

**APPLICATION TO VARY A PREMISES LICENCE - THE ROLLING STOCK,
46 - 48 KINGSLAND ROAD, E8 1NH – APPROVAL**

The decision of 8th July 2021

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 a premises licence has been approved in accordance with the Council's licensing statement and the additional conditions as set out in paragraph 8.1 of the report, with the following amendments:

- Condition 30 shall be amended and read as follows:

“The outside Courtyard shall not be used outside the times of 11:00 to 21:00 Monday to Wednesday, 11:00 to 22:00 Thursday, Friday and Saturday and 11:00 to 21:00 on Sunday. Serving of alcohol will cease at half an hour before all closing times respectively, in order to safely allow half an hour of drinking up time”.

- Condition 31 shall be amended and read as follows:

“All customers using the Courtyard shall be able to enter and exit via the Gate on Cotton's Gardens. This gate shall be kept locked and will only be open during opening hours to facilitate the safe entrance and exit of Courtyard customers and for the exit safety”.

- The Licence holder shall submit a new site plan to the Licensing Authority to show the outside and inside areas to be licensed.

And the following additional conditions:

- When the Courtyard is in use, two SIA registered door supervisors will be on duty specifically in the Courtyard area from 17:00 to 22:30 on Thursday, Friday and Saturday evenings.
- There shall be no glasses in use in the Courtyard area, only appropriate plastic containers are to be used.
- There shall be no drinks, bottles or containers taken outside the premises, or brought into the premises.
- There shall be no sound system, or music, and no regulated entertainment in the outside Courtyard.

Reasons for the decision

The application to vary a premises licence has been approved, with the above conditions, as the Licensing sub-committee was satisfied that the licensing objectives would not be undermined.

The sub-committee took into consideration that the Metropolitan Police Service had withdrawn their objection before the hearing following a visit to the premises in relation to the outside space and observed the premises operate under Temporary Event Notices. The Metropolitan Police Service stated that they were satisfied that this variation application will not undermine the licensing objectives. It was also noted that Environmental Protection had withdrawn their objection before the hearing after agreeing a condition with the applicant.

The sub-committee took into consideration that the Licensing Authority and four Other Persons (local residents) maintained their objections on the grounds of crime and disorder, public nuisance and public safety. It was also noted that there were four representations received in support of the application.

The sub-committee took into consideration the four representations made against the application by the Other Persons that they had concerns about the negative impact on the local residents living close to the premises and on Cotton's Gardens. The issues raised by the Other Persons were: large numbers of people congregating on the street on Cotton's Gardens outside the premises, a great deal of noise when the Courtyard and gardens is in use, litter, anti-social behaviour on the street, and potential violence.

The sub-committee took into consideration the representations made by the Licensing Authority that the application would have a negative impact on the area in particular the prevention of public nuisance given the nature of the surrounding area. In addition the entrance to the garden area is directly opposite residential properties located in Cottons Gardens. The sub-committee heard that the Licensing Authority had received complaints as a result of customers using the gate in Cottons Gardens for access and egress. The Licensing Authority also made submissions that the planning permission for the site may also restrict access and hours of use of the garden which needed to be confirmed with the Council's Planning Department.

After hearing from the applicant's representative, the Licensing Authority, and the Other Persons the sub-committee took into consideration that the variation application related only to the use of the outside Courtyard area, and modest extended hours were sought until 21:00 Sunday to Wednesday, and until 22:00, Thursday to Saturday. It was noted that all other timings and conditions relating to the main indoor area of the premises would remain unchanged. The sub-committee took into consideration that the premises are located just outside the Shoreditch Special Policy Area.

The sub-committee was satisfied with the above conditions, which would mitigate any negative impact that granting the variation would have on the residential area.

When making their decision the sub-committee took into consideration the access to and from the premises, the use of the gate by customers, and that SIA registered door supervisors will be on duty specifically in the Courtyard area from 17:00 to 22:30 on Thursday, Friday and Saturday evenings.

The sub-committee heard that the Licence holder did not allow unrestricted access through the gate and egress. The sub-committee felt that the video evidence submitted in support of this application demonstrated that the premises were well run and that the premises were run responsibly.

Having taken all of the above factors into consideration, the Licensing sub-committee was satisfied, when granting this application to vary the premises licence, that the licensing objectives would continue to be promoted.

Planning Informative

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.