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MINUTES OF A MEETING OF THE LICENSING SUB COMMITTEE D

THE MEETING WAS HELD REMOTELY

17TH SEPTEMBER, 2020

Councillors Present: **Councilor Brian Bell in the Chair**
Councillor Emma Plouviez
Councillor Gilbert Smyth

Officers in Attendance: Subangini Sriramana (Principal Licensing Officer)
Amanda Nauth (Lawyer), Peter Gray (Governance
Officer)

Also in Attendance: Protein, 31 New Inn Yard
William Rowe, Applicant
Morten Jensen, Applicant
Jack Speigler, Solicitor

Responsibility Authority
David Tuitt (Team Leader, Licensing)

Other Persons
Karen Rosen
Andrew Kanter
Nicolae Cavieros

1. Election of Chair

1.1 Councillor Bell 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 Hearing Procedure

The Licensing Sub-committee noted the hearing procedure.

5. Protein - 31 New Inn Yard

5.1 Subangina Sriranmana (Principal Licensing Officer) introduced the application for a premises license under section 17 of the Licensing Act in relation to 31 New Inn Yard. She told the Sub-committee that the applicant had amended the application by withdrawing off-sales, reducing hours and offering conditions, as outlined in the supporting documents. One of the other persons had submitted supporting documents, all of which had been circulated. In response to the Chair she confirmed that the updated hours and conditions had been circulated to all parties.

5.2 Jack Speigler made representations on behalf of the applicants in relation to a 'nordic inspired coffee shop with a restaurant and a community hub with a limited selection of premium alcohol.' There was to be a showcase for works from local artists on the walls of the premises. He submitted that the 9:00 to 9:30pm 'food led and tightly conditioned proposal' was not the type of license the cumulative impact policy sought to restrict. Jack Speigler confirmed that the applicant had reduced the proposed hours. Off sales and late night refreshments had also been withdrawn and additional conditions agreed. The 9pm proposal for the external seating area was critical for the applicant to provide a safe environment. He submitted that the premises would not add to cumulative impact.

5.3 The Chair asked if the applicant was aware of the need for a possible variation of the planning permission, and that the license only applied to the ground floor. Jack Speigler confirmed that the applicant was aware of the need to comply with planning regulations, and that the license related to the ground floor only. The Chair asked for details of the capacity of the venue pre COVID-19. Jack Speigler said that there was a lower capacity during COVID-19. Morten Jensen confirmed that the capacity was a headcount internally of 35 persons.

5.4 David Tuitt made submissions on behalf of the Licensing Authority against the application because of current issues in the area arising from the cumulative impact of a large number of licensed premises. He acknowledged the concessions made by the applicant but submitted that the premises breached policy in the Special Policy Area.

5.5 The Sub-committee heard representations from Other Persons expressing these concerns:

Karen Rosen:

- an instance of sale of drugs at 9pm in the evening
- safety to Children/ Public Safety
- that the premises was in the SPA and the application would add to cumulative impact
- anti-social behaviour
- that Shoreditch was getting continually worse due to street drinkers
- no exceptional circumstances were demonstrated

Nicollea Cavieros:

- concerns about large numbers of people drinking in the streets and traffic in the area
- that the premises was in the SPA
- the area was highly residential
- that alcohol was not a good way of recovering losses

Matthew Kanter:

- concerns about the adequacy of the application
- concerns about blocking the pavements in the area
- unaware of who the applicant is
- long term breach of planning regulations
- potential for cumulative impact
- very large area with drinking outside and street parties
- that the area was getting worse post COVID-19

The Other Persons did not agree to the amended application with reduced hours and tighter conditions and felt that the application was not clear about what was proposed for the premises. The Other Persons also raised concerns about the applicant being in breach of planning control, and lack of highways consents for the outside seated area.

5.5 The Chair clarified that the application was from Mr Rowe of 'Protein' and that the license was for the area outlined on the map that accompanied the application.

5.6 Councillor Smyth asked if there was a smoking policy, dispersal policy and a fire exit. Jack Speilger confirmed that there was a smoking policy and a dispersal policy for the outside area and the applicant would ensure that the outside area was properly managed. He confirmed that music would not be played outside. He confirmed that the fire exit was shown on the plan at page 35 and that the applicant carried out fire assessments.

5.7 The Sub-committee had concerns about numbers of patrons and size of tables to be outside the premises and asked if customer numbers could be reduced to 20. The applicant offered that there be a capacity of 25 customers in the external area. The Sub-committee expressed concerns about whether the applicant had permission to use the outside area proposed. The applicant stated that verbal agreement had been given. Amanda Nauth, Legal Adviser, stated that the applicant should seek advice on whether they had permission to use the area. Jack Speigler offered the following condition:

“There shall be no supply of alcohol to customers outside of the premises until such time that:

- a) a satisfactory plan has been submitted to and accepted by the Licensing Authority; and
- b) the premises licence holder has obtained a tables and chairs licence or pavement licence (whichever they may require) from the Council

Any furniture used under the licence must be placed outside in accordance with such plans and consent”.

5.8 Councillor Plouviez asked if alcohol had been sold to scale previously at the premises and whether the TENs had applied to the whole of the premises. William Rowe stated that alcohol had not been sold to scale at the premises and confirmed that the TENs were for separate events. These events were currently being reviewed.

5.9 Neither the applicant or his solicitor made closing submissions. David Tuitt made no closing submission. Karen Rosen submitted that the application would add to

cumulative impact in the area, even with numbers restricted to 25. Nicolloe Cavieros submitted, in closing that cumulative impact currently existed in the area. In closing, Andrew Canter stated that there were no exceptional circumstances and that the situation in the area was getting worse, in particular in outside areas.

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 for a premises licence has been approved in accordance with the Council's Statement of Licensing Policy and the proposed conditions as set out in paragraph 8.1 of the report, with the following amendments :-

- The opening hours and the hours for licensable activity:

Opening Hours:

Monday – Thursday 07:00 – 21:30 hours

Friday – Saturday 07:00 – 22:00 hours

Sunday 07:00 – 21:30 hours

Supply of Alcohol (On the premises)

Monday – Thursday 08:00 – 21:00 hours

Friday – Saturday 08:00 – 21:30 hours

Sunday 10:00 – 21:00 hours

- Condition 12 to be amended and read as follows:

“The use of the external area shall cease at 21:00 hours save for a maximum of 5 smokers at any one time”.

- Condition 14 to be amended and read as follows:

“There shall be submitted and accepted:

- i) A written dispersal policy and
- ii) An external area plan policy

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in a form agreed with the Metropolitan Police Service and the Licensing Authority, a copy of which shall be kept on the premises and produced to the Police or an authorised officer upon request”.

- Condition 31 to be amended and read as follows:

“The external area capacity shall be limited to 25 persons”.

- Sale of Alcohol (off the premises) was removed from the application.
- Late Night Refreshment was removed from the application.
- Delete Condition 29 as it relates to off sales.

And the following additional condition agreed by the Applicant:

- There shall be no supply of alcohol to customers outside of the premises until such time that:
 - c) a satisfactory plan has been submitted to and accepted by the Licensing Authority; and
 - d) the premises licence holder has obtained a tables and chairs licence or pavement licence (whichever they may require) from the Council

Any furniture used under the licence must be placed outside in accordance with such plans and consent.

- All tables and chairs in the external area shall be removed and rendered unusable, and the use of the external area, shown on the plan, shall cease at 21:00 Sunday to Thursday and 21:30 on Friday and Saturday.

Reasons for the decision

The application for the premises licence has been approved for the ground floor as members of the Licensing sub-committee were satisfied that the licensing objectives would not be undermined within the Shoreditch Special Policy Area (SPA).

The sub-committee took into consideration that the Metropolitan Police Service, and Environmental Protection had withdrawn their representations, and agreed conditions with the applicant.

The sub-committee also took into consideration the representations made by the Other Persons and their concerns about the potential impact on local residents within the Shoreditch SPA. They felt the premises would attract more people to the area who will drink, stay in the area for longer, and will result in anti-social behaviour. The Other Persons maintained their objections to the application.

The applicant's representative made representations that the applicant has a leasehold interest in the premises, and had previously only supplied alcohol to customers by applying for Temporary Event Notices. The rest of the building will be used for events or office space, as a separate business. The hours applied for had already been reduced in consultation with some responsible authorities.

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It was noted that the licensable area included only the ground floor restaurant unit outlined in the application, together with the outdoor area to be clarified on a revised plan.

The applicant accepted that further consents may be needed from the Highways Authority for use of the external areas.

They also noted that the premises had a very limited capacity which had been further reduced during the hearing.

In particular they noted that all supply of alcohol will be with a substantial meal at all times, inside and outside the premises.

The sub-committee felt that on balance the reduced hours and the conditions agreed by the applicant, especially the substantial meal requirement, helped sufficiently mitigate concerns that the premises may add to cumulative impact in the Shoreditch SPA.

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

Planning Informative

The applicant is reminded of the need to operate the premises according to any current planning permission relating to its use class, conditions and hours, and to obtain any necessary consents.

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.

6. The Barrell, 316 Mare Street

6.1 The applicant had withdrawn the application.

7. Temporary Event Notices - Standing Item

There were no temporary events notices.

Duration of the meeting: 2pm - 3pm

Signed

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Chair of Committee

Contact:

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