

MINUTES OF A MEETING OF THE LICENSING SUB COMMITTEE C

THURSDAY, 24TH SEPTEMBER, 2020

Councillors Present: Cllr Brian Bell (Substitute) in the Chair

Cllr James Peters

Apologies: Councillor Penny Wrout

Officers in Attendance: Andrew Spragg

Also in Attendance:

1 Election of Chair

Councillor Bell was elected as Chair.

2 Apologies for Absence

Apologies were received from Councillor Wrout.

3 Declarations of Interest - Members to declare as appropriate

There were no declarations of interest.

4 Licensing Sub-Committee Hearing Procedure

The Chair outlined the hearing procedure as set out in the agenda.

5 Premises Licence: So Local, 175 Mare Street, E8 3RH

The principal Licensing Officer introduced the application. Duncan Craig made representations on behalf of the applicant. PC David Atkins made representations on behalf of the Police.

Mr Craig highlighted the following points to the sub-committee:

- The Police were the only responsible authority making a representation.

- The application was for off sales between the hours of 8am – 11pm, and the sale of high alcohol by volume beers and spirit miniatures would be prohibited. This application was to augment a pre-existing business that was trading without alcohol off-sales at the time.
- The applicant had experience as a prison custody officer, doorman and bus driver. Mr Craig expressed the opinion that this equipped him to deal with any challenging situations.

The sub-committee was asked to note the video submitted on behalf of the applicant, which was intended to show the premises as well lit, clean and compliant with social distancing measures.

PC Atkins informed the sub-committee that the Police were concerned with the cumulative impact of another licensed premises in the area. The proximity of a homeless shelter was a cause for concern, and the Police had experienced difficulties in managing street drinking in the area. Councillor Bell observed that a number of other premises in the area were licensed for off-sales, including several for 24 hours. PC Atkins commented that the alcohol by volume restrictions did not remedy the situation in the view of the Police, given the nature of alcohol abuse and their experiences of tackling street drinking.

In summarising, both parties restated their positions. The Chair observed the need to balance the legitimate concerns of the Police with the rights for the business to operate.

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 set out in paragraph 8.1 of the report, with the following amendment:

- The area for licensable activity is limited to the Ground Floor of the premises only.
- Alcohol off-sales shall cease at 23:00 hours every day.

Reasons for the decision

The application has been approved, with the above amendment, as the Licensing sub-committee was satisfied that the licensing objectives would not be undermined.

The sub-committee took into consideration that the Environmental Enforcement and the Licensing Authority had withdrawn their representations, and agreed conditions with the applicant. The Metropolitan Police Service still maintained their objection to

the application due to street drinkers in the area and the impact this will have on an already saturated area. The Metropolitan Police Service had received complaints from local residents about the street drinkers in the area.

The applicant's representative, stated in their representations, that the applicant is a responsible operator who lives in and is familiar with the area, and he has experience of dealing with street drinkers and dealing with customers. It was noted that the applicant held a SIA badge for a number of years. The applicant stated that they intend to run a convenience store, not an off licence. The applicant would like to invest in and improve the area.

The applicant's representative also drew attention to the number of existing licensed premises in the area, and argued that it would be unfair to penalise this new business for any impact they may be contributing to.

The sub-committee having considered the representations from the applicant and the Metropolitan Police Service felt that the premises would not unduly add to the cumulative impact of the area. The sub-committee was satisfied that the conditions would mitigate any negative impact which the application would have on the area.

The premises are not located in a Special Policy Area. The applicant agreed that the licensable area is limited to the Ground Floor only and will not include the basement.

The applicant had agreed to specific conditions ruling out the sale of high strength beers, lagers and ciders, and of spirit miniatures.

Having taken all of the above factors into consideration the Licensing sub-committee was satisfied, when granting the application, that the licensing objectives would be promoted.

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.

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 Premises Licence: Three Sods Brewery, Railway Arch 399, Mentmore Terrace, Hackney, E8 3PH

Graham Hopkins made representations on behalf of the applicants. He asked the sub-committee to note the following:

- The applicants were prepared to amend the hours for on sales, with the bar closing for service at 9.30pm. The business was not intended as a late night venue. It was anticipated that the tap room would not be open during the week, as the brewery would be operational. The license application was, however,

intended to enable the business to hold private events on occasion and provide the flexibility to do so.

- The business had experience trading at Bethnal Green Working Men's Club. It had moved to new premises as an upgrade, and the on-sales element of its trade was important to its expansion. The bar space was intended for a maximum of 20 customers.
- The applicants had previously offered onsales during the summer using Temporary Event Notices. The representations made by residents regarding the noise complaints had first come to their attention following distribution of the meeting papers. The Sub-Committee was informed that they were apologetic about any disturbance, and looking at remedial measures in respect to acoustic baffling and the shutter for the premises.

The sub-committee was asked to note the videos submitted demonstrated that the applicants were exercising due diligence in monitoring their noise levels. They were also prepared to produce a noise management plan as a condition of the license. Mr Hopkins highlighted that the applicants were keen to work with local residents to address any issues raised.

Mr Hopkins informed the sub-committee that the pictures of public urination near London Fields had appeared in the Hackney Gazette on 3 July. The Brewery had not held its first event until 11 July.

Sub-committee Members asked for further information about the noise reduction measures being proposed, including the acoustic baffling and ensuring two members of staff were on site at all times. The applicants commented that having the door closed had an impact on trade.

Cllr James confirmed with the Licensing and Corporate Lawyer that the pictures of public urination could be taken into account, as they were intended to demonstrate the cumulative impact of having off sales available in the area.

The sub-committee was informed that the applicants had not met with residents to date. They had, however, distributed a flyer with their phone number and would welcome any discussions.

David Tuitt presented on behalf of the Licensing Authority. He observed that the primary concern was with on sales and the objections raised by local residents regarding noise. The ambient level of noise in the area meant the tap room being open would have a discernible impact.

Kevin Flemen spoke as a representative of the London Fields User Group. He raised an objection to the application on the basis that London Fields had seen significant problems with alcohol consumption and public urination over the summer. The concern was that additional premises providing off sales would exasperate this, particularly where trading continued after dusk when the public toilets were closed. The sub-committee was also informed that the applicants had not engaged with the London Fields User Group or local residents prior to the application being heard. Seasonal restrictions on off sales was suggested as one option for mitigating the issue of drinking in the park.

Gala Carr and Louise Brewood also commented as objecting parties. Louise Morton spoke as a representative on behalf of 45 local residents, who also objected to the application. They informed the sub-committee that they were concerned about the noise in a residential area, and the incidents of public urination. It was highlighted that the shutter was a particular concern, and that the business would find it difficult to make significant adjustments given the size and nature of the space.

The sub-committee raised a number of questions regarding capacity, sound reduction measures and the necessity for off sales. It was informed that the proposed off sales hours were to accommodate a number of retail customers and courier services. Various options were discussed in respect to the hours the business could operate, and how it intended to mitigate the concerns of residents in respect to noise.

In summarising, the sub-committee members commented that they could see the challenge faced in resolving a number of outstanding concerns. It was acknowledged that the applicants were offering constructive solutions, however this would need to be held in balance with the points raised by the residents.

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 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	08:00 – 22:00 hours
Saturday	08:00 - 22:00 hours
Sunday	12:00 - 22:00 hours

Supply of Alcohol (on the premises):

Thursday to Friday	17:00 - 21:30 hours
Saturday	12:00 – 21:30 hours
Sunday	12:00 – 21:00 hours

Supply of Alcohol (off the premises):

Monday to Saturday	08:00 - 21:30 hours
Sunday	12:00 – 21:00 hours

- Amend condition 17 to read as follows:

“At all times when on sales are provided there shall be a minimum of 2 staff on duty in the bar from 19:00 to close on Fridays, Saturdays and on Bank Holiday Sundays”

- Amend condition 16(h) to read as follows:

“That a maximum of 2 smokers will be allowed outside after 20:00 hours”.

- Delete condition 9.

- Amend condition 11 to read as follows:

- “No more than 4 patrons will be permitted in the designated smoking area outside the premises at any one time. No drinks to be taken outside. Staff shall monitor the patrons both physically and by use of the CCTV.”
- “After 20:00 hours, no more than 2 patrons will be permitted in the designated smoking area outside the premises at any one time. No drinks to be taken outside. Staff shall monitor the patrons both physically and by use of the CCTV.”

- Delete condition 27 as it is a duplication of condition 24.
- Delete condition 29 as it is a duplication of condition 16.
- Delete condition 38.
- Delete condition 13 as it is a duplication of condition 39.
- Delete condition 40 as it is a duplication of condition 15.
- Delete condition 41 as it is a duplication of condition 14.

And the following addition conditions:

- All licensable activity will cease 30 minutes before the premises closes each day.
- There shall be a maximum capacity of 20 patrons at any one time.
- An adequate Noise Management Plan shall be submitted to and deemed acceptable by Environmental Protection and the Licensing Authority. This may include matters such as a door lobby or further acoustic panels. Licensable activity shall not commence until the Noise Management Plan has been approved by the Responsible Authorities.
- There shall be no supply of alcohol for consumption off the premises after 19:00 hours on any day between 1st May and 30 September in any year.

Reasons for the decision

The application has been approved, with the above amendments, as the Licensing sub-committee was satisfied that the licensing objectives would not be undermined.

The committee took into consideration that the Environmental Enforcement and the Metropolitan Police had withdrawn their representations, and agreed conditions with the applicant. The Licensing Authority and Other Persons still maintained their objection to the application due to noise and anti-social behaviour issues affecting the local residents. The premises are situated in a partially residential area.

The committee carefully considered all the representations, and decided that on balance the applicant was a well regulated business, and they were satisfied that they could address the concerns raised by reducing the hours of the on sales, and by adding conditions which the applicant must comply with.

The committee felt that the significantly reduced on-sales (ie no on sales on Monday to Wednesday each week) would go some way towards mitigating the impact the premises would have on the area. It was noted that the applicant agreed to conditions requiring signage to deter patrons from street drinking and to comply with any restrictions not to drink in the nearby public spaces.

The committee noted that the premises were not currently open for on sales other than when they had a Temporary Event Notice in place. The committee took into consideration that local residents complained about the noise coming from the premises in particular on the opening night when a Temporary Event operated, and the local residents were affected by the noise. The applicant had apologised that this had occurred. It was noted that subsequent Temporary Events have taken place largely without incident.

The applicant stated that they are responsible operators and are prepared to work with local residents to overcome their concerns. It was noted that the premises would not be open during the daytime due to the operation of the brewery and preparation of orders for off sales. The applicant stated that they did not intend to play loud music, and they were prepared to take the necessary precautions to prevent noise breakout from the premises. It was noted that the premises main door would generally be closed over during evenings. A further reduction in the number of smokers was also agreed.

The committee sympathised with the applicant's circumstances and the difficulty in trying to resolve the issues of noise leakage from the premises, and of being blamed for anti-social behaviour in the form of street drinkers. It was agreed that the applicant would be required to work with the Responsible Authorities (Environmental Health and the Licensing Authority) to try and resolve matters with the implementation of a Noise Management Plan, before the premises can operate under this license.

A seasonal condition relating to off sales was considered proportionate in respect of reported abuses of local public spaces.

Having taken all of the above factors into consideration the Licensing sub-committee was satisfied, when granting the application, that the licensing objectives would be promoted.

Public Informative

The applicant is encouraged to engage in meaningful dialog with the local residents regarding issues relating to the premises, and to play their part in reducing any impacts such as noise and anti-social behaviour.

7 Premises Licence: Snog Frozen Yogurt, Unit 27 Boxpark 2 10 Bethnal Green Road, Hackney, E1 6GY

This item was dealt under delegated authority, as the Police had withdrawn their objection.

8 Temporary Event Notices - Standing Item

There were no temporary event notices to consider.

Duration of the meeting: 9.20 pm

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b)

Signed

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Chair of Committee

Contact:

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