for a drinking up period; and the premises would not add to the negative cumulative impact experienced in the area as an assigned door supervisor would encourage patrons to disperse from the area by closing times.
- 6.7 Addressing the exceptional circumstances of the application, Mr Hopkins stated that granting the licence would not set a precedent as the local pub would operate as part of the evening economy until midnight and their clientele were mostly mature people; and the applicant had owned the pub for over 12 years and had no plans to sell the business or expand into the late night economy.
- 6.8 Mr Tuitt said that the granting of an additional hour would not necessarily encourage patrons to leave the area and go home.
- 6.9 Cllr Kennedy expressed concern at the variation application to be submitted following the meeting in particular, the proposed closing hour of 00.30 hours Fridays and Saturdays which would exceed the hours of midnight permitted within the Council's Policy LP12. Mr Hopkins argued that there were many licensed premises within the vicinity of this premises that had opening times

beyond midnight and stressed that the licensable activities would cease at midnight Fridays and Saturdays in line with the Council's Policy LP12.

- 6.10 In response to questions from Cllr Kennedy, Mr Tuitt advised that there were many licensed premises within the vicinity of this premises which had opening hours past midnight. In relation to the Council's Policy LP12, Mr Tuitt stated that premises licences were not normally granted beyond midnight and there had been no legal challenges and interpretation of this policy and whether it applied to licensable hours or opening hours.
- 6.11 In response to questions from Mr Walker, Legal Adviser, Mr Hopkins agreed to replace the wording in proposed condition 3 relating to Challenge 25 and agreed that the applicant would cease supplying alcohol 23.45 hours Fridays and Saturdays under the current licence until the new variation licence had been granted.
- 6.12 Mr Hopkins did not sum up.
- 6.13 Mr Tuitt reiterated that the premises is located in a residential area within the Shoreditch SPA and the area suffered from negative cumulative impact.

The decision

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 and the conditions in paragraphs 3.1 and 8.1 of the report, with the following amendments:

- Conditions 17, 18 and 19 in paragraph 3.1 of the report be deleted;
- Condition 3 in paragraph 8.1 of the report be deleted and replaced with - "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 shall include a driving licence or passport";
- Condition 4 in paragraph 8.1 of the report be deleted and replaced with - "There shall be at least one (1) SIA registered door supervisor employed at the premises from 22.00 hours until close on Fridays and Saturdays. Additional SIA registered door supervisors shall be employed on a risk assessment basis with identity badges displayed at all times. All door supervisors will enter their full details in a register at the commencement of their work. They shall record their full name, home address and contact telephone number, their SIA registration number and the time they commence and conclude working. If the door supervisor was supplied by an agency, the name, business address and contact details of that agency shall also be recorded";

Reasons for the decision

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

The Sub-Committee took into consideration the following factors when granting this application, which is based in the Shoreditch SPA:

- That the application did not seek licensable activities beyond midnight on Friday and Saturday nights;
- That the Police had withdrawn its representation following agreeing conditions with the applicant;
- That no other persons had made representations against the application; and
- The additional conditions agreed by the applicant to promote the licensing objectives.

The Sub-Committee felt these factors, when taken together and having had regard to the representations from the applicant and the Licensing Authority, merited the application being considered as exceptional and believed that grant of the application would not add to the issues of cumulative impact experienced in the area.

Public informative

The Sub-Committee noted that the application as applied for and granted would require licensable activities to cease at the same time each day of the week that the premises must close, and that there would therefore be no drinking-up/winding-down period. The applicant advised that they would submit another application to vary the licence to extend the opening hours throughout the week to allow for a drinking-up/winding down period.

It should be noted for the public record that the Licensing Authority should draw no inference or be bound by this decision with regard to the determination of any future licence application which may be made.

It should also be noted for the public record that, unless and until the premises is permitted later opening hours, the applicant advised that they would ensure that they would wind-down licensable activities and have a drinking-up period to ensure that all patrons leave the premises before the closing time as applied for and granted.

7 Temporary Event Notices - Standing Item

7.1 There were no Temporary Event Notices.

Duration of the meeting: 7.00-7.55pm

Signed

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Cllr Lufkin, Chair of the Sub-Committee

Contact:
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