

## MINUTES OF A MEETING OF THE LICENSING SUB COMMITTEE E

TUESDAY, 21ST JANUARY, 2020

**Councillors Present:** Councillor Peter Snell in the Chair

Cllr Caroline Selman

**Apologies:** Councillor Sophie Cameron

**Officers in Attendance:** Amanda Nauth, Licensing Lawyer  
Mike Smith, Principal Licensing Officer  
Gareth Sykes, Governance Services Officer

**Also in Attendance:** The Frog Hoxton

Applicant

Jack Spiegler, Solicitor  
Adam Handling, Restaurateur  
Nicola Gartenberg, Operations Director

**Responsible Authorities:**

David Tuitt, Licensing Authority

### **1 Election of Chair**

1.1 Councillor Snell was elected as the Chair of the Licensing Sub-Committee meeting.

### **2 Apologies for Absence**

2.1 Apologies for absence was received from Councillor Cameron.

### **3 Declarations of Interest - Members to declare as appropriate**

3.1 There was no declarations of interest.

### **4 Minutes of the Previous Meeting**

4.1 There was no previous minutes for consideration at the meeting.

### **5 Licensing Sub-Committee Hearing Procedure**

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

### **6 APPLICATION TO VARY THE PREMISES LICENCE : Best American Pizza, 6A Pitfield Street, Hackney, N1 6EY**

- 6.1 The application was deferred due to the legal representative for the applicant giving his apologies for the meeting due to unforeseen circumstances. The application would be rescheduled for a future Licensing Sub-Committee meeting.

The Licensing Sub-Committee RESOLVED that the application to vary the premises licence be ADJOURNED on this occasion to enable the Applicant's legal representative to attend.

**7 APPLICATION TO VARY THE PREMISES LICENCE : The Frog Hoxton, 45-47 Hoxton Square, N1 6PB**

- 7.1 The Principal Licensing Officer introduced an application to vary the Premises licence for The Frog Hoxton, 45-47 Hoxton Square, N1 6PB. The applicant, Adam Handling Limited, was seeking to include the additional conditions, as set out in para 8.1 of the application report, as agreed with the Metropolitan Police Service (MPS). The attendees noted that the premises was located in the Shoreditch Special Policy Area (SPA). Representation had been received from the Licensing Authority, on the grounds of Prevention of Public Nuisance, Core Hours and Special Policy Area. The attendees also noted that one representation had been received from and on behalf of local residents on the grounds of prevention of crime and disorder, public safety, prevention of public nuisance and the protection of children from harm.
- 7.2 The solicitor for the applicant made their submission to the Licensing Sub-Committee beginning with a brief overview of his client's business. In July 2018 his client opened a three outlet venue based in Hoxton. The building was home to the Frog Hoxton Restaurant, Bean and Wheat – a sustainable café and beer shop and the Iron Stag Hoxton, a multi-function basement area. The solicitor for the applicant referred the committee members to the plans of the basement as outlined in the meeting papers explaining that the location was originally a restaurant and bar, however, it became apparent over time that this was not financially sustainable and it was decided that alcohol would be supplied without a meal in the basement floor by waiter/waitress service to seated customers or to persons attending a pre-booked private function. There were no proposals to change the premises. Restaurant conditions would still apply. Responding to written objection from a local resident, the solicitor for the applicant referred to a letter from his client to the local resident which clearly stated that they were not seeking to amend the existing requirement for the sale of alcohol to be to persons dining on the premises on the ground floor. In respect of the basement, the applicant was hoping to continue to serve alcohol to customers dining in the basement, as well as seated customers by waiter service who were not necessarily dining, or to persons attending a pre-booked private function. It was stressed that these private functions would not include hen or stag parties. The solicitor for the applicant, referring to licensing policy, concluded that that because of the nature and size of his client's business it was unlikely to contribute negatively to the cumulative impact in the Shoreditch SPA.
- 7.3 In response to a question from Councillor Snell, the solicitor for the applicant explained the access to the basement by referring to the drawings of the site as outlined on pages 74 and 75 of the meeting papers pack.

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- 7.4 The Licensing Authority outlined their case for their written representation in relation to the application. They explained that the basis for their representation was because the premises was located in the Shoreditch SPA. The SPA was an area that had been identified as suffering from the negative cumulative impact of the concentration of licensed premises in the area. There was concerns about having a licensing premises in the Shoreditch SPA and its likelihood of contributing to the Cumulative Impact (CI) in the area. The Licensing Authority welcomed the news that a condition had been agreed with the MPS. The Licensing Authority suggested that some minor amendments be made to the pre-booking aspects of the condition to tighten it up.
- 7.5 In response to a question from Councillor Snell, the Licensing Authority replied that there had been issues with Hoxton Square but that had been some months ago. Committee members noted that typically in this area Hen and Stag parties tended to occur further down in central Shoreditch rather than in Hoxton Square.
- 7.6 In response to a question from Councillor Selman, the Licensing Authority replied that there had been one incident of an intervention.
- 7.7 In response to a question from Councillor Selman, the Licensing Authority replied that one possible way of tightening up the condition in relation to private functions was to have some form of guest list as it was not quite clear how the general public would be refused entry.
- 7.8 In response to a question from Councillor Snell, the applicant replied that in all his years of working as a chef he had not hosted a hen or stag do. The applicant stressed how the Frog at Hoxton appealed to a clientele who were coming to the venue for a food-led experience.
- 7.9 In response to a question from Councillor Snell, the solicitor for the applicant suggested that the additional condition agreed with the MPS could be further amended by dividing it up into two parts - part A) and part B).
- 7.10 In response to a question from the Licensing Authority, the applicant replied that the entrance on Rufus Street would be used.
- 7.11 In response to a question from Councillor Selman, the applicant explained that the incident referred to earlier by Licensing Authority earlier in the meeting had occurred at their Chelsea establishment. The applicant acknowledged that the incident had occurred involving a member of staff and he had shut down the establishment immediately.
- 7.12 In response to a question from Councillor Snell, the applicant replied that several of his establishments were built around a single piece of art.
- 7.13 In response to a question from Councillor Snell, the solicitor for the applicant explained that this application to vary the premises licence would not make a negative contribution to cumulative impact for several reasons. Firstly, the premises were consistent with licensing policy rules on cumulative impact because it catered to a different customer base to those who contributed to such impact. Secondly, the premises would not contribute to cumulative impact

because of the tight controls in place on entry to the basement and it would not be visible or accessible to passing custom.

7.14 The Licensing Authority in its closing remarks had nothing further to add beyond that it welcomed the news that the additional condition would be split into two parts.

7.15 The applicant had nothing further to add in their closing remarks.

### **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 to vary the premises licence has been approved in accordance with the Council's licensing statement set out in paragraph 8.1 of the report, with the following amended condition agreed by the Applicant:

The following condition 8(1) agreed by the Metropolitan Police was amended as follows:

- a. Notwithstanding condition 8, alcohol may be supplied without a meal in the basement floor of the premises by waiter/ waitress service to seated customers.
- b. Notwithstanding condition 8, alcohol may be supplied without a meal to persons attending a pre-booked private function to which general members of the public are not admitted to the premises unless by prior invitation or booking, and recorded on a guest list.

### **Reasons for the decision**

The application to vary the premises licence has been approved, with the above amended condition, as the Licensing sub-committee was satisfied that the licensing objectives would not be undermined in the Shoreditch Special Policy Area.

The sub-committee took into consideration that the Metropolitan Police and most of the Responsible Authorities had made no representations on this application. It was also considered that the applicant had consulted with the Metropolitan Police before making this application to the Licensing Service, and agreed conditions with them to be added to the licence.

After hearing from the applicant, and carefully considering the representations of the Licensing Service, and the Other Persons the sub-committee were satisfied that the conditions that the applicant has agreed to would promote the licensing objectives and responsible drinking in the Shoreditch Special Policy Area.

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The sub-committee took into consideration that the applicant was an experienced premises owner with a good track record, who had a sustainable restaurant with lower foot fall than the previous use as a fast food restaurant which reduces the number of people brought into the area. The sub-committee also felt that the premises would not contribute to the Cumulative Impact given that the premises are located in the basement, and is not visible from the street which mitigates any negative impact in the area.

Having taken all of the above factors into consideration the sub-committee were satisfied, when granting the variation of this premises licence, that the licensing objectives would be promoted in the Shoreditch Special Policy Area, particularly in relation to the prevention of crime and disorder and prevention of public nuisance.

## **8 Temporary Event Notices - Standing Item**

8.1 There were no Temporary Event Notices (TENs) submitted for consideration at the meeting.

**Duration of the meeting:** 14:00 – 15:00 hours

**Signed**

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**Chair of Committee, Councillor Peter Snell**

**Contact:**

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