

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 Emma Plouviez 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.

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;
- The protection of children from harm;

The application to vary a premises licence has been approved in accordance with the Council's licensing statement as set out in the report, with the following amendments:

- The hours for licensable activities on the premises, shall be, as agreed:

Opening Hours:

Sunday 10:00 - 23:30 hours

Supply of Alcohol (on the premises):

Sunday 12:00 - 23:10 hours

Films:

Sunday 20:00 - 22:00 hours

- Condition 15 shall be amended and read as follows:

“There shall be a written dispersal policy a copy of which shall be kept on the premises and made available to the police or other authorised officer upon request”.

- Condition 21 shall be amended and read as follows:

“ The outside space and seating area at the front of the premises shall not be used after 23:00 hours”.

- Remove non-standard hours from the premises license.

And the following additional conditions:

- Door staff shall be employed to monitor the outside seating area ensuring that:
 - a) Noise levels are kept to a minimum
 - b) Drugs or weapons are seized
 - c) Patrons disperse from the area quickly and quietly
- A complaints phone line will be available to residents, the number made available by emailing a dedicated email address ensuring that any anti-social behaviour is addressed immediately.

Reasons for the decision

The application to vary the premises licence relating to the seated external area has been approved, with the above conditions, as the Licensing sub-committee was satisfied that the licensing objectives would not be undermined in the Dalston Special Policy Area (Dalston SPA).

The sub-committee took into consideration that the Metropolitan Police Service and one representation from Other Persons on behalf of the local residents both maintained their objections on the grounds of crime and disorder, public nuisance and public safety. It was noted there were no other representations received from the Responsible Authorities.

The sub-committee took into consideration the representations made by the Metropolitan Police Service that they had concerns about the additional hours for the external area contrary to Policy LP6, and the negative impact it would have on the residential area due to potential noise levels, and the premises is situated on a busy street. After hearing from the applicant the Metropolitan Police Service maintained their objection to the application.

The sub-committee took into consideration the representations made by the Other Person that 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 the Council's Licensing Policy. The Other Person contended that the burden of proof was on the applicant to prove their case, and they did not feel that the applicant proved their case. After hearing from the applicant the Other Person maintained their objection to the application.

The sub-committee heard from the applicant that they had been running the premises for the last ten years without incident or complaints from local residents, and they had a good relationship with the local community. The applicant made submissions that the external seating area has eight tables in a covered area with a roof. The sub-committee heard that the applicant always has security monitoring the outside area to prevent noise nuisance and anti-social behaviour, and they have CCTV in place to monitor the premises. The sub-committee heard that the SIA security helps with dispersal from the premises, and assists customers with taxis or finding transport when they leave the premises.

After hearing from the applicant, the Metropolitan Police Service, and the Other Persons the sub-committee felt that there was not sufficient evidence presented to them to show that the premises were causing problems with noise nuisance, and undermining the licensing objectives.

The sub-committee were convinced by the control measures that the applicant had put in place for the external area to help operate the external area responsibly. The sub-committee took into consideration that a roof had been installed in the external area which would help reduce the impact of noise on the residential area. The sub-committee noted it was a small seated external area. The sub-committee took into consideration that the applicant employed SIA security to ensure the neighbours are not disturbed by activities and dispersal from the premises.

The sub-committee was satisfied that an extra hour until 23:00 on Sundays would limit any negative impact that granting the variation to the licence would have on the area.

The sub-committee considered the conditions proposed by the Other Person, however, it was noted that there were conditions already in place that covered the same concerns.

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 in the Dalston SPA.

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.

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;
- 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.

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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