

**Application for the Variation of a Premises Licence: Rapid Eye, Photobook, 4 Leonard Circus, Hackney, ECA 4DQ – APPROVAL**

**The decision of 11th May 2021**

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 hours for licensable activities, shall be, as agreed:

Opening Hours:

Monday to Thursday	07:00 - 23:59 hours
Friday to Saturday	07:00 - 00:30 hours
Sunday	07:00 - 23:30 hours

Supply of Alcohol (on the premises):

Monday to Thursday	11:00 - 23:00 hours
Friday to Saturday	11:00 - 23:59 hours
Sunday	11:00 - 22:30 hours

Late Night Refreshment:

Thursday	23:00 - 23:30 hours
Friday to Saturday	23:00 - 23:59 hours

- Remove condition 12 from the premises licence.
- Remove off-sales from the premises license.

And the following additional conditions agreed:

- There shall be a maximum of forty (40) customers permitted in the outside area of the premises at any one time. Customers in this area shall be seated and served at all times at a table by waiter/waitress service.

- Use of the seating in the outside area (shown on the plan) shall cease at 21:00 after which all tables, chairs and furniture in the seating area shall be rendered unusable.

### **Reasons for the decision**

The amended application to vary this premises licence has been approved because the Licensing sub-committee was satisfied that the licensing objectives would not be undermined.

The sub-committee took into consideration that the Licensing Authority and the Metropolitan Police Service maintained their objections on the grounds of crime and disorder, public nuisance and public safety. It was also noted that there were no representations from local residents in the area.

The sub-committee took into consideration the representations made by the Metropolitan Police Service (MPS) that they had concerns about the later hours and the negative impact on the area. The MPS confirmed that they received complaints in August 2020 about noise in the general area, and the premises were named as contributing to the noise. The MPS raised concerns that if condition 17 was removed it would give the premises a licence to operate as a bar, and removal of this condition would change the balance of a bar ancillary to other activities that would contribute to increased anti-social behaviour in the area. The sub-committee heard submissions from the MPS that there is public seating outside the premises on the boundary of the Special Policy Area.

The sub-committee took into consideration the representations made by the Licensing Authority that the additional hours would have a negative impact on the area. The submission of a Planning Application and removal of off-sales from the application reduced some of the Licensing Authority's concerns.

The sub-committee heard that the applicant was seeking to open later to allow a staggered dispersal from the premises, and to have a positive experience for customers interested in photography and books.

After hearing from the applicant's representative, the Metropolitan Police Service, and the Licensing Authority the sub-committee were particularly concerned that the proposed gap between ceasing service of alcohol and closing, on Thursdays evening, might encourage pre-loading. The applicant agreed to reduce these hours.

The sub-committee was satisfied with the above additional conditions, the reduced hours on Thursdays, and the removal of off sales from the application, that the applicant agreed to, which would mitigate any negative impact that granting the variation to the licence would have on the area.

When making their decision the sub-committee took into consideration that there was not sufficient evidence presented to them to show that the premises were causing problems and undermining the licensing objectives. The sub-committee also

took into consideration that the premises had not been tested to its full limits under the additional hours.

The sub-committee, having heard the concerns raised by the MPS, decided not to remove condition 17 that only permits “alcohol served after 20:00 shall be ancillary to a prescribed event and to ticket holders only”. This will prevent public nuisance and anti-social behaviour in the area.

The sub-committee took into consideration the efforts made by the applicant to make the premises safe with lighting and CCTV to promote the licensing objectives, and to operate the premises responsibly. The sub-committee noted that the premises are currently not operating past 20:00 hours due to the Covid restrictions.

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

### **Planning Informative**

1. The applicant and the operator are reminded of the need to operate the premises according to any current licensing conditions on the premises licence and planning permission relating to its use class, conditions and hours.
2. 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.