

MINUTES OF A MEETING OF THE LICENSING SUB COMMITTEE D

17TH DECEMBER 2020 (2PM)

Councillors Present: Councillor Plouviez (In the Chair)
Councillor Brian Bell

Officers in Attendance: David Tuitt (Licensing, Team Leader) Amanda Nauth (Lawyer), Peter Gray (Governance Officer)

Also in Attendance: **TEN - 101 Great Eastern Street**
Priya Patel (Solicitor)
TEN - 25 Dalston Lane
Yilmaz Yavuz (Premises User)
Police
PC Hunwick

1. Election of Chair

1.1 Councillor Plouviez was appointed as Chair.

2. Apologies for Absence

2.1 There were no apologies for absence

3. Declarations of Interest - Members to declare as appropriate

3.1 There were no declarations of interest

4. Licensing Sub-Committee TENs Procedure

The Chair announced the procedure to be followed at the hearing.

5. Temporary Events Notice - 101 Great Eastern Street

5.1 David Tuitt (Licensing, Team Leader) introduced the Temporary Event Notice for an event for the period 26 December 2020 from 08:00 to 1 January 2021 at 4:00pm, at a premises at 101 Great Eastern Street.

5.2 PC Hunwick submitted concerns as follows:

- bars and clubs were permitted to sell and supply off sales in accordance with the Covid-19 regulations. Since these came into force, there had been an increase in street drinking in some areas with anti-social behaviour, including noise nuisance, street urination and groups congregating.

- that the TEN would lead to an increase in this street drinking, anti-social behaviour, street urination
- that there was a pedestrian area outside the premises
- concerns about groups congregating during the current Pandemic

5.3 Councillor Bell asked if the area was popular for street drinking and it was confirmed that it was.

5.4 Ms Patel (Solicitor) submitted:

- that increased security would be provided and that there would be three members of staff at the premises.
- that objections to the TEN were speculative
- that the premises was not in the heart of the SPA
- that there had been no evidence of previous incidents at the premises
- there had been a variation of the license a year previously with no incidents arising
- that the premises also had a grocery and sold food
- the business was struggling and the owner wished to recoup losses
- there were no clubs in the area
- if the period proposed was considered too long, a shorter period of time of 3-4 would be acceptable

5.5 Councillor Plouviez asked if the triangle at Leonard Street where people drink was visible and it was confirmed that it was not.

5.6 Councillor Bell asked what dates were proposed for any shorter period and asked who the premises' target users were. The Solicitor confirmed that these dates would be 26-30 December. She confirmed that the premises catered for residents in the area. Councillor Bell asked if the extension of hours would exacerbate existing problems. PC Hunswick confirmed that there would be offsales and an increase in congregation and street drinking. Increased security would be in a position to enforce in the shop but not in the environs of the shop.

5.7 There were no closing submissions.

The decision

The Licensing sub-committee in considering 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;

and in particular upon consideration of an 'objection notice' given by the Metropolitan Police, is satisfied that the event would undermine the licensing objectives. Therefore, the Licensing sub-committee have decided to issue a counter notice.

Reasons for the decision

After hearing from both the Metropolitan Police, and the licensee, the Licensing sub-committee were satisfied that allowing the premises to be used in accordance with the notice would undermine the licensing objectives, and they decided to issue a counter notice. It was noted that these premises are situated in the Shoreditch Special Policy Area (Shoreditch SPA).

The sub-committee took into consideration the objection from the Metropolitan Police objecting to the Temporary Event Notice being granted at this premises for the period from 26th December 2020 to 1st January 2021, which contended that it would undermine the licensing objectives. The sub-committee carefully considered the reasons for the objection to any increase in the hours already granted on the licence. The sub-committee understood that the London area has from 16th December 2020 moved into Tier 3 under the Covid-19 regulations due to the infection rate currently rising which is a risk to Public Safety.

The sub-committee also took into consideration that bars and clubs are not permitted to open under Tier 3. However they are permitted to sell and supply off sales in accordance with the Covid-19 regulations. The Metropolitan Police explained that since these came into force, this has led to increased street drinking in some areas, and general anti-social behaviour including noise nuisance, public urination due to the lack of available toilets, together with groups mingling and people staying in the area for longer therefore risking the spread of the virus.

The sub-committee also took into consideration that the premises already has a licence with hours to sell alcohol from Monday to Sunday up to 00:00 hours which already exceed those stated in Hackney's Statement of Licensing Policy LP3.

The sub-committee considered the representations made by the applicant's legal representative, and the offer to provide additional security with a minimum number of members of staff during the period. However, on balance the sub-committee felt that the risks to public health and safety under the Tier 3 Covid-19 regulations were too great, and accepted the objection raised by the Metropolitan Police to this event.

In the circumstances, refusal was the appropriate course of action to prevent street drinking late at night at a time when people are currently advised under government guidance to stay at home. The sub-committee felt that the applicant had not made a good case that they would not end up encouraging more people to be out late at night during the current Covid-19 restrictions.

The sub-committee also felt that by not granting this event it would prevent anti-social behaviour, in terms of more people coming into the area, consuming alcohol, and staying in the area for longer which would contribute to increasing public nuisance, and crime and disorder in this part of the Shoreditch SPA.

The Licensing Sub-committee took into consideration, when deciding to issue a counter notice, the acute alcohol related problems and issues continually experienced in the Shoreditch SPA which has resulted in increased public nuisance, and crime and disorder regularly affecting the local residents. Therefore, the licensing objectives would be further undermined.

6. Temporary Events Notice - 25 Dalston Lane

6.1 David Tuitt (Licensing, Team Leader) introduced the Temporary Event Notice for an event from 1 to 4pm on 1st January 2021.

6.2 PC Hunwick expressed concerns as follows;

- the premises was in the Dalston SPA
- other bars and clubs in the area would be selling offsales
- the area was residential with high rise flats in the vicinity
- concerns around anti-social behaviour
- Covid-19 and concerns around groups of people congregating together

6.3 Yildiz Yavuz submitted that;

- 2 staff would be at the premises
- that he knew his customers and that no strong alcohol would be sold
- intoxicated customers would not be sold to
- there would not be problems with urination in the street
- masks would be worn by customers

6.4 Councillor Bell expressed concern about keeping control of groups of people at the premises who wished to have a party. Yildiz Yavuz told the sub-committee that the premises had been open for some time and that it was a family business that would not attract this type.

6.5 In closing, Yildiz Zavuz told the sub-committee that the premises was managed professionally and proposed a closing time of 3pm if 4pm was not considered suitable

6.6 PC Hunswick did not make a closing statement.

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;

and in particular upon consideration of an 'objection notice' given by the Metropolitan Police, is satisfied that the event would undermine the licensing objectives. Therefore the Licensing sub-committee have decided to issue a counter notice.

Reasons for the decision

The Licensing Sub-committee, after hearing from both the Metropolitan Police, and the licensee, were satisfied that allowing the premises to be used in accordance with the notice would undermine the licensing objectives, and they decided to issue a counter

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notice. It was noted that these premises are situated in the Dalston Special Policy Area (Dalston SPA).

The sub-committee took into consideration the objection from the Metropolitan Police to a Temporary Event Notice being granted at this premises from 01:00 to 04:00 hours on 1st January 2021 which contended that it would undermine the licensing objectives. The sub-committee carefully considered the reasons for the objection to any increase in the hours already granted on the licence. The sub-committee understood that the London area has from 16th December 2020 moved into Tier 3 under the Covid-19 regulations due to the infection rate currently rising which is a risk to Public Safety. The sub-committee noted that under the current Covid-19 Tier 3 regulations households are restricted from mixing and having parties during the festive season this year to reduce the risk of the virus spreading.

The sub-committee also took into consideration that bars and clubs are not permitted to open under Tier 3. However, they are permitted to sell and supply off sales in accordance with the Covid-19 regulations. The Metropolitan Police explained that since the Covid-19 regulations came into force and only off sales have been permitted this has led to increased street drinking in some areas, and general anti-social behaviour including noise nuisance, public urination due to the lack of available toilets, together with groups mingling and people staying in the area for longer therefore risking the spread of the virus.

The sub-committee also took into consideration that the premises already has a licence with hours to sell alcohol from Sunday to Thursday 08:00 to 01:00 hours and Friday to Saturday 08:00 – 03:00 which already exceed those stated in Hackney's Statement of Licensing Policy LP3.

The sub-committee noted that under the current Covid-19 Tier 3 regulations households are restricted from mixing and having parties during the festive season this year to help reduce the risk of the virus spreading.

The sub-committee carefully considered the applicant's representations. However, on balance the sub-committee felt that the risks to public health and safety under the Tier 3 Covid-19 regulations were too great and supporting the objection raised by the Metropolitan Police to this event was the appropriate course of action to prevent street drinking late at night at a time when people are currently advised under government guidance to stay at home. The sub-committee felt that the applicant had not demonstrated that they would not add to people being out so late breaching the current Covid-19 restrictions.

The sub-committee also felt that by not granting this event from 01:00 to 04:00 hours it would help prevent anti-social behaviour, and it would prevent more people coming into the area, consuming alcohol, and staying in the area for longer which would contribute to increasing public nuisance and crime and disorder within the Dalston SPA.

The Licensing Sub-committee took into consideration, when deciding to issue a counter notice, the acute alcohol related problems and issues continually experienced in the Dalston SPA that has resulted in increased public nuisance, and crime and disorder regularly affecting the local residents. Therefore, the licensing objectives would be further undermined.

Meeting Duration; 2pm - 3pm.

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Chair of Committee

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