

MINUTES OF A MEETING OF THE LICENSING SUB COMMITTEE C

THURSDAY, 12TH JANUARY, 2017

Councillors Present: Councillor Emma Plouviez in the Chair
Cllr Sade Etti and Cllr Margaret Gordon

Apologies:

Officers in Attendance: Toyin Omodara (Senior Planning Officer), Mike Smith (Principal Licensing Officer) and Shaheen Zar (Senior Environmental Health Officer)

Also in Attendance:

2 Election of Chair

2 Apologies for Absence

There were no apologies for absence.

3 Declarations of Interest - Members to declare as appropriate

There were no declarations of interest.

4 Minutes of the Previous Meeting

The minutes of the previous meetings were approved as a correct record.

5 Licensing Sub-Committee Hearing Procedure

The Committee noted the Licensing Sub-Committee Hearing Procedure.

6 Variation of Premises Licence: Eastern Tea Company, 11 Stoke Newington Road, London N16 8BH

The Principal Licensing Officer informed the committee that Mr Tunde Aroun made an application to vary a premises licence under the Licensing Act 2003:

- To vary the layout of premises (from shop to restaurant)
- To include late night refreshment (see para 2.4 below)
- To include on sales of alcohol
- To vary hours for off sales of alcohol
- To delete conditions 17 and 24 from current licence

The applicant had subsequently and following discussions with Responsible Authorities reduced the proposed hours for the sale of alcohol.

Members of the committee were made aware that following the submission of the application, the applicant submitted a minor variation for the premises to operate late night refreshments. However, this has not been determined as approval to the proposal was linked to the current variation application which was under consideration.

The Applicant explained to Members that the Eastern Tea Company was a restaurant which specialised in ancient Chinese cooking methods. It was emphasised to the committee that there would be no amplified music in the restaurant. The applicant highlighted to members of the committee the following actions which had taken place since the Licensing Sub-Committee on 6th September 2016:

- Detailed work had been carried out on the location and viability of the extraction system by architects. To revamp the previous system to ensure that there was no noise disturbance for residents.
- The Menu had been adjusted, containing more of a substantial food offer, policy had been amended to ensure that alcohol may only be ordered with a main dish.

The Objector was welcomed to the committee to make a statement in doing so it was explained that the Eastern Tea Company was primarily established to sell alcohol with no option of food. It was also felt that the area had a large number of properties with A3 usage, meaning they can only be used for "the sale of food or drink for consumption on the premises or of hot food for consumption off the premises. The Objector explained that this additional premises would encourage the consumption of alcohol and which could lead to acts of anti-social behaviour.

It was highlighted to the committee by the objector that the applicant owned another premises nearby which was busy and loud. It was also explained that the premises had recently held a lot of temporary events notices throughout September.

The Objector asked for clarification on the designated seating area and also the reasoning as to why there was a condition requiring SIA staff at the premises.

The Objector proposed the following additional conditions:

- The maximum capacity of the premises is 25 customers.
- Patrons are to be dispersed by a staff member from the premises immediately at the end of the hours of operation in a quiet and orderly fashion.
- A selection of several main dishes will be available to customers.
- All Wire mesh supported synthetic media pre-filters must be replaced every 3-4 weeks.
- All Activated carbon box filters must be replaced every 6 months.
- All washable standard grease filters must be washed twice a week.
- The duct termination shall be designed to achieve a vertical efflux velocity of at least 8 metres per second (m/s).
- Noise from machinery shall be limited to 40db at source.

The Applicant explained that the condition regarding the allocation of SIA staff at the premises was proposed by a responsible authority, it was felt that it was responsible to accept this condition and a positive action on behalf of the applicant that would ensure public safety at the restaurant. The applicant added that they had never received a

complaint regarding any of the temporary events notices that had been held at the premises.

Members welcomed the Senior Planning Officer to the committee. The sub - committee was advised that the applicant would need to submit and A1 application as the application which was previously submitted was invalid. The Applicant explained that there was a lack of understanding regarding the formatting of the plan when it was first submitted although this had now been rectified and had been resubmitted online.

The Applicant stated that off-sale alcohol and all outside designated seating areas had been withdrawn.

The Environmental Health Officer stated that he had no objections against the application. It was highlighted that the installation unit would also be reviewed when the planning application had been received. It was explained that the suggested 40 decibel limit proposed by the objector would not be required. The number of decibels would need to be assessed by an Environmental Health Officer to see if this would be appropriate as a condition.

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 along with the current and proposed conditions set out in paragraphs 3.1 and 8.1 of the report, with the following amendments:

- The floor plan for the application be amended to the one set-out at page 48 of the agenda, with a coloured hard copy to be provided to the Licensing Service
- Off sales & the request for outside seating has been removed from the application
- Conditions 8, 15, 17, and 24 from the current licence (set-out on pages 13 & 14 of the agenda) be deleted.
- Conditions 16, 17, 18 and 19 from the approved variation (set-out on page 19 of the agenda) be deleted;
- The words in condition 13 "Greater London Council (General Powers) Act 1986)" (on page 19 of the agenda) shall be deleted and replaced with the Policing and Crime Act 2009.
- Condition 21 be amended to read "Intoxicating liquor shall not be sold, supplied or consumed otherwise than to persons who are seated and are taking a substantial meal from the menu and that the consumption of alcohol by such persons is ancillary to taking such meals. The supply of alcohol shall be by waiter/waitress service only."
- Condition 22 shall be amended to read "There Shall be no glass, drinks or open containers taken out of the premises at any time".

And following additional conditions:

- The maximum capacity of the premises is 25 customers.
- Patrons are to be dispersed by a staff member from the premises immediately at the end of the hours of operation in a quiet and orderly fashion.
- A selection of several main dishes will be available to customers.
- All Wire mesh supported synthetic media pre-filters must be replaced every 3-4 weeks.
- All Activated carbon box filters must be replaced every 6 months.
- All washable standard grease filters must be washed twice a week. The duct termination shall be designed to achieve a vertical efflux velocity of at least 8 metres per second (m/s).

Reasons for the decision

The application has been approved within the Dalston SPA, given the amendments made to the application, which saw the licensable and operational hours brought in-line with the matrix set-out within LP14, the revised floor plan that has reduced the capacity of the premises, in addition to the proposed and agreed conditions. As such, the Licensing Sub-Committee was satisfied that the licensing objectives would not be undermined.

The Licensing Sub-Committee also noted that a minor variation application is outstanding for Late Night Refreshment on a Friday and Saturday night and would expect this application to be approved to ensure that the premises can operate effectively in accordance with the conditions on the licence.

Public Informative:

The applicant is reminded of the need to operate the premises in accordance 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 planning application which has been or is to be made.

2 Temporary Event Notices - Standing Item

Duration of the meeting: 7.00 - 8.15 pm

Signed

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Chair of Committee

Contact:

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