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MINUTES OF THE MEETING OF THE LICENSING SUB COMMITTEE E

TUESDAY 11TH MAY 2021

Councillors Present: Cllr Peter Snell (Chair) and
Cllr Brian Bell

Officers in Attendance: Amanda Nauth - Licensing and Corporate
Lawyer
Suba Sriramana - Acting Principal Licensing
Officer
Peter Gray - Governance Services Officer

Also in Attendance: Applicant:
Lee Williams (Applicant)
Andy Newman (Licensing Agent)
Responsible Authorities:
David Tuitt (Licensing Authority)
PC Dave Atkins (Police)

1. Election of Chair

1.1 Councillor Peter Snell was duly elected to Chair the meeting.

2. Apologies for Absence

2.1 There were no apologies for absence.

3. Declarations of Interest

3.1 There were no declarations of interest.

4. Minutes of the Previous Meetings

- 4.1 The minutes of the meeting held on 6 October 2020 were agreed as a true and accurate record of the proceedings.
- 4.2 The minutes of the meeting held on 16 February 2021 were agreed as a true and accurate record of the proceedings, subject to the removal of the names of 'other persons', who had not attended the meeting.
- 4.3 The minutes of 1st December 2020 and 17th November 2020 were not agreed and were referred back for amendment by the chair.

5. Licensing Sub Committee Hearing Procedure

- 5.1 The hearing procedure as set out in the agenda pack was explained to all participants.

6. Application for the Variation of a Premises Licence: Rapid Eye, Photobook, 4 Leonard Circus, Hackney, ECA 4DQ

- 6.1 Subangini Sriramana, Acting Principal Licensing Officer, introduced the report in respect of an application to vary the premises license for Rapid Eye, Photobook, 4 Leonard Circus, Hackney, as follows:

- To extend hours for the supply of alcohol for consumption on the premises
- To add hours for late night refreshment
- To remove current condition 12
- To amend current condition 17.

- 6.2 Subangina Sriramana told the Sub-Committee that the addition of hours for supply of alcohol for consumption off the premise was removed from the application. Representations against the application had been received from the Police and the Licensing Authority.

- 6.3 Andy Newman (agent for the applicant) made submissions in favour of the application, highlighting the following:

- The application was for the extension of hours for the supply of alcohol, Monday to Thursday until 23:00, Friday and Saturday until 00:00 and 22:30 on Sunday/late night refreshment/amendment to conditions imposed;

- The premise was a unique space for those interested in photography and photography books;
- The Police and the Licensing Authority were the only responsible authorities to have made representations;
- The premises license application should be considered on its own merits;
- The the Government had stated that a sympathetic view should be taken with businesses needing to 'pivot' to survive; and
- The legal Judgement: R v Toolson - all the facts should be considered on licensing applications.

6.4 The Chair and the Sub-Committee asked if the license applied to the bar area or the entire area of the premises and why the extended opening hours went beyond the hours for the sale of alcohol, carrying the risk of preloading alcohol. Lee Williams (applicant) confirmed that the cafe and the photographic laboratory were two separate premises on Leonard Circus and Leonard Street respectively. Andy Newman responded that the premise was a destination venue attended by those interested in photography and that preloading would not take place. He submitted that the hours in the application were within the policy recommendations and supported the licensing objectives. Further, the later hours applied for would allow for gradual control at the premises and the natural dispersal of the limited number of people present. The Cafe was currently operating at a loss and, if granted, the application would allow the premises to survive. He agreed to reduce the opening hours to core hours only.

6.5 David Tuitt (Licensing Team Leader) made submissions to the Sub-Committee, highlighting the following:

- The proposed additional hours of operation could have a negative impact on the promotion of the licensing objectives, in particular, the prevention of crime and disorder and the prevention of public nuisance, given the character of the surrounding area;
- Concerns that extended hours at the premises would lead to the use of the outdoor area for the consumption of alcohol;
- The Licensing Service had received a complaint about the premises in July 2020, with a further complaint in relation to the general area around the premises in August 2020. There were concerns that any extended activity in this area could lead to further issues and complaints;
- The issues around planning permission had now been addressed with an application having been submitted.

6.6 The Chair asked for clarification on the nature of the complaints received against the premises. David Tuitt clarified that these complaints related to anti-social behaviour, noise nuisance and issues relating to dispersal.

6.7 The PC Dave Atkins (Police) made submissions to the Sub-Committee, highlighting the following:

- Concerns that the removal of condition 17 from the licence would grant this venue a licence to operate as a bar in an area where complaints had already been received regarding an increase in anti-social behaviour;
- Since the granting of the licence, the Police had had cause to speak with the licensee due to complaints received from local residents in August 2020 that named the venue as a contributor to anti-social behaviour and outside drinking. The developing night-time economy in Leonard Circus had seen an increase in anti-social behaviour, as well as disruption to local residents which some had said had made them feel unsafe;
- Due to the above concerns the Police believed that the granting of the variation would undermine the licensing objectives, namely in relation to crime and disorder and public safety.

6.8 The Chair asked for a description of the make-up of the Leonard Square area. PC Dave Atkins responded that the area consisted of residential properties, bars, commercial properties and food vendors. He told the Sub-Committee of the public seating outside the venue and that the Police discouraged outside seating at night. The Sub-Committee asked for the imposition of a condition to remove the outside seating in the late evening.

6.9 Andy Newman submitted that there was no evidence that the premises would add to cumulative impact in the area and would not undermine the licensing objectives. The premises was well managed with an outdoor management plan with CCTV surveillance and lighting that would deter crime. The License holder made his toilet facilities available to the public and market traders in the area. In response to a question from Amanda Nauth on the possible restriction of numbers standing in the venue, Andy Newman confirmed that all patrons would be seated during the Pandemic.

6.10 Councillor Brian Bell asked about seating arrangements outside the premises. Lee Williams confirmed that there was seating for 30 to 40 patrons outside the premises.

6.11 Andy Newman submitted, in closing, that the application should be considered on its own merits. He said that there was no evidence that there would be a negative impact if the application was approved. CCTV and lighting at the premises would help to deter crime in the area.

6.12 In closing, PC Dave Atkins reiterated the Police concern that the removal of condition 18 from the licence would grant this venue a licence to operate as a bar in an area where complaints had been received regarding an increase in anti-social behaviour.

6.13 David Tuitt submitted, in closing, that the removal of off-sales from the premises license allayed the concerns of the Licensing Authority

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 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.

7. Temporary Events Notice

7.1 There were no temporary events notices.

Meeting Duration: 2pm - 3:30pm