

MINUTES OF A MEETING OF THE LICENSING SUB COMMITTEE B

THURSDAY, 21ST JUNE 2018, COUNCIL CHAMBER, HACKNEY TOWN HALL, LONDON E8 1EA

- Councillors Present:** Cllr James Peters (substitute) in the Chair
- Officers in Attendance:** Cllr Margaret Gordon and Cllr Gilbert Smyth
Amanda Nauth, Planning Lawyer
Butta Singh, Senior Lawyer Licensing and Corporate
Mike Smith, Principal Licensing Officer
Gareth Sykes, Governance Services Officer
- Also in Attendance:** London Fields Primary School
Applicant:
Mike Norledge, Spread Food Limited
- Bull in a China Shop
Applicant:
Jonathan Smith, Solicitor
Stephen Chan, applicant
- SET
Applicant:
Andy Newman, Agent
Robert McLaren (Chair of SET Trustees)
Oliver Tobin (Management of SET and DPS)
Roland Fischer-Vousden (Management of SET)
Joshua Field (Management of SET)
Hazel Brill (Local Resident)
- Other person:
Shalina Jinnah

1 Election of Chair

1.1 Councillor Peters was duly elected as Chair.

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 The minutes of the 30TH January 2018 meeting were agreed as an accurate record.

5 Licensing Sub-Committee Hearing Procedure

5.1 The attendees at the meeting noted the Licensing Sub-Committee hearing procedure.

6 Application for a Premises Licence: London Fields Primary School Play Ground, Westgate Street, E8 3RL

6.1 The principal licensing officer introduced the application for a new premises licence for London Fields Primary School Play Ground, Westgate Street, E8 3RL. The application was for the supply of alcohol (On and Off Premises). The attendees at the meeting noted that that local resident objections at B1, B3, B4 and B7 in the meeting papers had been withdrawn following the reduction in the proposed hours. The attendees noted that the application was outdoors not indoors.

6.2 The applicant, Mr Mike Norledge, of Spread Food limited, made his submissions at the hearing. He began by explaining that the premises were located on a school playground that is used as a weekly farmers market with 30 stalls. Mr Norledge was seeking to allow two to three of the market traders to be able to sell local wines and beers. The market had been in operation for just over two years and was open on Saturday from 10am to 4pm with predominantly vegan market stalls. Mr Norledge emphasised that since the market had opened there had not been any incidents of Anti-Social Behaviour (ASB).

6.3 Mr Norledge addressed local resident objections by explaining that there was a site manager at the market at all times on the Saturday, there was no alcohol served in glasses and no glasses were to leave the site. All alcohol trade would be completed at 5.00pm. Any music played on site had been kept to an acceptable volume and that any beggars near to the site would be monitored at all times. Mr Norledge added that schoolchildren would not be affected by the application, as no school children would have use of the playground during the market's operating hours. Mr Norledge concluded by emphasising the importance of the market maintaining good relations with its neighbours as they did not want to do anything to jeopardise their licence.

7 Application to vary the premises licence: Bull in a China Shop, 196 Shoreditch High Street, E1 6LG

7.1 The Principal Licensing Officer introduced the application to vary the premises licence for Bull in a China Shop, 196 Shoreditch High Street E1 6LG. The proposed variation was to remove and replace the conditions relating to the use of outside areas at the premises. The Responsible Authorities (Environmental Protection and the Police) had withdrawn their representation following agreement with the applicant. Licensing had also withdrawn its representation. The applicant had submitted additional papers for the meeting including a revised plan of the premises and a revised application.

7.2 Councillor Gordon had momentarily stepped out of the room when discussions about the application had begun. Under Licensing Sub-Committee meeting procedures, because of Councillor Gordon's absence from the room, she was excluded from participating in any discussion and decision about the application.

7.3 Jonathan Smith, solicitor and representative for the applicant and premises licence holder, Stephen Chan, made his submission to the meeting. Mr Smith explained that Bull in a China Shop was an Asian-influenced eatery and bar. Mr Smith referred to the revised plan of the premises, which showed the areas now sought for permission for the consumption of alcohol, being the red area to the front of the premises and green area to the rear. Mr Smith added that the revised application excluded the yellow area and amended the terminal hours for the use of the red and green areas. The front area had been amended because it was on the public highway on the pavement. The outside, shown edged green, the enclosed courtyard to the rear of the premises, could be used by customers up until 21:30 for the consumption of alcohol and food. After 21:30, only persons smoking (and limited to no more

than five in total outside the premises in any outside area) shall be permitted. The applicant highlighted that the area immediately outside to the front of the premises and edged in red on the plan, could be used by customers up until 19:00 for the consumption of alcohol and food. Mr Smith added that after 19:00, only persons smoking (and limited to no more than five in total outside the premises in any outside area) shall be permitted.

- 7.4 Licensing Sub-Committee members noted that the premises had been given a number Temporary Event Notices (TENs) between June 2017 and May 2018. Local Residents objecting to the application had been invited to a meeting with the applicant on 23rd April 2018 but none of them had turned up. The applicant stressed that no licensable activities would take place outside and no food or drink would be served in the area nearest to the railway. The applicant explained that local residents had not raised objections to the TENs that had been held.
- 7.5 In a response to a question from Cllr Smyth, the applicant confirmed that it was tabled meals served in the inside and outside areas.
- 7.6 The applicant re-iterated his earlier comments about the lack of objections from local residents to the TENs, their non-attendance at the 23rd April meeting and the withdrawal of representations from the responsible authorities. The applicant pointed out that some of the objections contained the exact same wording. The applicant also emphasised that the premises was not licensed to play music outside. The applicant stressed that every effort had been made to engage with local residents to alleviate their concerns.
- 7.7 In a response to question from Councillor Smyth, following agreement with the responsible authorities, the applicant was of the view that local resident's concerns had now been addressed. The applicant added that the incident that had occurred on Curtain Road, as referred to in one of the local resident's objections, was not relevant to the application. The applicant acknowledged local resident's concerns but it was re-iterated that the applicant had been proactive in engaging with local residents.
- 7.8 On the issue of LP15, the applicant was of the view that there would not be a cumulative impact on the area. The 40 diners were contained within the confines of the restaurant.
- 7.9 The applicant began his summary by reminding licensing sub-committee members that the responsible authorities had withdrawn their submissions following agreement. He added that no objections had been raised against the TENs and no residents had attended a meeting arranged on the 23rd April 2018. The applicant highlighted that some of the applications appear to be duplications and that no recorded music would be played on the premises.
- 7.10 The legal officer pointed out to the applicant that they would need to apply for a table and chairs licence for permission to place tables and chairs outside the front of the premises on the public highway.

8 Application for a Premises Licence: SET, 27a Dalston Lane, E8 3DF

- 8.1 The principal licensing officer, Mike Smith, introduced the application for a premises licence for SET, 27a Dalston Lane, E8 3DF. The proposed licenced activities were plays, films, live music, recorded music, performance of dance, other entertainment similar to live or recorded music or dance performance, late night refreshment and the supply of alcohol (On Premises). The attendees noted that the responsible authorities (Licensing and Police) had withdrawn their representation following agreement with the applicant. Additional

information had been submitted by the applicant along with information from one other person objecting to the application.

- 8.2 Andy Newman, the agent representing the applicant, made his submission to the meeting by giving a brief overview of the application and the type of business run by his client on site. With SET Dalston Lane the emphasis was on emerging arts and culture. It was a licensed arts centre first and foremost. Mr Newman explained that the emphasis was on culture over entertainment. Mr Newman highlighted the numerous letters of support for the application and the responsible authorities withdrawing their representations. Mr Newman added that Other Persons who had raised an objection to the application, had been contacted about holding a meeting to resolve any issues but this meeting had did not come to fruition.
- 8.3 The Licensing Sub-Committee heard from Other Persons, an Ms Shalina Jinnah, objecting to the application. Ms Jinnah outlined her concerns about the increased number of people outside the premises late at night particularly at the weekend. While the numbers had dropped recently, Ms Jinnah explained that there was still a substantial number of people congregating outside the entrance drinking and smoking. Ms Jinnah was concerned that this continued to create a situation where people were blocking the pavement. Ms Jinnah explained that she was not against Arts-led centre but she was against alcohol-led premises. She was concerned that if the application was granted there might be scope for an increasingly large numbers of people entering and exiting the premises. It was felt that the premises did contravene Hackney's licensing objectives. Ms Jinnah queried if it was an arts space why did it need to be open until 02:30?
- 8.4 Answering a question from the Chair, the applicant was aware of the cumulative impact of the application, as the premises was near to the Dalston Special Policy Area (SPA). Mr Newman reminded the committee of the number of letters in support of the application. Mr Newman added that the premises had been granted several TENS between 9th March and 29th April 2018 with no objections from the Police.
- 8.5 Manager of SET and the Designated Premises Supervisor (DPS), Mr Oliver Tobin, gave a brief overview of the types of events that would be held on the premises. He did confirm that some events would include amplified electronic music.
- 8.6 Replying to a question from the Chair, the applicant explained that there was a number of noise insulation measures in place including rock wall in the windows and the installation of sound limitators.
- 8.7 In response to a question from Councillor Gordon, the applicant replied that there would be two security staff on the front door operating a staggered system of customer dispersal at closing time.
- 8.8 In response to a question from Councillor Smyth, the applicant explained that the premises would maintain a comprehensive Closed Circuit Television (CCTV) system, as per the minimum requirements of a Metropolitan Police Crime Prevention Officer. The CCTV system would continually record whilst open and customers on site and recordings would be made available immediately upon the request of Police or authorised officer.
- 8.9 The Chair of the SET trust, Robert McLaren, added that the Board of Trustees main objective was to promote arts. Mr McLaren re-iterated explained that the Board would not allow any events to take place that would undermine the board's position.
- 8.10 On SET's dispersal policy, Ms Jinnah suggested that customers could be dispersed better at the earlier time of 12pm. Ms Jinnah again queried why an arts events needed to be held until 03:00hours.

- 8.11 Responding to photos tabled at the meeting, Mr Newman queried their reliability. It was suggested by the applicant that they were taken by a third party. It was alleged that this was an aggrieved third party who had previously owned a business on the SET premises. The applicant explained that the gentleman in question was involved in an incident on one of the nights captured in one of the tabled photos and he had been asked to leave the area.
- 8.12 On the tabled photos, Ms Jinnah explained that they were taken during the period of mid-February and early to mid-May 2018.
- 8.13 In a response to a question from Councillor Smyth, the applicant explained that the alleyway next to the premises would be blocked off and would be used as the smokers' area. The applicant added that they had not received any complaints from adjacent Premier Inn hotel who owned the alleyway/smoking area.
- 8.14 The applicant explained that the premises had three fire exits. The applicant recognised that the pavement out the front of the premises was quite slim, however security staff would endeavour to ensure customers did not block the public highway.
- 8.15 In a response to a question from the legal officer, the applicant confirmed that he would surrender the existing premises licence should the application to vary the premises licence be granted.
- 8.16 In response to a question from Councillor Smyth, the applicant explained that they had proposed a 02:30hours closing time on Saturday because that tended to be the day when there was more artist led performances being held. The applicant suggested that any reduction in the closing time, for example to 01:00hours, would impact on the premises revenue.
- 8.17 In summary, Ms Jinnah re-iterated her concerns about the application and recommended that some consideration be given to bringing forward the closing time to 12:00. Mr Newman in his summary re-iterated the number of letters received in support of the application and the responsible authorities withdrawing their representations following agreement with his client.

9 Temporary Event Notices - Standing Item

- 9.1 There were no TENs submitted for consideration at the meeting.

Duration of the meeting: 19:00 – 21:25 hours

Signed

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Chair of Committee, Cllr James Peters

Contact:

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