

Licensing Sub-Committee C – 23 June 2020 at 7pm

Remote meeting

Present,

Councillors : Councillors James Peters, Councillor Gilbert Smyth
Councillor David observing

Officers: Ms Amanda Nauth - Legal Adviser - LB Hackney
Mr Mike Smith - Principal Licensing Officer - LB Hackney
Mr David Tuitt - Licensing Authority - LB Hackney
Mr Clifford Hart - Senior Governance Officer - LB Hackney

Representatives: Mr Jack Spiegler - Solicitor - Thomas & Thomas Solicitors
Mr Amr Assaad - Director - Buckley Gray Yeoman Limited

1. ELEC TION OF CHAIR FOR THE DURATION OF THE PROCEEDINGS

Councillor Peters was duly elected Chair of the proceedings, following his nomination by Councillor Smyth.

COUNCILLOR PETERS IN THE CHAIR

2. APOLOGIES FOR ABSENCE

An apology for absence was received from Councillor Bell.

NOTED

3. DECLARATIONS OF INTERESTS

There were none.

4. Minutes of previous meetings

Nil.

5. Licensing procedure

The Chair advised all those present of the procedure to be followed at the meeting.

NOTED

6. APPLICATION FOR A PREMISES LICENCE – FARMSHOP X SNACKBAR, 20 DALSTON LANE, LONDON E8 3AZ

The Principal Licensing Officer advised that this item had been withdrawn because it had been dealt with under delegated authority.

NOTED

7. APPLICATION FOR A PREMISES LICENCE – BUCKLEY GRAY YEOMAN, 6 REDCHURCH STREET ,LONDON E2 7DD

- i. The Principal Licensing Officer introduced the report in respect of a new premises licence for 6 Redchurch Street, London E2 7DD.

Mr Smyth advised the meeting of additional information submitted by the applicant which had been circulated to the Sub-Committee prior to the meeting. The application was being made within the local SPA. Objections had been received by the Licensing Authority together with a planning authority informative to be considered.

NOTED

- ii. The applicant's legal representative, Mr Jack Spiegler, advised the meeting that he would not take the Committee through the additional circulated information as this was self-explanatory. The application was explained in the meeting report and the application was being made by a firm of architects for their new offices, before the creation of a private arts club.

Mr Spiegler, and the applicant – Mr Assaad - a Director with the applicant - went on to advise that:

- condition 9, as referred to in the agenda pack at page 48, set out clearly the purpose of the venue – it being ancillary to office use and activities, its use would be limited to persons in the building and their guests with no scope for the public to visit, and no off sales of alcohol.
- the secondary papers at para 5 detailed the type of activities which would be permitted
- the premises were the applicant's new offices – situated on the fourth floor of the building as an architectural practice for approx. 100 employees consisting of approx. 80 mainly interior and graphic designers, and 20 support staff
- it was proposed that there would be offices, with refreshments and function spaces, and an arts focused members club for staff and guests, as well as invited persons for presentations and art shows, but with no public access at all, and no off site sales of alcoholic beverages
- conditions 20 and 21 had been agreed, subsequently to the application being made, with the Council's Environmental Health Service, and the Metropolitan Police
- the application would not add have any cumulative impact of the area by the nature of the employment as well as the proposed club being a private club
- all measures would be taken to ensure that the current COVID 19 restrictions were enforced.

The Chair thanked Mr Assaad and Mr Spiegler for their summary, and asked for comments from the Licensing Authority's representative.

- iv. The Licensing Authority's representative - Mr David Tuitt - reiterated his submissions in objection to the application as detailed at Appendix B2. Mr Tuitt added as a point of clarification that a number of work places did operate with premises licences e.g the Amazon headquarters in Shoreditch, and some legal practices, but this particular premises licence had warranted discussion by the Sub-Committee due to the nature of the private members club/arts club.

vi. Having heard all of the submissions, a discussion of the application ensued, including on the following points:

- clarification as regards to the ancillary use and confirmation that the fourth floor of the building would be primarily for office use, with an ancillary use whereby office staff meeting after work for a drink at the bar, or indeed an

architectural seminar with drinks offered after the seminar, or an exhibition event;

- concerns regarding the issue of capacity with regard to the control of numbers of attendees at arts events;
- concerns with regard to the total number of possible guests to the private club given the number of employees total 100, in the event of each employee being allowed 4 persons as club members, albeit that a new member would need to have enrolled at least 48 hours prior becoming a member and therefore this would negate the issue of people just turning up and wishing to attend the private club;
- the issue of overall capacity and whether restrictions were required at the premises in order to regulate to a maximum usage in terms of the club, and events, and whether there was external space that would be used;
- clarification given as to there being no external space usage, and club membership envisaged up to 400 persons though this would be dependent on take up, but in reality likely only around the employees numbers at any one time during the day. Membership would allow for use of the office space/conference and meeting rooms, and use of bar area during the evening;
- agreement by the applicant of a capacity limiting condition for the purposes of licensable activities of a total of 200 persons;
- clarification that events would be ancillary to the architecture practice and hosting of exhibitions, new initiatives, festival events and cultural activity events;
- the operation of the members club would not be like a normal private members club, and that there would be no late night music or entertainment and that this would be reflected in the stated hours of operation;
- clarification given that the club element could be in line with the use of the premises as an arts club, and the wording of condition 9c could be varied to the effect of membership being of the Buckley Gray Yeoman Arts Members Club which would then mean that, whilst the license could be transferred to another user in the future, conditions 9a and b would continue but condition c would require an application to vary that condition in relation to the licensed activities under condition 9c;
- confirmation given that a planning informative stated that the current planning permission for the premises would not allow it to be operated as a traditional private members club;
- the Sub-Committee had concerns around the sale of alcohol, given that the offices would remain open 24 hours a day. The applicant confirmed that it would accept an additional condition whereby the consumption of alcohol would cease 30 minutes after the specified hours of the sale of alcohol;

- the Sub-Committee expressed concerns in respect of possibly 200 persons being at an event Fire safety and other safety concerns were explored and addressed and, although the premises are in a special policy area (“SPA”), there would not be dispersal issues which may normally be associated with a private members facility or club venue at closure time, given the proposed nature of such events and because a dispersal agreement would be in place and complied with;
- the Sub-Committee had concerns and sought clarification about the proposed activities’ contribution to the cumulative impact of licensed premises in the area. In response the applicant referred to their submissions giving detail of why it was felt that the licensable activities would not have an impact in the SPA given the nature of the proposed licensable activities;
- clarification that the offer was within that of a diversified activity and confirmation by the licensing authority that it accepted the applicant’s reasons regarding cumulative impact and that the application was considerably different from the type of application which would raise considerable concerns in the SPA.

Following a discussion of the application, the Chair invited all parties to make their closing remarks. There being no further points raised by any of the parties, the Chair commented that though normally the Sub-Committee would retire and consider the application, it was evident that there was acceptance of the additional set out and agreed, and therefore the Sub-Committee would be in agreement to approve the application as per submission with the additional conditions.

Mr Spiegler and Mr Assaad thanked the Sub-Committee for its consideration.

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 agreed amendments:

- Condition 9(c) shall be amended and read as follows:

“Members of *an architectural practice* private *arts* club and their bona fide guests (not exceeding four guests per member). No person shall be admitted to membership of the private club or be entitled to take advantage of the privileges of membership without an interval of at least 48 hours between their nomination or application for membership and their admission”.

- The consumption of alcohol sold on the premises shall cease no later than 30 minutes after the permitted terminal hour for the sale of alcohol.
- The number of persons attending the premises for licensable activities shall not exceed 200 at any one time.

Reasons for the decision

The application has been approved as the Licensing sub-committee was satisfied that the licensing objectives would not be undermined in the Shoreditch Special Policy Area (Shoreditch SPA).

The sub-committee took into consideration that the Responsible Authorities (Metropolitan Police Service and Environmental Protection) had agreed conditions in advance of the hearing with the applicant. The sub-committee took into consideration the fact that the Responsible Authority (the Licensing Authority) made representations as the premises is situated in the Shoreditch SPA. The sub-committee noted that there were no representations from local residents.

The sub-committee heard from the Licensing Authority that there are a number of licensed premises within office workspaces in the Shoreditch SPA. The issue to be considered in respect of this application was the fact that the application was for the operation of an arts and members club, how the applicant intended to operate the premises as a members club and the capacity of the premises. In addition, the sub-committee needed to consider whether granting a licence for the premises would add to the cumulative impact of licensed premises in the Shoreditch SPA.

The sub-committee heard from the applicant's representative that the applicant has been in the area since 1997 and has an ongoing lease since 2004. There would be no late night music or regulated entertainment. The premises would not be run as a

normal private members club; it will be used for functions and arts shows, with work facilities, and used to host events for office staff and clients. The use of the premises for licensable activities will be limited to persons working in the building and their guests. There will be no off sales of alcohol and no public access. The applicant was of the view that the premises will not add to cumulative impact and will contribute positively to the area.

The sub-committee took into consideration the fact that the arts club would be ancillary to office use at the premises. The applicant's representative confirmed that the office building will always be an office and that there is no intention for the office use to be ancillary to use of the premises as a members club. The sub-committee noted that there was no external area, and office staff and clients can use the conference and meeting rooms in the building.

After hearing from the applicant and from the Responsible Authority (namely, the Licensing Authority), the sub-committee was satisfied with the conditions, and the hours that the applicant had agreed to, together with the above additional conditions agreed today, would mitigate any negative impact that granting the licence would have on the Shoreditch SPA.

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 in the Shoreditch SPA.

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.