



MINUTES OF THE MEETING OF LICENSING SUB COMMITTEE B

TUESDAY, 22 JUNE 2021

THIS MEETING WAS LIVE STREAMED AND CAN BE VIEWED AT:

<https://youtu.be/G9qZkv-NvIA>

Councillors Present: Cllr Margaret Gordon (Chair) and
Cllr Harvey Odze.

Officers in Attendance: Amanda Nauth - Licensing and Corporate Lawyer
Suba Sriramana - Acting Principal Licensing Officer
David Tuitt - Business Regulation Team Leader
Rabiya Khatun- Governance Services Officer

Also in Attendance: Mr Andy Newman - Applicant's Agent
Mr Luke - Applicant
Mr Troy Healy – Planning Specialist

Other Persons

Ms Carr

Ms Cunnington

Cllr Plouviez speaking on behalf of Ms Tracy

Mr Solman

1. Election of Chair

1.1 Cllr Gordon was duly elected to Chair the meeting.

2. Apologies for Absence

2.1 Apologies for absence were received from Cllr Moema.

3. Declarations of Interest

3.1 There were no declarations of interest.

4. Licensing Sub Committee Hearing Procedure

- 4.1 The hearing procedure as set out in the agenda pack was explained to all participants.

5. Minutes of the Previous Meeting

- 5.1 There were no minutes of the previous meeting to approve.

6. Application for a Premises Licence: Nest Morning Lane Ltd, Arches, 392/393 Mentmore Terrace, E8 3PH

- 6.1 Subangini Sriramana, Acting Principal Licensing Officer introduced the report in respect of an application for a premises licence made by Nest Morning Lane. It was noted that the Police, Environmental Health Authority, Health Authority and Other Persons (C14) had withdrawn their representations based on agreed conditions. Representations, however, remained from the Licensing Authority and Other Persons.
- 6.2 The sub-committee noted the additional information from the applicant and Other Persons, which had not been included in the agenda pack.
- 6.3 Mr Andy Newman, agent for the applicant, made submissions speaking in support of the application, highlighting the following:
- The applicant had further amended the proposed hours for the supply of alcohol as follows:
 - Tuesday - Thursday 12.00 to 23.00 hours
 - Friday - Saturday 12.00 to 23.30 hours
 - Sunday 12.00 to 20.30 hours
 - Closing time 30 minutes after each day;
 - There would be no outside seating or service on Mentmore Terrace and no outside seating in the back courtyard beyond 18.00 hours except for those with disabilities/illness or permitted smokers;
 - The premises was based in the former waiting room of London Fields Overground Station;
 - The applicants had agreed a robust set of conditions for the restaurant, which would create local jobs and had already employed two residents from Hackney;
 - The applicants were responsible and experienced operators with a proven track record and had received no complaints from residents or responsible authorities whilst operating their licensed premises in Fulham and Hackney;
 - The premises would be food led and the supply of alcohol would be ancillary to the food offering. There was supporting evidence for the application from The Fisheries and good reviews in the local and national newspapers about the dining experience at the restaurant;
 - There was no evidence that the proposed hours would increase crime and disorder and that there were any issues with the three operators;

- The Chair of the London Fields User Group and the Police had withdrawn their representations after addressing their concerns and agreeing conditions;
- Planning had submitted no representation or planning informative in respect of this application and there had been no representations from the responsible authorities except the Licensing Authority;
- The applicant would be willing to meet with local residents to discuss and address their concerns;
- The amended hours now complied with the Council's LP3 Core Hours and the premises was not located within a special policy area; and
- Weezy was based in Mentmore Terrace and had been granted a premises licence for later hours than those being applied for by Nest.

6.4 In response to questions from Members, Mr Newman confirmed that the hours for Sunday had been reduced from 22.30 hours to 20.30 hours in response to residents' concerns and clarified that the applicant was not applying for any licensable activities on Mondays.

6.5 Mr David Tuitt, the Licensing Authority's representative, made submissions, as set out in Appendix B and objected to the application on the grounds of public nuisance and the Council's LP5 planning status. The applicant had agreed to the additional conditions that alcohol sales should be ancillary to a table meal and that recorded music is withdrawn from the application. However, concerns remained relating to the hours of activity on Fridays and Saturdays which could potentially exceed those authorised in the planning permission and due to the character of the street potentially result in public nuisance. The planning permission granted for the premises was currently unavailable on the Council's website and any new planning application amending the hours would need to be determined by the Planning Sub-Committee.

6.6 Mr Newman emphasised that the applicants were of good character and would operate within the hours permitted in the planning permission.

6.7 The sub-committee noted the written representations from the Other Persons at Appendices C1 to C18 as contained within the agenda pack.

6.8 Ms Cunnington (Appendix C2), Councillor Plouvez speaking on behalf of Ms Tracy (Appendix C11), Mr Solman (Appendix C13), and Ms Carr (Appendix C15), Other Persons, made submissions in objection to the application. The following points were highlighted:

- The premises are located within a quiet and predominantly residential street with immediate neighbours at the front and rear of the premises;
- Residents and families occupied the properties on the northern stretch of Mentmore Terrace where no arches were open from 18.00 hours. With regard to the southern part of Mentmore Terrace there were flats with a small number of premises open during the weekdays until 22.00 hours and weekends until 23.00 hours;

- The proposals would fundamentally change the nature of this residential street leading to an increase in licensed premises opening in the arches and the street becoming a night-time economy destination;
- This premises would be the largest business north of Mentmore Terrace, at over 3,000 sq. metres with a capacity of 90 covers and potentially two sittings in the evenings;
- The area was already suffering from issues of anti-social behaviour and public nuisance as a result of the alcohol consumption around London Fields. The proposed hours could potentially lead to an increase in crime and disorder making the street less safe for families and children;
- The one off events held at E5 Bake House and Three Sods Brewery had led to residents suffering public and noise nuisance and disruption to their lives;
- Concern was expressed that the proposed licensable hours would attract more people into the area consuming alcohol six days in a week until late night, which would exacerbate the issues of public nuisance, anti-social behaviour including urination, vomiting and littering and disturbance for residents and families living in the vicinity. This would adversely impact on residents and children's quality of life and sleep, mental wellbeing, work and education;
- Concern was also expressed at the potential noise nuisance and disturbance from 50 patrons dispersing from the premises, congregating and talking while waiting for taxis and trains and its adverse impact on residents and children's sleep;
- The amended hours were welcomed, however, Mentmore Terrace was a problem area and unsuitable for hospitality venues due to the lack of passing trade on this quiet street. Many licensed premises had opened and closed in the previous years while causing many issues for local residents. Councillor Plouviez supported the residents proposed hours for licensable activities to be reduced during weekdays until 22.00 hours and weekends until 22.30 hours due to the close proximity of the premises to residential properties;
- It was noted that the amended hours exceeded those in the planning permission granted in October 2018 from 08.00 to 23.00 hours and in contravention of the Council's LP5 Planning Status and could potentially cause a public nuisance;
- Ms Carr's daughter's bedroom was adjacent to the premises and the public nuisance from patrons congregating and talking on the street would have an adverse impact on her child's sleep, mental wellbeing and education;
- The meals on the Tasting menu were starters and could not be deemed a substantial meal in order to satisfy the condition 'alcohol to be consumed with a substantial meal';
- There were no other businesses within the vicinity operating the hours being sought by the applicant. Weezy operated until later hours but was

not comparable as it was an online grocery delivery service business with no customers on the premises and deliveries by electric bicycles;

- Concern was expressed that the applicant had not demonstrated an understanding of the locality and its nature as defined in the Council's LP1 Licensing Policy which had led to an unsatisfactory situation. The applicants had not fully comprehended the impact of the proposals on this residential area as they had managed other licensed premises located on busy roads within night-time economy areas; and
- If the sub-committee were minded to grant the licence, Ms Cunnington indicated that the hours of licensable activities should be reduced to 22.00 hours during weekdays and 22.30 hours during weekends and waste disposal and deliveries should take place between 08.00 to 20.00 hours.

6.9 The sub-committee requested clarity on the planning status and any future plan, dispersal policy, management of the premises, anti-social behaviour and cumulative impact. The applicant replied as follows:

- Mr Newman stated that there was no legal requirement for the applicant to apply for Planning before Licensing and that the applicant had submitted the Licensing application as it was most appropriate for his business requirement;
- Mr Troy Healy highlighted that there had been a delay in obtaining the planning information due to the Council's cyber attack and confirmed that the premises had permission to operate as a restaurant until 23.00 hours daily. The applicant would be submitting an application seeking to regularise the planning hours in line with the licensing hours and emphasised since September 2020 restaurants had been moved into Category E use class, which had a broader use class in relation to commercial premises;
- Mr Luke explained that the maximum capacity at the restaurant would be 50 patrons daily, all bookings would be pre-booked online and set arrival times provided. To minimise public nuisance and anti-social behaviour, the premises had been divided into dining and waiting areas, with the waiting area being allocated to patrons waiting for a meal, taxi or train. A designated staff member would manage entry and dispersal from the premises to ensure patrons were not congregating or waiting outside and staff would provide train timetables and taxi firm details.
- Mr Newman emphasised that the premises was adjacent to London Fields Overground Station and would close before the last scheduled train to encourage dispersal from the area as the applicant anticipated a significant number of patrons would be travelling by train, which would form part of the dining experience. The last trains towards Chingford and Liverpool stations were around midnight;
- Mr Luke stated that they were responsible operators operating well managed licensed premises without experiencing any issues with drunken patrons. Their policy was not to serve alcohol to any intoxicated patrons

and to escort them to the waiting area before calling a taxi or the police if necessary. Drunken patrons would not be allowed re-entry into the premises and the incident would be recorded in the log book; and

- Mr Newman stated that the applicants would minimise the negative cumulative impact and anti-social behaviour in the area by ensuring alcohol was not served to any intoxicated person, implementing the police's WAVE concept and following specialist advice.

6.10 In response to the concerns raised at the meeting, Mr Newman made the following points:

- The applicants/three operators were of good character and had run their businesses without any incidents or police intervention;
- The premises would be food led and there was no evidence to support the concerns that this premises would add to the public nuisance, anti-social behaviour and crime and disorder experienced in the area and consequently have a detrimental impact on resident's quality of life. The Police had also made no representation;
- This premises operation was dissimilar to those licensed premises that had been causing a public nuisance, disturbance and anti-social behaviour. The Three Sods Brewery was a drink led venue, the Plonk operators were of a different character, and the Light Bar and the Brewery were open until later hours;
- The applicants were familiar with the locality as two directors and four staff working at the restaurant lived in Hackney;
- The applicant had amended the proposed condition from 'table meal' to 'substantial meal' and offered a minimum nine course meal to allay the concerns of alcohol consumption and associated issues in the area;
- Environmental Health had made no representation in relation to noise on the street;
- The applicants would be implementing robust conditions to minimise any adverse impact on the area and starting a hotline for residents to report any issues; and
- The issue of rents increasing on commercial units within the vicinity should the premises licence be granted was not a licensing issue.

6.11 An Other Person clarified that these licensed premises were not located on Mentmore Terrace and patrons leaving the premises to access the station would cause a public nuisance. Councillor Plouviez added that local residents were feeling under siege and were concerned about the impact of public nuisance especially on those families and children living in properties/bedrooms adjacent to the premises.

6.12 Mr Luke agreed to Councillor Odze's proposed condition to hold quarterly meetings between the applicant, a local Councillor and a residents' representative to resolve residents' issues or concerns.

6.13 The Chair asked if the applicant would be willing to consider the Other Persons proposal to reduce the hours of licensable activities from Tuesday to Thursday until 22.00 hours and Friday to Saturday until 22.30 hours including dispersal. The sub-committee agreed to Mr Newman's request to adjourn the hearing so that he could consult with the applicant.

6.14 The meeting was adjourned at 20.24 hours and reconvened at 20.32 hours.

6.15 Mr Newman reported that any further amendments to hours would impact on the business model and would require authorisation from the three directors. However, the applicant proposed to reduce the hours of licensable activities Friday to Saturdays to 12.00-23.00 hours to align with those hours permitted within planning with a closing time of 20 minutes.

6.16 In response to further questions from the sub-committee, Mr Newman stated that the applicant would not be changing the character of the street as a premises licence had been granted to Weezy, the robust conditions on the licence would ensure any new owners operated as a restaurant and the public nuisance in the area had been caused by the patrons from other licensed premises. The applicants were responsible operators with a proven track record of running well managed premises.

6.17 A Member enquired about resident engagement and public nuisance. Mr Newman stated that the applicant had offered three meeting dates for residents to discuss any issues or concerns and as responsible operators they would take measures to minimise the public nuisance and conversations on the streets.

6.18 It was noted that the sub-committee could not take into consideration the financial viability of a business when determining the application.

6.19 The applicant requested an adjournment of the hearing so he could consult with his partners about reviewing and amending the application.

6.20 The Chair sought the views of the Other Persons regarding the applicant's proposal. Ms Cunningham indicated that the proposed hours including the drinking up time exceeded those permitted in the planning permission and was beyond the operating hours of other premises within the vicinity. Ms Carr indicated that she would prefer weekends until 22.00 hours and Sunday 20.30 hours. Mr Solman indicated that the proposed hours did not address residents' concerns regarding public nuisance late on school nights. Mr Tuitt made no further comments.

6.21 Ms Sriramana advised that the hearing could be reconvened at the next meeting of the Licensing Sub-Committee B scheduled on 24 August 2021. All participants agreed for the hearing to be adjourned.

6.22 The sub-committee agreed to adjourn the hearing.

RESOLVED: that the application for a premises licence be ADJOURNED to 24 August 2021 to give the Applicant an opportunity to review and consider submitting an amended application if they wish to do so.

7. Temporary Event Notices

7.1 There were no Temporary Event Notices.

Duration of Meeting: 19.00-21.05pm

Chairperson: Cllr Margaret Gordon

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