

**MINUTES OF A MEETING OF THE LICENSING SUB COMMITTEE B
REMOTE MEETING**

THURSDAY, 22 APRIL 2021

Councillors Present: Councillor Margaret Gordon in the Chair
Cllrs Sem Moema and Harvey Odze

Officers in Attendance: Subangini Sriramana (Principal Licensing Officer),
Amanda Nauth (Legal Services Officer) and
Rabiya Khatun (Governance Services Officer).

Also in Attendance:

David Dadds - Applicant's Legal Representative
Channing Riviere - LB Hackney Licensing Service
Patrick O'Connor - LB Hackney Planning Service

Other Persons

Ms JJ - attended the meeting at approximately 19.39 hours
Cllr Kam Adams – representing residents of 2-4 Orsman
Road

1 Election of Chair

1.1 Councillor Gordon was duly elected to Chair the meeting.

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 Minutes of the meetings

4.1 Members considered and

RESOLVED that the following minutes of the meetings be approved:

- 25 August 2020
- 13 October 2020
- 12 November 2020
- 11 February 2021

5 Licensing Sub-Committee Hearing Procedure

5.1 The Chair outlined the Licensing Sub-Committee hearing procedure.

6 Premises Licence: U7 Lounge, Unit 7, 2-4 Orsman Road, N1 5FB

6.1 Subangini Sriramana, Principal Licensing Officer, introduced the report in respect of a new premises licence application seeking to authorise regulated entertainment comprising plays, films, live music and recorded music, and anything of a similar description; late night refreshment; and the supply of alcohol for consumption on and off the premises. Ms Sriramana reported that the Metropolitan Police and LBHackney Environmental Health Service had withdrawn their representations following an agreement of conditions, which included the removal of non-standard hours and the rear outside area closing at 21.00 hours except for five smokers. Representations remained from the Licensing Authority, Environmental Enforcement, Planning Services and Other Persons.

6.2 David Dadds, the applicant's legal representative outlined the application and made the following points:

- The rear outside area within the application was amenity land;
- Residents were unhappy that the outside area which they had enjoyed in the past would be developed into a beer garden and had made these vexatious representations; and
- The Police and Environment Health had made no representations relating to crime and disorder or noise nuisance. The incident on 12 September 2020 had been an isolated incident.

6.3 In response to questions from Members seeking further clarification regarding the application, Mr Dadds stated that the freeholder owned the rear outside area which would be included in the lease granted to the applicant. The applicant had attempted to engage with local residents and was happy for them to contact him with any concerns about the premises.

6.4 Channing Riviere, Licensing Service, objected to the application on the grounds of the prevention of public nuisance and made the following points:

- Licensing Services had received many complaints about the operation of the premises under the current licence holder, including breaches of the licensing conditions and the Covid-19 regulations resulting in public nuisance and anti-social behaviour. The licence had been revoked in October 2020 but the premises was allowed to continue operating until the appeal against the revocation had been determined;
- If the licence were granted, the applicant could transfer it into the name of the current licensee and therefore circumvent the previous decisions of the Licensing Sub-Committee in relation to the premises;
- Concern was expressed about the applicant's lack of experience in managing a licensed premises ;
- The proposed hours exceeded those hours permitted within the planning permission, contrary to the Council's Licensing Policy (LP5), together with those being sought for licensable activity also exceeded the core hours within the Council's LP3; and
- clarification was sought regarding the applicant's relationship with the current licence holder Mr Sezgin and whether he would be involved in the management of

the premises.

6.5 Patrick O'Connor, Planning Services, objected to the application on the grounds of the

prevention of crime and disorder and prevention of public nuisance, and made the following points:

- Since the enforcement notices had been issued, planning permission had been granted for the material change of use of the premises to a mixed B1 office/ A3 use subject to condition 3 restricting the hours of operation at the premises between 08.00 to 22.00 hours Monday to Saturday and 08.00 to 21.00 hours on Sundays. The proposed opening hours being sought exceeded those hours permitted within the planning permission;
- Confirmation that the café use was a lawful use of the premises; and
- The planning application submitted in 2019 did not grant the use of the outside area

6.6 Due to unforeseen circumstances the Environmental Enforcement Officer had been unable to attend the hearing. The sub-committee noted that Environmental Enforcement had proposed waste conditions as set out in the report.

6.7 Cllr Kam Adams, representing Other Persons on behalf of the local residents at 2-4 Orsman Road objected to the application based on the grounds of the prevention of public nuisance, public safety and prevention of crime and disorder. He made the following points in his submission:

- The premises was located close to a residential area with residents living above and opposite, including at Canalside Studios ;
- Many events had been held till the early hours during the summer in 2020. The Police had visited the premises twice on 12 September 2020 during a wedding event to deal with a serious disturbance that had lasted until the early hours.;
- Residents had witnessed many breaches of the licensing conditions and Covid-19 regulations at the premises;
- Residents had no confidence in the applicant to run the premises responsibly;
- Residents had made a number of complaints regarding public nuisance relating to the premises especially loud music being played in a residential area and from people congregating outside the premises;
- The premises was not adequately soundproofed to prevent noise escaping from inside the premises and when people entered the bar. An engineer hired the previous year had informed residents there was no proper way of soundproofing the building due to its age and construction;.
- The proposal for a late-night alcohol licence would turn the venue into a destination for people extending their drinking into the early hours. The bar would result in an increase in noise nuisance, anti-social behaviour and disorder for the local residents living in close proximity;
- There were dispersal issues relating to premises;
- A likely traffic increase relating to the premises if granted ; and
- Pedestrians were being forced onto the road due to the railings and traffic cones on pavement at the entrance of the premises

6.8 Ms JJ, Other Persons, made the following points in her submission against the application:

- The premises was operating as a nightclub and the proposals including a bar open

till late every day were not suitable for a premises located within a residential area. This could potentially lead to noise nuisance and anti-social behaviour in the area late at night from customers leaving the premises;

- The premises was not adequately soundproofed to minimise noise nuisance from the proposed film shows and music;
- The premises were not well managed and there had been many incidents of public and noise nuisances when it was open. Concern was expressed about how the premises would be run when Covid-19 restrictions were not being observed, and whether the licence conditions would be breached in the future;
- Local residents were willing to engage with the applicant regarding his intentions for the premises. The applicant needed to communicate with local residents to address their concerns;
- The Police had been called to the wedding event on 12th of September 2020, which had been attended by over 30 people and the disturbance from this event had not ended until 04:00 hours;
- There had been no Coronavirus protection used during the lockdown period; and staff and patrons had been breaching Covid-19 regulations by not wearing face masks inside the premises and social distancing;
- Allegations of alcohol being sold at the premises without a licence; and
- In terms of other similar establishments the management at another pub in the area had a positive relationship with the local residents and addressed any issues that arose.

6.9 In response to Members seeking further clarification regarding the application, Mr Dadds responded as follows:

- If the sub-committee were minded to grant the licence and to address the concerns raised, Mr Dadds proposed an additional condition to exclude the current licence holder from the premises and from undertaking any activities related to licensable activities or management of the business;
- It was confirmed that the applicant was related to the current premises licence holder;
- The applicant was not responsible for any management issues relating to the premises under the previous premises licence holder;
- that the premises was not located within a residential area but in a mixed use area with residential and other premises;
- Clarified that the event on 12th of September 2020 had been a travelling community wedding reception and that the party of approximately 30 people had refused to leave the premises at 22:00 hours - the current license holder had called the police and no alcohol had been sold or music played after 21:00 hours, and it was emphasised this had been an isolated incident and the Police had also made no representation regarding crime and disorder for the new application; .
- Confirmed that the applicant intended to take over the ownership and running of the premises if the appeal of the current licence was unsuccessful, with the applicant having no intention of running the premises as a nightclub;
- The applicant had agreed with the Police to reduce the core hours for alcohol;
- Local residents above the premises and those residents with a garden had not objected to the application, and the Other Persons' representations were vexatious representations due to a conflict of interest as those residents were also enjoying the use of the outside area;
- Residents could not produce any evidence of the alleged incidents of intimidations and these incidents had not been reported to the Police;
- Discussion ensued on working with local residents and Mr Dadds agreed on behalf

of the applicant to an additional condition 'to hold and publicise quarterly liaison meetings with local councillors to address any concerns or complaints about the premises from local residents.';

- The applicant had sound proofed the premises to minimise noise nuisance and agreed to install a noise limiter when playing music to prevent noise breakout, which the LB Hackney Noise Team had been satisfied with;
- It was highlighted that there were no representations from the Noise Team and the Police regarding noise nuisance at the premises;
- The applicant agreed to core hours with regulated entertainment ending 30 minutes before the premises closing hours;
- There would be provision of food inside the premises as well as alcohol
- A dispersal policy had been submitted to the Licensing Authority to manage the outside area
- The maximum capacity is 95 patrons, with a maximum of five smokers permitted in the rear outside area after 21.00 hours

6.10 In response to a query regarding the proposed hours, Mr O'Connor emphasised that if the use of the premises extended beyond the permitted hours, Planning Services could take enforcement action. Any complaints or breaches of the planning conditions would be investigated and enforcement action considered.

(The meeting adjourned at 20.03 hours for a break and reconvened at 20.08 hours.)

6.11 In response to a question regarding the hours in the application exceeding those hours permitted by Planning Services, Ms Nauth, Legal Services, confirmed that the sub-committee could include a planning informative in the decision to regularise the hours however, the applicant would not be able to operate until the planning application seeking to amend the hours had been determined.

6.12 In response to further points of clarification from Members, Mr Dadds replied as follows:

- Planning and Licensing were two separate regimes and confirmed that the applicant had submitted a planning application and was awaiting a determination;
- The owner had erected a fence around the outside area to clearly define the boundary;
- The outside area would close at 21.00 hours to minimise public and noise nuisance;
- The issue of noise nuisance was historic and there had been no noise break out after the soundproofing works at the premises; and
- The premises was not located within the Special Policy Area and there was no evidence to support cumulative impact in the area.

6.13 Mr Riviere indicated that he did not have any information regarding negative cumulative impact available at the meeting.

6.14 All parties made their closing remarks. Mr Dadds emphasised that this was a new licensee and that the measures in place intended to address the concerns raised at the meeting

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:

- The opening hours and the hours for licensable activity are:

Opening Hours:

Monday to Thursday 10:00 - 23:30 hours
 Friday to Saturday 10:00 - 00:30 hours
 Sunday 10:00 – 23:00 hours

Plays

Monday to Thursday 10:00 - 23:00 hours
 Friday to Saturday 10:00 - 00:00 hours
 Sunday 10:00 - 22:30 hours

Films

Monday to Thursday 10:00 - 23:00 hours
 Friday to Saturday 10:00 - 00:00 hours
 Sunday 10:00 - 22:30 hours

Live Music

Monday to Thursday 10:00 - 23:00 hours
 Friday to Saturday 10:00 - 00:00 hours
 Sunday 10:00 - 22:30 hours

Recorded Music

Monday to Thursday 10:00 - 23:00 hours
 Friday to Saturday 10:00 - 00:00 hours
 Sunday 10:00 - 22:30 hours

Performance of Dance

Monday to Thursday 10:00 - 23:00 hours
 Friday to Saturday 10:00 - 00:00 hours
 Sunday 10:00 - 22:30 hours

Anything of a similar description

Monday to Thursday 10:00 - 23:00 hours
 Friday to Saturday 10:00 - 00:00 hours

Sunday 10:00 - 22:30 hours

Late Night Refreshment

Friday to Saturday 23:00 - 00:00 hours

Sunday 23:00 – 23:30 hours

Supply of Alcohol (on the premises):

Monday to Thursday 10:00 - 23:00 hours

Friday to Saturday 10:00 - 00:00 hours

Sunday 10:00 - 22:30 hours

Supply of Alcohol (off the premises):

Monday to Saturday 10:00 – 23:00 hours

Sunday 10:00 - 22:30 hours

- Remove non-standard hours from the application.

- Condition 40 to be amended and read as follows:

“The Licensee shall ensure that all relevant staff are fully trained and made aware of the legal requirement of businesses to comply with their responsibility as regards the disposal of waste produced from the business premises. The procedure for handling and preparing for disposal of the waste shall be in writing and displayed in a prominent place where it can be referred to at all times by staff”.

And the following additional conditions:

- Hande Sezgin shall be excluded from the premises and shall not undertake any activities related to the management of the business. This shall include but shall not be limited to any directorship, shareholding, direct employment, employment as a contractor, advisor or supplier.
- The applicant to hold and publicise quarterly liaison meetings with local councillors to address any concerns or complaints about the premises from local residents.

Reasons for the decision

The application has been approved, with the above amendments, because 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 representations and agreed reduced hours and conditions in advance of the hearing with the applicant. The sub-committee took into consideration that the Licensing Authority, Environmental Enforcement, Planning Services, and Other Persons (local residents) maintained their representations.

The sub-committee noted that Environmental Enforcement had proposed waste conditions set out in the report. However, due to unforeseen circumstances the Environmental Protection officer was unable to attend the hearing. These conditions were not discussed during the hearing. After the hearing the applicant's representative was contacted, and asked whether the applicant would agree to the suggested conditions 40 - 44 of the report. The applicant subsequently accepted the conditions with an amendment to condition 40.

The sub-committee took into consideration that the Other Persons were objecting to the late hours, and the potential for noise late at night and anti-social behaviour from customers leaving the premises. It was noted that the premises is located close to the residential area.

The sub-committee were disappointed that the applicant did not appear before the sub-committee to participate in the hearing.

The sub-committee heard the applicant's submissions, from the applicant's representative, that the application was made by the applicant who will take over the ownership and running of the premises if the appeal against revocation of the current licence is not successful. The applicant does not intend to run the premises as a nightclub. The applicant has proposed and agreed to a number of conditions on the licence including conditions that put restrictions on noise. The applicant has now agreed to core hours with regulated entertainment ending 30 minutes before the premises closes. The sub-committee heard that food will be provided with alcohol at the premises.

The sub-committee took into consideration the applicant's submissions made by the applicant's representative that recorded music will be played with a noise limiter which the Noise Team are satisfied with. The sub-committee noted from the applicant's submissions that there were no objections from the local residents above the premises. The sub-committee took into consideration from the applicant's submissions that there is no longer any noise break out following sound proofing work that has been carried out at the premises. The applicant's representative confirmed that the applicant had submitted a Planning Application which they are waiting to be determined.

The sub-committee heard that the applicant has attempted to engage with local residents and they are happy for local residents to contact them with concerns about the premises. The sub-committee noted that a condition has been agreed to reflect this. The applicant's representative made submissions that apart from the crime and disorder that occurred on 12 September 2020 there have been no other crime and disorder issues or noise nuisance at the premises.

The sub-committee took into consideration the representations made by the Licensing Authority on the grounds of public nuisance. The sub-committee heard submissions that the Licensing Authority had a number of concerns about the operation of the premises that led to the licence being revoked in October 2020, and has subsequently been appealed. The sub-committee noted that the premises is permitted to continue operating because the current licence holder has lodged an appeal against the revocation.

The sub-committee heard submissions that the Licensing Authority had concerns about previous incidents, and the current licence holder's failure to comply with the conditions of their licence and the Coronavirus Regulations. The Licensing Authority

also had concerns about the applicant's ability to maintain the licensing objectives. After hearing from the applicant the Licensing Authority's objections were not resolved and they maintained their objections to the application because nothing they heard reassured them that public nuisance would not occur at the premises.

The sub-committee heard the Planning Services representations that a cafe use is the lawful use of the premises, and if the use extends beyond the permitted hours Planning Services can take enforcement action. The sub-committee noted that the Planning Application submitted in 2019 did not grant the use of the outside area.

The sub-committee took into consideration that any complaints or breach of the Planning conditions will be investigated and enforcement action will be considered.

The sub-committee took into consideration representations made by the Ward Councillor on behalf of the local residents of Orsman Road (Other Persons), who had made a number of complaints relating to loud music in the residential area, and the local residents were not confident that the position would improve under the current application. The local residents had concerns about the application for a bar which they felt would be disruptive to the area, and there were concerns that late night drinking is likely to make the premises a destination venue.

The sub-committee took into consideration representations made by one local resident (Other Persons), who attended and made representations that the proposed application does not fit alongside the residential area, and if the applicant communicated with local residents to address their concerns that would help make a difference. The sub-committee noted that the applicant's representative did not accept that the premises is in a residential area. The applicant's representative made submissions that the premises was in a mixed use area with residential and other premises in the area.

The sub-committee heard submissions from the local resident that the proposal to open till late every day will cause a disturbance, and anti-social behaviour in the area. The local resident confirmed that the event that took place in September 2020 did not end until 04:00 hours and over 30 people attended which resulted in a fight on Kingsland Road, and there was no Coronavirus protection used during the lockdown period. There are concerns about how the premises will be run, and whether the licence conditions will be breached in the future in addition to the Coronavirus Regulations not being observed. The sub-committee also noted from the local resident's representations that there is another pub in the area and they have a positive relationship with the local residents who deal with any issues arising.

After hearing from the applicant's representative, the Licensing Authority, the Planning Service, the Ward councillor on behalf of local residents and from the local resident (Other Persons), the sub-committee was satisfied that the applicant had offered a number of conditions to regularise the operation of the premises to promote the Licensing objectives, and that would help mitigate any negative impact that granting the licence would have on the area. The sub-committee took into consideration that measures had been taken to control the noise by sound proofing the premises and the use of a noise limiter when playing music to prevent noise breakout.

The sub-committee took into consideration the condition agreed by the applicant that there will be no use of the rear outside area after 21:00 hours save for the maximum of 5 smokers permitted in the outside area. The sub-committee felt this would help prevent noise nuisance late at night and would reduce any impact on local residents.

The sub-committee took into consideration the previous incident that occurred in September 2019 and how the premises were previously operated that led to the licence being revoked. To ensure the premises are run responsibly they decided to add a condition to the licence excluding the current licence holder from managing, operating, and being involved in the premises. The sub-committee took into consideration that the Metropolitan Police Service did not object to the proposed Designated Premises Supervisor.

The sub-committee took into consideration that the applicant is willing to work with local residents and have quarterly meetings to deal with any issues relating to the premises from local residents. It was noted that the applicant has submitted a Dispersal Policy to the Licensing Authority to manage the outside area. The sub-committee took into consideration that there were no representations from the Noise Team and the Metropolitan Police Service regarding noise nuisance at the premises.

Having taken all of the above factors into consideration, the Licensing Sub-Committee was satisfied, when granting the application, that the licensing objectives would not be undermined, particularly in relation to the prevention of public nuisance.

PLANNING INFORMATIVE

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

The applicant is encouraged to engage in meaningful dialogue with the local residents regarding issues relating to the premises, and for the applicant to play their part in reducing any impacts of noise emanating from the premises, particularly during the evening and late at night.

6 Temporary Event Notices - Standing Item

6.1 There were no temporary event notices.

Duration of the meeting: 7.00- 9.10pm

Contact:

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