

DRAFT MINUTES OF THE MEETING OF LICENSING SUB COMMITTEE D

THURSDAY 8TH JULY 2021 AT 2PM

THIS MEETING WAS LIVE STREAMED AND CAN BE VIEWED AT:

<https://youtu.be/jpgkzSQk55o>

- Councillors Present:** Cllr Emma Plouviez (Chair)
Cllr Brian Bell, Cllr Susan Fagana-Thomas,
- Officers in Attendance:** Peter Gray - Governance Services Office
Amanda Nauth - Licensing and Corporate Lawyer
Suba Sriramana - Acting Principal Licensing Officer
- Also in Attendance:** The Three Compases, 99 Dalston Lane
Lauren Jones, Applicant
PC Atkins, Metropolitan Police
Julian Izzo, Other Person
Rolling Rock, 46-48 Kingsland Road
Shaun Murlett, Consultant for the applicant
Byron Evans, Applicant
Bahzad Ali, In Support
Marija Bozinovska Jones, Other Person
William Fairman, Other Person
Lexi Mills, In Support
David Tuitt, Licensing Authority

1. Election of Chair

- 1.1 Councillor Brian Bell was duly elected to Chair the meeting.

NOTED

2. Apologies for Absence

- 2.1 There were no apologies for absence.

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. Application to Vary a Premises License; The Three Compasses, 99 Dalston Lane, E8 1NH

6.1 Subangina Sriramana introduced the application to vary a premise license as follows:

- To allow the exhibition of films on Sundays
- To extend supply of alcohol for consumption on the premises on sundays
- To remove condition 21 which states: "The outside space and seating area at the front of the premises shall not be used after 22:00 hrs

6.2 The Sub Committee noted the additional information which had not been included in the agenda pack.

6.3 Lauren Jones, applicant made submissions speaking in support of the application, highlighting the following:

- This was a small bar with 8 tablets and fixed seating and no standing space.
- In light of Covid-19 and the restrictions placed on the business, as well as the positive health implications of being seated outside, management wished to have the option of letting customers drink outside until 23:00.
- Since the start of Pandemic customers now liked to sit in the garden.
- The venue wished to start hosting an independent film night on Sundays, benefiting the local community, with an application to have slightly later closing times on a Sunday: to stop trading at 23:30 as opposed to 22:30.
- There would not be a negative effect on any interested parties, and would make opening viable under such restrictive circumstances.
- Efforts would be made to ensure that customers are quiet and respectful of neighbours at all times.
- A security guard would be present at the venue with CCTV in place.
- The venue had a good relationship with local residents.
- A number of activities were carried out at the venue, including pub quizzes.
- The award winning bar was a focal point of the community.
- The bar did not attract a boisterous crowd.

- The main concern to residents was the proposed removal of condition 21 with concerns about the impact on residents.

5.4 PC Atkins, Metropolitan Police, submitted that the bar was situated in a residential area and that there were concerns that the extension of hours for the external area would have an impact on the local residents due to noise levels and public nuisance. The Police believed that without sufficient measures in place the proposals would undermine the licensing objectives, namely public nuisance. The Police had met with the premises owners suggesting a closing time of 10:30 pm

5.4 The Sub Committee also heard from Julian Izzo, other person, speaking against the application, highlighting the following:

- Concerns that the roof would lead to the projection of noise sideways.
- That the conditions in the documentation were different to those previously agreed.
- That residents did not wish to be involved in the management of a licensed premises.
- Noise levels late at night e.g. taxi doors slamming do have an impact on the local residents, and that commercial considerations were not relevant to Council's Licensing Policy.
- The burden of proof was on the applicant to prove their case, and that the applicant had not proved her case.

5.5 Lauren Jones told the Sub-Committee that during the long years of operation the Premises had not received any complaints and that if the new times led to complaints the license would be reconsidered with consideration given to a reversion to the original license. She confirmed that the gap in the roof prevented noise reverberation. Further, the security guard helped with dispersal from the premises, and assisted customers with taxis or finding transport when they left the premises.

5.6 Councillor Bell stressed that the reference to minors in the conditions should be removed. Further, there was already a dispersal policy in place and that this would need amendment. The Chair told the Sub-Committee that the times in condition 21 should be amended to 23:00 hours. Councillor Fagana-Thomas asked why the hours during the week could not remain as at present and why the supply of alcohol at the premises was to later hours. The applicant stressed that they were content with the current hours during the week and that there would be Q&A sessions after the films ended and confirmed that these sessions would take place inside the premises. The hours for the supply of alcohol were required to ensure that the premises ran as a viable business.

5.7 Councillor Bell stressed that the applicant would need to provide the Sub-Committee with exceptional grounds for the granting of hours past core hours. The applicant submitted that during Covid-19 patrons felt safer outside the premises. In the summertime and during Covid 19 patrons wished to drink outside and that other premises in the area allowed drinking until 11:00pm. Lauren Jones confirmed to the Sub-Committee that drinking up time at the premises was 20 minutes and agreed last orders being 11:10 on Sundays. In relation to the hours on new years

eve Lauren agreed to consider a temporary events notice and carry out a risk assessment.

5.8 The Chair made the suggestion that the license be time limited. Amanda Nauth confirmed that the applicant would have to agree to such a time limited license.

6. Application to vary a Premises Licence: 46- 48 Kingsland Road/ 431 - 434 Kingsland Viaduct and: 1-3 Cottons Garden, E2 8da

6.1 Subangini Sriramana, Acting Principal Licensing Officer introduced the report in respect of an application to vary a premises licence as follows:

- To allow unrestricted use of the gate from the side road, Cotton's Gardens into the Courtyard, for safe entry and exit by Courtyard customers only.
- To authorise the supply of alcohol for consumption on the premises for the outside Courtyard area.
- Conditions 30 and 31 to be removed as follows:

Conditions 30: 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 drinking up time

Condition 31: All customers using the Courtyard shall be able to enter and exit via the gate on Cotton's Gardens. This gate shall be kept open during opening hours to facilitate the safe entrance and exit of Courtyard and customers only, for fire exit safety.

6.2 Shaun Murkett, Consultant, made submissions in support of the application, highlighting the following:

- The variation to the application related only to the use of the outside Courtyard area, and extended hours were sought until 21:00, Sunday to Wednesday, and until 22:00, Thursday to Saturday. It was considered that the hours were not excessive.
- The premises had been run successfully and safely, for over eight years, by Byron Evans.
- This system of using the gate had been successfully in operation for many months without any issue, although this permission was due to expire soon. This variation sought to make this system a permanent operation.
- The variation to the license would not undermine the licensing objectives.
- The Metropolitan Police Service had withdrawn their objection before the hearing following a visit to the premises in relation to the outside space stating that they were satisfied that this variation application would not undermine the licensing objectives.
- Measures had been taken in relation to concerns around reverberation of sound with acoustic treatment carried out.
- Many letters of support had been received.

- There would be no significant impact arising from the application, in particular with the conditions outlined.

6.3 Mr David Tuitt, Licensing Authority representative made submissions, as set out in the appendix to the report and objected to the application, highlighting the following:

- That the application would have a negative impact on the area, particularly in relation to public nuisance given the nature of the surrounding area.
- The entrance to the garden area was directly opposite residential properties located in Cottons Gardens.
- Complaints had been received as a result of customers using the gate in Cottons Gardens for access and egress.
- 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.

6.4 Lexi Mills made submissions in support of the application highlighting the following:

- That she felt safer since the venue opened.
- Prior to the opening young people drove down the street playing loud music and loitering.
- As security guards were now present, this situation no longer occurs.

6.5 Bazhad Ali made submissions in support of the application, highlighting the following:

- That he had not experienced issues with noise in the area.
- That security guards were present in the area, making the area safer.
- That efforts were being made to find a solution to the issues arising.

6.6 William Fairman, Other Person, made submissions in objection to the application, highlighting the following:

- The change of use to the gate had brought a considerable amount of human traffic into the street, causing noise, obstruction and unwanted activity.
- Given the nature of buildings in the area, noise echoed around the vicinity.
- The noise pollution from the venue had caused disruption to the family's life.
- A general disregard for residents by the premises
- Audio and visual evidence existed in relation to the current issues in the area.

6.7 Marija Bozinovska Jones, Other Person, made submission against the application, highlighting the following:

- That use of the gate in Cotton Gardens was disruptive to residents.
- Large numbers of people congregate outside the venue.
- Urination on streets and doorsteps.
- Incidents of violence,

- Concerns that there were two entrances to the premises.

6.8 The Chair asked why there was queuing at the premises and if there had been a recent improvement from the premises. Byron Evans confirmed that queuing now took place on the premises and centred around the operation of the QR code for Covid-19 app. There were groups of 6 at tables with no more than 20 people in the garden. William Fairman and Marija Bozinovska Jones told the Sub-Committee that there had not been any improvements in dispersal from the premises, although it was less busy at present.

6.9 The Chair referred to the fact that permission to use the side entrance ran until September 2021 and whether it would be possible to revert to one entrance only with any return to normal. Byron Evans told the Sub-Committee that the current arrangement had assisted with improving the viability of the business and that the use of the gate had increased footfall. Byron Evans told the Sub-Committee that CCTV was in place at the premises with 3 security guards and 2 managers present.

6.10 Shaun Murkett asked if there were any formal complaints about noise levels received by the Council. He stated that there had not been substantial evidence of any public disorder. He said that the garden was a distance of 4 metres from the Kingsland High Road. Egress would be through the premises itself

6.11 David Tuitt confirmed that condition 30 referred to the hours of use in the outside courtyard. He confirmed the arrangements at the premises in relation to the QR code for the Covid-19 app. He further confirmed that the Licensing Authority had received more than one complaint but he would have to check exact numbers.

6.12 In his closing statement, Shaun Murkett submitted that a balance should be struck between the objections and the support for the application and referred to low numbers of formal complaints. He submitted that there was insubstantial evidence of any public disorder. He submitted that there was good support for the premises. Egress would be through the premises itself

6.13 David Tuitt made no closing submissions.

6.14 William Fairman submitted in closing that audio and visual evidence existed in relation to the issues in the area.

7. Temporary Event Notices

7.1 There were no Temporary Event Notices.

End of Meeting.

Duration of Meeting: 2-5pm

Chairperson: Councillor Emma Plouviez

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