

LSC - 02.11.21 – The Doner Store, 468 Kingsland Road

DRAFT MINUTES OF THE MEETING OF LICENSING SUB COMMITTEE E

TUESDAY 2 NOVEMBER 2021

THIS MEETING WAS LIVE STREAMED AND CAN BE VIEWED AT:

<https://youtu.be/NI-tUsu8c6U>

Councillors Present: Cllr Peter Snell (Chair) and Cllr Gilbert Smyth

Officers in Attendance: Jessica Feeney - Governance Services Officer
Amanda Nauth - Licensing and Corporate Lawyer
Channing Riviere - Licensing Officer
Suba Sriramana - Acting Principal Licensing Officer

Also in Attendance: Koray Ozer - Applicant

1. Election of Chair

Councillor Snell was duly elected to Chair the meeting.

2. Apologies for Absence

There were no apologies for absence.

3. Declarations of Interest

There were no declarations of interest.

4. Minutes of the Previous Meeting

There were no minutes of the previous meeting.

5. Licensing Sub Committee Hearing Procedure

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

6. Application for a New Premises Licence - The Doner Store, 468 Kingsland Road, London, E8 4AE

6.1 Subangini Sriramana, Acting Principal Licensing Officer introduced the report in respect of an application for a premises licence made by Kebab Store Enterpriser Ltd. The application requested a license for late night refreshments and to authorise the sale of alcohol for consumption off the premises. It was noted that the Police Representation had been withdrawn on the basis of the agreed conditions as set out in para 8.1 and the amendment of the hours as set out in the application. Representations remained from the Licensing Authority and Other Persons.

6.2 The sub-committee noted that there was no additional information.

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

- The premises was a takeaway business with licenced outside seating until 10pm.
- The applicant had liaised with the police and agreed to reduce hours in line core hours.
- The representations were mainly concerned about the premises opening later than other premises within the area. With the hours now agreed the Kebab Store would now shut at the same time as its neighbours.
- Two late events approved through Temporary Event Notices (TEN) had previously been held without causing complaints.

6.4 Mr Channing Riviere, Licensing Authority representative, made submissions, as set out in appendix B and objected to the application on the grounds of the prevention of public nuisance and the application being located within the Special Policy Area. His primary concern related to the fact that the premises was located within the Dalston special policy area and the hours sought were in excess of the Core Hours Policy set out within LP3 of the council's licensing policy. However, the Licensing Authority felt that since the amended hours were agreed with the Police, the previous concerns regarding the hours being outside of the SPA core hours had been addressed. The committee discussed the non standard hours within the application for New Years Eve. The applicant was asked whether a TEN could be submitted for this each year as was normal practise with other licenses in Hackney, and the applicant agreed to this.

6.5 The Legal representative asked for clarification as to what time the licensable hours would begin as the applicant was referring to 11am in his statements, but the agreed hours with the Police were 12pm. The applicant explained that he misunderstood, but was happy to start licensable activities at 12pm.

6.6 In the absence of the Other Persons the sub-committee considered the representations made at appendix C1-C5. The representations were received on the grounds of the prevention of crime and disorder, public safety, prevention of public nuisance and the protection of children from harm.

6.8 The Sub Committee requested clarity on the following points:

- The Chair asked the Licensing Representative if he was happy with the shortened condition number 7 recommended by the Police, It was confirmed that the condition was satisfactory.
- The Chair drew attention to the Other Person's representation which detailed concerns regarding delivery drivers coming to and from the premises. The Licensing Representative suggested that a public informative was put in place if the application was approved to ask the applicant to instruct delivery drivers to turn their engines off when waiting for deliveries.
- Councillor Smyth asked the applicant if he had considered electric vehicles for his delivery drivers. The applicant explained that he was only working with companies such as Deliveroo, but in the future he would be open to this.
- The Chair questioned the capacity of the premises, the applicant explained that the inside capacity of the premises was 6 persons at any one time, with a maximum of 6-8 people outside on the tables and chairs.

6.10 In his closing statement, the applicant sought to alleviate all concerns raised by highlighting the amendments made to the application and reiterating the measures that would be put in place to avoid any public nuisance and urged the Sub Committee to approve the amended application.

6.11 During closing statements, the Licensing Authority was satisfied with the application and felt that it did not pose a risk to the licensing objectives. The representations from the Other Persons remained.

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:

- Remove non-standard hours from the application.
- Remove New Years Eve hours from the application.

And Additional conditions:

- The use of the external area shall cease by 22:00 hours when all street furniture such as tables and chairs shall be rendered unusable, and shall be removed.
- The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of a Metropolitan Police Crime. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Recordings shall be made available immediately upon the request of Police or authorized officer throughout the preceding 31 day period. The CCTV system should be updated and maintained according to police recommendations.
- A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open to the public. This staff member must be able to show a Police or authorized council officer recent data or footage with the absolute minimum of delay when requested.
- Customers will be encouraged to leave premises quietly and promptly. The Premises Licence Holder shall display A4 size notices on entry / exit point, with clear wording no smaller than size 50 font stating "Please respect our neighbours and leave the area quietly."
- An incident log shall be kept at the premises, and made available on request to an authorised officer of the council or the police, which will record the following:
 - a. All crimes reported.
 - b. All ejections of patrons
 - c. Any complaints received.
 - d. Any incidents of disorder.
 - e. Seizure of drugs or offensive weapons.
 - f. Any faults in the CCTV system.
 - g. Any refusal of the sale of alcohol.
 - h. Any visit by a relevant authority or emergency service.
- All instances of crime and disorder witnessed or reported to staff to be reported by the Designated Premises Supervisor or responsible member of staff to police.
- All staff shall receive training on the legislation relating to the sales of alcohol to underage persons and drunken persons and shall have refresher training every 6 months. There shall be written records of such training which will be

kept on the premises and produced to a police officer or other authorised officer upon request.

- All off sales of alcohol shall be ancillary to a take away meal and in sealed containers for consumption away from the premises.
- The premises shall at all times operate a Challenge 25 policy to prevent any customers who attempt to purchase alcohol and who appear to the staff member to be under the age of 25 years without having first provided identification. Only a valid British driver's licence showing a photograph of the person, a valid passport or proof of age card showing the 'Pass' hologram are to be accepted as identification. Military ID Cards can also be accepted. Notices and/or posters advertising the Challenge 25 policy shall be placed in prominent positions at the premises.
- No alcohol to be situated in the public area. The location of the alcohol is to be sited out of sight of members of the public.
- The licence holder shall maintain a dedicated telephone number of the Designated Premises Supervisor for use by a responsible authority or any person who may wish to make a complaint. This contact number shall be provided to the Licensing authority police and any local authority upon request.
- Deliveries will not be made to public places such as parks, roadsides or landmarks. Deliveries can only be made to a home or business address given at the time of the order.
- Super Strength lagers, beers and/or ciders with an ABV of 5.5% or higher, shall not be sold at the premises.

Reasons for the decision

The amended application for a premises licence for Late Night Refreshment, and the supply of alcohol for consumption off the premises has been approved, because members of the Licensing sub-committee were satisfied that the licensing objectives would not be undermined within the Dalston Special Policy Area (Dalston SPA).

The sub-committee took into account that the Metropolitan Police Service agreed to conditions and reduced hours with the applicant, and subsequently withdrew their objections in advance of the hearing.

The sub-committee also considered the representations received by Other Persons (local residents) opposing the application and the concerns raised.

The sub-committee took into consideration the representations made by the Licensing Authority, and their concerns about the impact on the Dalston SPA which

suffered from public nuisance and the cumulative impact in the area. The sub-committee also took into consideration that the premises is located in the Dalston SPA and therefore it is subject to policy LP10.

The sub-committee heard submissions from the Licensing Authority that the reduced hours alleviate their concerns, and that most of their concerns were resolved so agreed with the Metropolitan Police Service.

The sub-committee after hearing from the applicant, the Licensing Authority, and considering the representations from the Other Persons were satisfied that the premises would not add to the cumulative impact in the area. In addition they felt it would not threaten the licensing objectives in the Dalston SPA. The sub-committee noted that two Temporary Events were carried out successfully at the premises without complaints.

The sub-committee took into account that the application was modified with reduced hours to ensure that food and alcohol were not sold after 23:00 when the problems in the area start which is a concern to Other Persons. They felt the reduced hours would help overcome any negative impact on the Dalston SPA.

The sub-committee took into consideration the nature of the business, and that it is a modest size premises. They noted that the applicant agreed to reduced alcohol hours that were better than the core hours set out in Policy LP3 which seemed to address the concerns raised. The sub-committee felt that the applicant was an established and responsible operator that needed to establish a track record in the area. The sub-committee also noted it was a food led premises and that the alcohol will be served ancillary to a take away meal.

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

Public Informative

1. The Licence holder to manage delivery services in such a way to minimise pollution and other public nuisance.
2. The Licence holder is encouraged to engage in meaningful dialogue with the local residents to resolve any issues relating to the premises, and for the Licence holder to play their part in reducing any impacts of noise emanating from the premises, particularly during the evening and late at night.
3. The Licence holder is strongly encouraged to use sustainable cutlery, plates, cups, food containers, and recyclable disposable materials to avoid using single-use disposable items to protect the local area, to prevent litter, and to protect the environment.

7. Temporary Event Notices

There were no Temporary Event Notices.

End of Meeting

Duration of Meeting: 14:00 - 14:35

Chairperson: Cllr Snell

Contact: Jessica Feeney

jessica.feeney@hackney.gov.uk