

Review of Condition 46 of the Premises Licence – Unit 7 Lounge, Unit 7, 2-4 Orsman Road, Hackney, London N1 5FB – REFUSED

The decision of 14th October 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;
- The protection of children from harm;

the review of condition 46 of the premises licence and the proposed amendment to this condition has been refused taking into consideration the Licensing Policies within the Council's Statement of Licensing Policy.

Reasons for the decision

The Licensing sub-committee heard that the premises licence was granted by the Licensing sub-committee on 22 April 2021, and licence holder subsequently appealed condition 46 that excluded the previous licence holder, Hande Sezgin from the premises. The sub-committee were aware that this matter was referred back to the Council from the Magistrates' Court for the Licensing Sub-Committee to review this condition, and to decide whether to remove or vary condition 46.

The sub-committee took into consideration the representations of the Licensing Authority who objected to the removal of condition 46 and they did not accept the amendment to the condition as an alternative because they found it difficult to see how Hande Sezgin would not be involved in the management of the premises. The Licensing Authority made submissions that they would like condition 46 to remain on the premises licence because it is enforceable.

The sub-committee considered representations from the Ward Councillor on behalf of local residents, who previously made representations, when the licence was applied for on 22 April 2021. The Ward Councillor made representations that condition 46 should not be removed or varied.

The sub-committee carefully considered the representations made by the Licensing Authority, the Ward Councillor representing Other Persons (local residents), and the representation from the licence holders legal representative. The sub-committee believes that the original decision dated 22 April 2021 to grant the premises licence, to the new licence holder, was granted in good faith that it would change, and improve the operation of the premises.

The sub-committee expressed that this was their first experience of local residents being fearful of those involved with the management and operation of any licensed premises. The sub-committee felt that this situation was totally unacceptable.

The sub-committee, having heard from the Licensing Authority, believed that the removal of condition 46 would be likely to result in the licensing objectives being undermined.

The sub-committee felt that the removal of the condition would provide no enforceability in the future if Hande Sezgin continued to be involved in the operation of the premises.

The sub-committee considered the proposed amendment to condition 46 and they were not convinced that Hande Sezgin could attend the premises without being involved in the management and control of the premises. The sub-committee felt it was necessary for Hande Sezgin to continue to be excluded from the premises in its entirety to promote the licensing objectives.

The sub-committee took into consideration that on 22 April 2021 the Licensing Sub-Committee believed they were changing the management and control of the premises to ensure that the premises were run responsibly, and in compliance with the conditions on the licence, and condition 46 was necessary for this to be achieved. The sub-committee noted that the condition 46 was discussed with the licence holder's legal representative on 22 April 202, and there was no objection to this condition.

The sub-committee took into account that the premises continued to operate under the same management previously used that resulted in complaints from local residents.

The sub-committee believed that the licensing objectives could not be promoted by allowing condition 46 to be varied or removed from the licence and as such believed it was necessary and appropriate to refuse the removal of condition 46 from the premises licence.