

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

TUESDAY, 14 SEPTEMBER 2021

THIS MEETING WAS LIVE STREAMED AND CAN BE VIEWED AT:

<https://youtu.be/L3srWyT7UVc>

**Councillors Present:** Cllr Penny Wrout (Chair) and  
Cllr Peter Snell

**Officers in Attendance:** Amanda Nauth - Licensing and Corporate Lawyer  
Subangini Sriramana - Acting Principal Licensing Officer  
Rabiya Khatun- Governance Services Officer

**Also in Attendance:** Mr Julian Overton - Applicant's Solicitor  
Mr Eric Wratten - Applicant  
Mr Ben Seigher  
  
PC Dave Atkins - Metropolitan Police Services  
Mr Bridge - Other Person

### 1. Election of Chair

1.1 Councillor Wrout was duly elected to Chair the meeting.

### 2. Apologies for Absence

2.1 There were no apologies for absence. Councillor David had not been listed for this meeting.

### 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 **RESOLVED:** That the minutes of the meeting held on 6 October 2020. were agreed as a true and accurate record of proceedings.

**6. Application for a Premises Licence: Cricket, Arches 369& 370 Helmsley Place E8 3SB**

6.1 Subangini Sriramana, Acting Principal Licensing Officer, advised that this item had been withdrawn from the agenda as the application had been approved under delegated authority.

**7. Application for a Premises Licence: Market House, 30-34 Broadway Market, E8 4QJ**

7.1 Subangini Sriramana, Acting Principal Licensing Officer introduced the report in respect of an application for a premises licence made by Market House for recorded music, late night refreshment and supply of alcohol. It was noted that Environmental Enforcement had withdrawn their representation following an agreement of conditions 21-26 with the applicant as set out in the additional document. Representation however remained from the Police and Other Persons.

7.2 The Sub Committee noted the additional information from the applicant and Other Person which had not been included in the agenda pack.

7.3 Mr Julian Overton, Solicitor for the applicant made submissions speaking in support of the application, highlighting the following:

- The applicant was a responsible person and following consultation with the responsible authorities and residents, the applicant had proposed additional conditions set out in the additional paper to allay fears and address their concerns;
- The applicant lived in the area and had a very long and close association with Broadway Market and its licensed premises, and had a good understanding of the issues and challenges affecting the market;
- The premises would be run responsibly and would enhance the market for the benefit of locals and visitors;
- The applicant was proposing to operate as a bar-restaurant with the emphasis on food and the supply of alcohol for consumption on the premises by waiter service only to patrons seated at tables;
- Vertical drinking would be restricted to a maximum of 20 persons at the bar on the ground floor and 20 persons at the bar in the basement;
- The premises would operate primarily as a restaurant, which would minimise crime and disorder and public nuisance;
- The premises was heavily regulated to ensure that it did not operate as bar;
- The applicant had surrendered the premises licence at 30-32 Broadway Market in 2019 before the site was redeveloped;
- The revised new hours for the supply of alcohol were Monday to Thursday 10.00 – 23.00, weekends 10.00 – 23.30 and Sunday 10.00 – 22.00 hours and late night refreshment from 23.00 – 00.00 hours. This would enable the venue to close significantly earlier than many licensed premises in the area and would assist with dispersal;

- The outside courtyard area at the rear of the premises would close at 22.00 hours in accordance with the Council's core hours for outside spaces to minimise public nuisance;
- With regard to the courtyard, the applicant had proposed the following additional conditions: 'no live music would be played in the courtyard'; 'any recorded music would be played at background levels only'; and 'The capacity of the courtyard to be limited to 30 persons (excluding staff) - seated only customers in the courtyard.'
- A telephone number for the manager would be displayed for local business and residents to report any issues;
- To produce a dispersal policy and two SIA door supervisors to assist with dispersal; and
- The premises would not add to any cumulative impact as the area was not saturated with licensed premises. The temporary restrictions imposed by the pandemic had exacerbated the street drinking and associated anti-social behaviour.

7.4 In response to questions relating to the application, Mr Overton clarified that the hours for the late night refreshment had been reduced to 23.00 – 23.30 hours Monday to Thursday and 23.00 – 00.00 hours Friday and Saturday. He confirmed that the applicant had applied for recorded music and that the applicant would produce a dispersal policy in consultation with the police and Licensing and drugs policy. The capacity in the courtyard was limited to 30 patrons seated and two SIA door supervisors would be on duty from 21.00 hours Fridays and Saturdays.

7.5 PC Atkins, Metropolitan Police Services representative, made submissions, as set out in appendix B1 and objected to the application on the grounds of the prevention of crime and disorder and the prevention of public nuisance. His primary concerns related to the persistent alcohol related issues experienced in the area and anti-social behaviour, which existed prior to the pandemic and further exacerbated by the restrictions. Another licensed premises with a capacity of 230 people would lead to an increase in crime and disorder and anti-social behaviour and a rise in alcohol consumption in the street. The applicant was given the option of having a seated waiter/waitress service to address their concerns.

7.6 In response to questions from the Members, PC Atkins indicated that residents had also expressed concerns regarding alcohol related crime, anti-social behaviour and nuisance in Broadway Market. The off-sales in sealed containers would still encourage more alcohol consumption on the street and in London Fields and an additional condition making the sale of alcohol ancillary to a substantial meal would address the concern regarding alcohol related crime.

7.7 The Sub-Committee noted the written representations from the Other Persons at appendices C2-C6 of the report.

7.8 Mr Bridge, Other Person (Appendix C1) made submissions in objection to the application, speaking also on behalf of The London Fields User Group and local residents. The following points were highlighted:

- The local residents living in the vicinity of Broadway Market experienced severe issues of anti-social behaviour and noise nuisance from the drinking culture in the area and the vehicles making deliveries from approximately 05.45 hours;
- The area was already saturated with licensed premises;
- The recorded music was causing a public nuisance;
- Residents suffered from high levels of noise disturbance for approximately three days in a week;
- An additional condition for the sale of alcohol with a substantial meal would address their concerns;
- It would be the largest premises in the area with a capacity of 230 persons and could contribute to the rise in drinking in the area;
- The hours of the recorded music should be reduced to 23.30 hours of Friday and Saturday;
- Expressed concern at the potential noise levels if there was seating at the front of the premises; and
- The drinking culture in the area had been exacerbated by the COVID-19 and patrons remained in the area having street parties until 02.00 hours, which was causing a public nuisance and impacting on residents' sleep.

7.9 The Sub-Committee requested clarity on the application and Mr Bridge and Mr Overton replied as follows:

- Mr Bridge indicated that the reduced hours did not allay his concerns and maintained his objection due to the additional 230 people that would be coming into the area to consume alcohol;
- Mr Overton confirmed that Health and Safety had set the capacity, and although the venue was large it was highly regulated to ensure that it did not operate as a vertical drinking establishment including a condition that alcohol would be served by waiter service to seated persons;
- Mr Wratten emphasised that the premises would operate primarily as a restaurant and that the licensee would not serve alcohol to intoxicated people; and
- Mr Wratten confirmed that Market House Limited was the freeholder and that he would be leasing the premises. Mr Overton added that the applicant was an experienced operator and owned the Head Lease. The Market Café at 2 Broadway Market, and would be seeking a good operator to run the premises if the licence was granted.

7.10 The Sub-Committee noted the scale of the premises and the potential impact on the area, the challenge of granting off sales with no operator and no track record to scrutinise and that any new operator may have a different vision from the applicant.

- 7.11 Mr Overton emphasised that a licence could be transferred for £23 and it would be unfair to penalise the applicant for a lack of an operator's track record. Amanda Nauth, Licensing and Corporate Lawyer, stated that the Police had to approve any licence transfer.
- 7.12 The Sub-Committee asked the applicant to consider the proposals to address the concerns expressed by the Police and Other Person.
- 7.13 At this juncture of the meeting, Mr Overton was granted an adjournment to enable him to discuss the proposals with the applicant. The meeting adjourned at 15.30 and reconvened at 15.40.
- 7.14 Mr Overton replied as follows:
- The times of deliveries could not be amended to 08.00 hours due to road access issues in particular, the timing of the bollards, however, he suggested deliveries could start from 07.00 hours;
  - The applicant agreed to the additional condition that alcohol would be served waiter/waitress service to seated persons and ancillary to a substantial meal;
  - 10 people would be permitted to drink in the bar on the ground floor and 10 people in the bar in the Basement;
  - The venue capacity had been set by Planning and Health & Safety, however the applicant was willing to reduce the capacity in the basement from 100 to 70 persons;
  - It was confirmed that there would be no tables and chairs in the outside area at the front of the premises to prevent public nuisance;
  - Five smoker would be permitted to smoke outside at any one time;
  - The applicant agreed to hold regular meetings with local residents to engage and discuss their concerns;
  - The applicant's contact details would be made available to residents;
  - The opening hours from 07.30 hours would remain unchanged as the business was catering for the breakfast trade; and
  - The applicant agreed for recorded music to cease at 23.30 hours;
- 7.15 Mr Bridge emphasised that the structure of the road was unsuitable for large vehicles.
- 7.16 Mr Overton confirmed that the applicant had agreed for the removal of non standards hours following the amended licensable hours.
- 7.17 PC Atkins withdrew his representation based on the acceptance of the additional condition that alcohol be sold to ancillary to a substantial meal.
- 7.18 In his closing statement, Mr Bridge expressed concern regarding the size and impact of the venue in the area and the current and further challenges for local residents.

7.19 Mr Overton summarised that the applicant had robust conditions in place and had agreed further conditions to minimise public nuisance and crime and disorder.

**RESOLVED:**

**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; and
- 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 the proposed conditions set out in paragraph 8.1 of the report, with the following amendments:

The opening hours and the hours for licensable activity are:

Opening Hours:

Monday to Thursday	07:30 – 23:30 hours
Friday to Saturday	07:30 - 00:00 hours
Sunday	07:30 - 22:30 hours

Supply of Alcohol (on and off the premises):

Monday to Thursday	10:00 – 23:00 hours
Friday to Saturday	10:00 - 23:30 hours
Sunday	10:00 - 22:00 hours

Late Night Refreshment:

Monday to Thursday	23:00 – 23:30 hours
Friday to Saturday	23:00 - 00:00 hours

- Remove non-standard hours from the application.
- Recorded music is removed from the application.

And the following additional conditions

- No deliveries are permitted to the premises before 07:00 each day.
- A minimum of 2 SIA accredited security guards are to be employed from 21:00 on Friday and Saturday nights
- The number of customers permitted at each bar area on the premises shall not exceed 10 persons on the ground floor and 10 persons in the basement.
- The maximum number of persons allowed on the premises at any one time shall not exceed 200 persons limited to the following:

i) First Floor	100 persons
ii) Basement	70 persons
iii) Courtyard	30 persons
- The maximum number of persons allowed in the courtyard is limited to 30 seated persons at any one time (excluding staff).
- There shall be no more than 5 smokers outside at any one time.
- The outside courtyard area shall close at 22:00 every day, and after which the tables and chairs shall be rendered unusable.
- No live music is to be played in the outside courtyard.
- Recorded music to be played at background level only.
- A Dispersal Policy shall be submitted to and deemed acceptable by the Licensing Authority and the police.
- The premises shall have a written dispersal policy that ensures all patrons exiting the venue are encouraged to leave the area. This policy shall be made available to the Licensing Authority and the police on request
- A Drugs Policy shall be submitted to and deemed acceptable by the Police.
- There shall be no open containers taken off the premises.
- Alcohol shall not be sold, supplied or consumed, on the premises other than to persons taking a substantial meal from the menu, or those waiting to be seated for that purpose on the premises. The supply of alcohol shall be by waiter/waitress service only. All off sales of alcohol shall be in sealed bottles or containers and wrapped to take away from the premises.
- A telephone number and email address for the manager of the premises shall be publicly available and on display at all times the

premises is open. The telephone number will be made available to neighbouring businesses and residents.

- The licence holder to hold and publicise liaison meetings with local residents when requested, with a minimum of 1 meeting per annum, to address any concerns or complaints about the premises from local residents to prevent public nuisance.

### **Reasons for the decision**

The application has been approved, with the above amendments, because the Licensing sub-committee was satisfied that the licensing objectives would not be undermined by granting the licence.

The sub-committee took into consideration that Environmental Enforcement had withdrawn their representations and agreed conditions with the applicant in advance of the hearing. In determining the conditions to attach to the license, the sub-committee took into consideration objections presented by the Metropolitan Police Service and 6 other written submissions, (from individual local people and residents' groups) to the application.

The sub-committee heard submissions from the applicant and their representative that the majority of their customers will be seated at the bar/restaurant and they intend it to be more of a bar/restaurant than a bar. The applicant's representative contended that the premises was not alcohol led.

The sub-committee took into consideration representations made by the Other Persons (local resident), who attended the hearing on behalf of residents of London Fields. He made representations about the ongoing anti-social behaviour local residents who live in close proximity to the premises have had to suffer because the area is saturated with drinking and eating establishments, and there is an alcohol-based culture. The local resident contended that there had been a huge increase in late night drinking and eating in the London Fields area and the local residents suffered noise and disruption, both late at night and early in the morning when clear up and deliveries take place. The local resident maintained his objections, however, if the licence was to be granted, he proposed conditions be included on the licence.

The sub-committee took into account that the local residents experience regular disturbances from late night taxi, early morning deliveries, and refuse collections being made daily at unsociable hours in the market area.

The sub-committee took into consideration the applicant's representations, their written amended application following consultation with local residents and the responsible authorities, and a series of conditions the applicant agreed to after hearing from the local resident during the hearing.

The sub-committee noted that the applicant is seeking a licence as the landlord and owner of the premises, who will be seeking a tenant to run the business and operate under the terms of the license. The applicant has previous experience of running a



food led premises at the same site before it was renovated and showed an understanding of the nature and the issues of the locality in which the premises are located. The applicant made clear they are prepared to listen to and work with the local residents to resolve any issues.

The sub-committee took into consideration the impact that late night premises were having on the local residents in the area, however, the sub-committee felt that the reduced hours and the additional conditions would mitigate negative impact in the area.

The sub-committee felt the concerns of the local residents were addressed by the conditions agreed with the applicant before and during the hearing. The sub-committee also noted that after hearing from the applicant the Metropolitan Police Service withdrew their objection as a result of the applicant agreeing to have a restaurant condition that alcohol is served with food.

Having taken all of the above factors into consideration, the Licensing Sub-Committee was satisfied, when granting the application, that the licensing objectives would be promoted.

## **8. Temporary Event Notices**

8.1 The following TENs were withdrawn before the meeting:

- TENs - Basement, 8 Stoke Newington Road
- TENs - Colours Hoxton, 2-4 Hoxton Square
- TENs - Hackney Marshes, Homerton Road (2 TENs)
- TENs - The Factory, 21-31 Shacklewell Lane

## **End of Meeting**

**Duration of Meeting:** 14.00 - 16.20

Chairperson: Cllr Wrout

Contact:  
Rabiya Khatun  
Governance Services Officer  
0208 356 6279  
rabiya.khatun@hackney.gov.uk