

DRAFT MINUTES

DRAFT MINUTES OF THE MEETING OF THE LICENSING SUB COMMITTEE E

THURSDAY, 24 JUNE 2021

THIS MEETING WAS LIVE STREAMED AND CAN BE VIEWED HERE:

<https://youtu.be/xmKDzqs57Xs>

Councillors Present: Cllr Emma Plouviez (Chair), Cllr Gilbert Smyth and Cllr Penny Wrouth

Officers in Attendance: Amanda Nauth, Licensing and Corporate Lawyer
Suba Sriramana, Acting Principal Licensing Officer
Peter Gray, Governance Services Officer

Also in Attendance: Applicant:
David Dadds, Solicitor
Mr Daly, Landlord
Other Persons:
CB
DP
John Parmiter (representing DP)

1. Election of Chair

1.1 Councillor Emma Plouviez was duly elected to Chair the meeting.

NOTED

2. Apologies for Absence

2.1 There were no apologies for absence.

NOTED

3. Declarations of Interest

3.1 There were no declarations of interest.

NOTED

4. Licensing Sub Committee Hearing Procedure

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

NOTED

5. Identity of Other Persons

5.1 It was noted that the other persons wished to remain anonymous during the proceedings.

NOTED

6. Application for a Premises Licence: Ground Floor and Basement, 11 Hoxton Square, N1 6NU

6.1 Subangini Sriramana introduced the report in respect of an application for a premise license for late night refreshment and the supply of alcohol, on the premises.

6.2 David Dadds made submissions on behalf of the Landlord, in support of the application, highlighting the following:

- That the application was for a shadow license on the same terms as the existing license.
- There were no representations from responsible authorities with the Police having withdrawing representations, following discussion.
- In response to the Councillor Peter Snell's concern that, if granted, there would then be two licenses for a particular premises, he confirmed that the landlord would inform the Local Authority if the shadow license was to be activated. The relevant case law stipulated that where a Landlord is collecting rent for a premises, that Landlord is entitled to hold a shadow license. If activated the other license would cease to operate.

6.3 The Chair asked that the wording: 'in line with the Council's policy LP7' be removed from the conditions as this was no longer relevant. David Dadds confirmed the removal of this wording. He referred to the fact that condition 20

was redundant as building control work had been carried out.

6.4 The Chair stressed that the Sub-Committee was not reviewing the current license and would not be considering the current management arrangements.

6.5 John Parmiter made submissions in opposition to the application on behalf of DP, highlighting the following:

- There was a likelihood that the Landlord would take control of the premise in the future.
- The application did not make adequate reference to the Licensing objectives.
- Planning permission was not in place for the basement and the outside area on the ground floor.

6.6 DP made submissions in opposition to the application, highlighting the following:

- That she lived next door to the premise.
- The area was made up of mixed residential and commercial properties.
- In 2006, crowds left the premises late at night with antisocial behaviour, crime, disorder and intimidating behaviour.
- Noise tests were carried out and a noise limiter was set.
- During 2006-2019 the noise issues improved until the new leaseholder took over in 2019 with problems similar to those in 2006 arising.
- There was a failure of the License holder to address problems at the premises.
- On 9th April 2019, new noise tests were carried out and a noise limiter set, with an improvement in the situation for a few months.
- On 19 June 2019, the leaseholder re-opened after a major refurbishment.
- Since 19 June 2019, the problems continued, including with music saturating into the street from open doors, noise from patrons outside, crowds leaving late at night, antisocial behaviour, crime, disorder and intimidating behaviour. Doors were frequently being left open.
- The leaseholder set up a Whatsapp Group to address the issues of the residents.
- That a good relationship with the Bar owner was important

6.7 Councillor Penny Wrouth asked if a formal complaint was made to the Council in the past on this matter or if any new representations had been made. DP told the Sub-Committee that complaints around levels of noise were made in 2003 and 2006 with some improvement but anti-social behaviour had resumed since 2019. There had been a number of lockdowns as a result of the Pandemic, impacting

the situation. It was confirmed that representations would be made to the Council on this matter if the current situation continued.

6.8 The Sub-Committee asked if the Landlord could contact the tenant in an attempt to resolve the matter and confirmed that an informative could be put in place in regard to planning permission. Concerns about the current management of the premises should be directed to the Licensing Authority.

6.9 John Parmiter told the Sub-Committee that the problems around noise had been resolved. However, public disorder and nuisance in the area continued. He asked that the license not be granted.

6.10 David Dadds confirmed that the Planning Authority had been consulted with no objections arising. He considered that any complaints around public nuisance should be referred to the Licensing Authority. He reiterated that the Local Authority would be informed if it was intended to activate the license. David Dadds confirmed that he would write to the Landlord on this matter, regarding resolution. He confirmed to Councillor Wrouth that there was no intention to activate the license

6.11 The Chair referred to condition 16, stating that the doors at the premises should be kept closed at all times.

6.12 Councillor Peter Snell confirmed that local residents could make representation on this matter and seek a review of the premises license.

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 for a premises licence has been approved in accordance with the Council's Statement of Licensing Policy and paragraph 8.1 of the report, with the following amendments :-

- Opening hours of the premises

Sunday - Thursday 09:00 - 01:00
Friday - Saturday 09:00 - 03:30

- Condition 15 to be amended and read as follows:

“ Any amplified music shall be at a level such that it is not audible in nearby residents’ properties between 23:00 and 07:00”

Reasons for the decision

The application for the premises licence has been approved, as members of the Licensing sub-committee were satisfied that the licensing objectives would not be undermined within the Shoreditch Special Policy Area (Shoreditch SPA).

The sub-committee took into consideration that the Metropolitan Police Service had withdrawn their representations, and agreed with the applicant that the shadow licence applied for would be a duplicate premises licence. It was noted that there were no other representations made by the Responsible Authorities.

The sub-committee also took into consideration the representations made by a number of Other Persons (local residents), and heard their concerns about noise nuisance coming from the premises due to the doors being left open, and amplified music being played in addition to on-going anti-social behaviour issues, and the impact on local residents who lived close to the premises. This resulted in local residents being disturbed regularly late at night. The premises are located in the Shoreditch SPA and therefore it is subject to policy LP10.

The applicant’s legal representative made representations that the application was for a "shadow" premises licence on the same terms as existing premises. The proposed licensable activities, hours and conditions are identical to the existing premises licence. The applicant is the freehold owner of the premises. The application was made to ensure that there was a valid premises licence capable of being transferred to an incoming tenant. There is no intention to add licensable activities, extend hours or relax conditions which might add to the cumulative impact on the Shoreditch SPA. Submissions were made by the applicant’s legal representative that the applicant will not operate the licence because it is a duplicate licence. It was agreed that the applicant would inform the Licensing Authority if they intended to operate the licence.

The sub-committee took into consideration that the application would not result in additional licensed premises in the Shoreditch SPA.

The sub-committee decided to keep condition 20 on the premises licence, they amended condition 15 slightly and amended a typographical error on the Sunday opening hours. There were no other changes to the licence granted.

Having taken all of the above factors into consideration the sub-committee was satisfied that the licensing objectives would continue to be promoted within the Shoreditch SPA, by granting this application.

Planning and Public Informatives

1. The applicant and the operator are reminded of the need to operate the premises according to any current licensing conditions on the premises licence and planning permission relating to its use class, conditions and hours.
2. 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.
3. The Landowner is advised to notify the Licensing Authority if they intend to activate the shadow licence.
4. Local residents are advised that if they encounter further issues with the operation of the premises including noise nuisance they should inform the Licensing Authority who can investigate the issues and call for a review of the premises licence.

7. Temporary Events Notice

- 7.1 There were no temporary events notices.

End of Meeting

Duration of Meeting: 2pm - 3:00pm

Chairperson: Councillor Emma Plouviez

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