

MINUTES OF A MEETING OF THE LICENSING SUB COMMITTEE A

TUESDAY, 12TH JUNE, 2018

- Councillors Present:** Cllr Emma Plouviez (Substitute) Chair
Cllr Sophie Conway and Cllr Sam Pallis
- Officers in Attendance:** Matt Clack, Public Health Strategist (Public Health)
Justin Farley, Lawyer (Licensing and Corporate)
Mike Smith, Principal Licensing Officer
David Tuitt, Business Regulation Team Leader (Licensing)
Gareth Sykes, Governance Services Officer
- Also in Attendance:** Famous
- Applicant
Duncan Craig, Representative
Ezgi Yildirim, Agent
Hasret Gumus, applicant
- Other persons (opposing)
Frazer Churchill
Kevin O'Sullivan
- Persian Restaurant
- Applicant
Duncan Craig, Representative
Ezgi Yildirim, Agent
Ali Reza Ganjilu, applicant

1 Election of Chair

- 1.1 Councillor Emma Plouviez was elected as the Chair of the committee.

2 Apologies for Absence

- 2.1 There was no apologies for absence.

3 Declarations of Interest - Members to declare as appropriate

- 3.1 There were no declarations of interest.

4 Licensing Sub Committee Hearing Procedure

- 4.1 The attendees noted at the meeting the hearing procedure.

5 Application for a Premises Licence: Famous, 158 Stoke Newington Road, N16 7UY

- 5.1 The principal licensing officer introduced an application for a premises licence for Famous, 158 Stoke Newington Road, N16 7UY. The proposed licensable activities were for indoor sporting events, late night refreshments and the supply of alcohol (on premises). The Principal Licensing Officer reported that representations had been submitted by the Responsible Authorities (Licensing and Public Health) and as well as a number of objections by local residents. Local residents had signed a petition, which had been circulated as part of the additional papers for the hearing. The attendees noted that the Police had withdrawn their representation. The applicant had agreed with the Police that alcohol would cease at 22:30hrs Sunday – Thursday and at 23:30hrs on Friday and Saturday and the premises would close 30 minutes later. The applicant had also agreed with the Police a number of further conditions.
- 5.2 The applicant's representative, Mr Duncan Craig, made his submission to the committee highlighting those conditions included in the Operating Schedule including Closed Circuit Television (CCTV), staff training and the recording of incidents in an incident book. Mr Craig also highlighted his client's acceptance of the Police conditions and that the maximum number of smokers outside the premises would be five. Mr Craig also highlighted that the number of pool tables in the premises was reduced from seven to three (one upstairs, two downstairs). Mr Craig's also brought to the attention of the committee that his client had also reduced the operating hours and the Police had withdrawn their representation.
- 5.3 In a response to question from the Chair, Mr Craig replied that it was not unusual for a premises to be called one thing and in reality to be something else e.g. a snooker club with pool tables. Mr Craig took the view that pool tables were not normally considered as part of a licensing application. Committee members responded by raising their concerns about the apparent changing nature of the business of the premises. It now appeared to be very different from what was originally envisaged in the meeting papers.
- 5.4 David Tuitt, Business Regulation Team Leader – Licensing and Technical Support, made his representation at the meeting, highlighting that the premises was within the boundary of the Dalston Special Policy Area (SPA) and because of LP14, the premises must show a high standards of management, quality and track record of management and good character of the applicant. Mr Tuitt also noted that the premises changing from snooker to pool tables indicated a significant change in it's the business' operation.
- 5.5 Matt Clack, Public Health Strategist, made his representation at the meeting in opposition to the application. Mr Clack's made his representation under the prevention of crime and disorder licensing objective(s). Mr Clack, like Mr Tuitt, highlighted that the premises was in the Dalston SPA which was defined as a cumulative impact area. Mr Clack explained that the area already had sufficient premises to meet demand and additional outlets supplying alcohol would be detrimental to the local residents particularly in terms of noise and anti-social behaviour etc. Mr Clack added that statistics had shown, covering the period year to December 2017, that there had been 123 alcohol related incident within a 500m radius of where the premises was located.

- 5.6 The attendees noted that Public Health had quoted the incorrect Legal Policy in its statement. LP13 related to Shoreditch not the Dalston area.
- 5.7 Other persons made representations at the meeting raising objections to the application. A number of local residents highlighted the loud noises, smokers, anti-social behaviour emanating from the premises. The local residents also highlighted that there was already 49 licenced premises in the area and over a 100 alcohol related incidents had been reported in the area since December 2014.
- 5.8 In response to a question from the Chair, local residents replied that they were not reassured when the applicant had recently attended a local resident's meeting. Local residents were of the view that the application was no different from other outlets currently operating in the area.
- 5.9 In response to a question from the Chair about the food and drink served during the day, the applicant replied that coffee would be served in the morning. There would not be a food a service. The applicant added that a small function room downstairs would be used for birthday parties and meetings for example. The applicant confirmed that they were yet to hold any functions in that small room.
- 5.10 In summary the other persons highlighted that the description of the premises had changed over time and this had not allayed their concerns about the loud noise and smoking outside the premises. Local residents also felt it was not clear from the applicant how they would police the number of smokers outside so it remained limited to five.
- 5.11 In a response to question from the Chair, Mr Craig confirmed that the capacity for the premises was 60 in total (40 upstairs and 20 downstairs). Mr Craig's explained that his client would accept a limit on capacity as an additional condition.
- 5.12 The committee members noted that the premises was currently in the middle of the planning process.
- 5.13 Committee members queried the accuracy of the floor plan in the papers pack. Some of the applicant's responses during the hearing appeared to indicate that the floor plan had now changed. Mr Craig replied that any application was subject to change, premises frequently move about, such as changing the number of pool tables, for example. The Chair responded by querying what the premises was to be used for, as it the applicant had not clarified its purpose. Mr Craig replied that the reduction in the number of the pool tables on the premises would result in less disturbances and noise.
- 5.14 In their summary the responsible authorities re-iterated their concerns about the premises and the potential cumulative impact on the Dalston SPA.

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 be refused in accordance with Licensing Policy LP4, LP5 and LP14 within the Council's licensing statement.

Reasons for the decision

The Licensing Sub-Committee, having heard from responsible authorities (Licensing and Public Health) and other persons, and the responses given by the applicant, believed that granting the application would result in the licensing objectives being undermined.

The Sub-committee in reaching the above decision considered the:

1. impact the sale of alcohol at the premises would have on the public nuisance and crime and disorder already being experienced in the area around the premises resulting from the high concentration of licenced premises in that area;
2. impact the existing high concentration of licenced premises had on persons living in the area; and
3. measures proposed by the applicant to ensure that the sale of alcohol would not add to the same.

The applicant's representative mentioned when addressing the Licensing Sub-committee that if the application was granted, the applicant intended to reduce the number of snooker tables at the proposed snooker hall from seven to three tables. This reduction in the number of tables would increase the number of people at the premises, which was of concern to the Sub-committee. During discussions regarding the same it was proposed by the applicant's representative that imposing a capacity of 60 persons (40 on the ground floor and 20 in the basement) would be an appropriate measure to ensure the number of people at the premises did not increase if some of the snooker tables shown on the plan submitted with the application were removed.

The applicant's representative also made representations that the type of licensed premises was relevant to the problems of nuisance and disorder resulting from a number of licensed premises concentrated in one area and the existing licence for the off sale of alcohol from the premises.

The Licensing Sub-committee heard from residents that there were already problems with public nuisance and crime and disorder resulting from the existing licensed premises in the area and that the existing licence was for the sale of alcohol off the premises which was very different to the activity being applied for as there was no consumption of alcohol at the premises under the existing licence.

On balance, the Licensing Sub-committee were not satisfied that the measures proposed would be adequate to ensure that crime and disorder/public nuisance would not result from people drinking at another premises in an area with a high concentration of people drinking already.

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.

6 Application to vary the premises license: Persian Restaurant, 148 Shoreditch High Street, E1 6JE

- 6.1 The principal licensing officer introduced an application to vary the premises licence for the Persian Restaurant, 148 Shoreditch High Street, E1 6JE. The application was for the supply of alcohol (On Premises). The responsible authorities (Licensing and Public Health) had made representation and the Police had also submitted a written representation in their absence from the meeting.
- 6.2 Mr Duncan Craig, representing the applicant, began by explaining that the variation to the premises licence was to extend the sale of alcohol on the premises until 02:00hrs Sunday to Thursday and until 04:00hrs on Friday to Saturday. Mr Craig highlighted an amendment to condition 10; alcohol would now be ancillary to a table meal. Mr Craig also highlighted a further additional condition: Security Industry Authority (SIA) door staff were to be present at the premises from 23:00 hours. Mr Craig added that this premises was different from the public houses in the area and there had not been any objections to how the premises was currently operated. Ownership of the premises had been transferred over from the Grandfather in 2006. Mr Craig added that his client had a good track record.
- 6.3 David Tuitt, Business Regulation Team Leader – Licensing and Technical Support, made his representation at the meeting, highlighting that the premises was in the Shoreditch SPA therefore LP13 applied. Therefore exceptional circumstances had to be given as to why the application should be granted. The committee noted that the area had been identified as suffering from negative cumulative impact as a result of the high concentration of licensed premises in the area. Licensing noted the amendment to condition 10 and the additional SIA door staff condition, however, the applicant had not provided any further reasons that would classify as exceptional circumstances.
- 6.4 Matt Clack, Public Health Strategist, made his representations at the meeting. Like licensing he highlighted where the premise was located, in a cumulative impact area, and how it was felt that there was already sufficient premises in the area to meet demand. Any additional outlets supplying alcohol would be detrimental to local residents. There was already a high number of incidences of crime and violence including those alcohol-related. Mr Clack concluded that there were no exceptional circumstances relating to this application and therefore Public Health recommended that it should not be granted.
- 6.5 In a response to questions from the Chair, the applicant replied that several of the customers in the restaurant came from a nearby hotel and tended to stay between 30 to 40 minutes on the premises.
- 6.6 Committee members were concerned that the proposed variation, if granted, could result in people drinking alcohol on the premises for longer. Patrons may not stop or take a break whilst they ate food at the premises.

- 6.7 Mr Craig explained that only a handful of premises in the area now have alcohol ancillary to a table meal and he emphasised that this premises was a restaurant not a takeaway. The premises had a capacity of 32 and all food was served on porcelain plates. With this application the restaurant was now seeking to expand to sell alcohol.
- 6.8 Summing up, Mr Craig reminded Committee members of the style of operation on the premises. He added that it was a small restaurant and also highlighted the amendment to condition 10 and also the inclusion of an additional condition relating to the placement of SIA door staff after 23:00hours on the premises.

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 be refused in accordance with Licensing Policy LP4, LP5 and LP13 within the Council's licensing statement.

Reasons for the decision

The Licensing Sub-Committee, having heard from responsible authorities (Licensing and Public Health) and other persons, and the responses given by the applicant, believed that the granting of the variation application would result in the licensing objectives being undermined.

The Sub-committee in reaching the above decision considered the:

1. impact the sale of alcohol at the premises late at night would have on the public nuisance and crime and disorder already being experienced in the area around the premises resulting from the high concentration of licenced premises in that area;
2. impact the existing high concentration of licenced premises had on persons living in the area; and
3. measures proposed by the applicant to ensure that the sale of alcohol would not add to the same.

The Police expanded on their initial representation before the hearing that they believed that allowing alcohol to be sold at the premises from 23:00 to the early hours of the morning would result in people consuming further alcohol in addition to the alcohol previously consumed at other premises.

The Licensing Sub-committee were concerned that the proposed variation would result in people continuing to consume alcohol for longer rather than stopping or taking a break from the same whilst they ate food at the premises.

During discussions regarding the same it was proposed by the applicant's representative that requiring SIA door staff to be present at the premises from 23:00 would be an appropriate measure.

Such measure the Licensing Sub-committee did not believe was an exceptional circumstance that would address the impact that granting the additional hours for the sale of alcohol late at night would have on the licensing objectives.

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On balance, the Licensing Sub-committee were not satisfied that the measures proposed would be adequate to ensure that crime and disorder/public nuisance would not result from people drinking into the early hours of the morning at the premises in an area with a high concentration of people drinking already.

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 Temporary Event Notices - Standing Item

7.1 There were no Temporary Event Notices discussed at the meeting.

Duration of the meeting: 19:00 – 20:48 Hours

Signed

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Chair of Committee, Councillor Emma Plouviez

Contact:

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