

## MINUTES OF A MEETING OF THE LICENSING SUB COMMITTEE B

THURSDAY, 12TH NOVEMBER 2020

- Councillors Present:** Councillor Margaret Gordon in the Chair  
Councillor Harvey Odze  
Councillor Sem Moema
- Officers in Attendance:** Amanda Nauth, Legal Officer  
Suba Sriramana, Principal Licensing Officer  
Gareth Sykes, Governance Services Officer  
David Tuitt, Business Regulation Team Leader  
Licensing
- Also in Attendance** Item 5 Quarter Store
- Applicant:  
Max Fishman
- Responsible Authorities:  
PC Dave Atkins, Police
- Item 6 Tettos
- Applicant:  
Onur Siroren, Operations Manager
- Responsible Authorities:  
David Tuitt, Business Regulation Team Leader  
Licensing
- Other Persons:  
Ursula Huws  
Anonymous  
Councillor Soraya Adejare

## **1 Election of Chair**

1.1 Councillor Margaret Gordon was elected as the Committee Chair.

## **2 Apologies for Absence**

2.2 None.

## **3 Declarations of Interest - Members to declare as appropriate / Minutes**

3.1 There were no declarations of interest and no minutes for consideration.

## **4 Licensing Sub-Committee Hearing Procedure**

5.1 The Chair outlined the hearing procedures (A) to be followed by all parties present, as published and circulated.

## **5 Application for a Premises Licence The Quarter Store, 364 Mare Street, E8 1HR**

5.1 The Principal Licensing Officer introduced the application as set out in the published report. The proposed licensable activity was for the supply of alcohol (Off Premises).

5.2 The applicant gave a brief overview of his business and his application. He would be sub-letting a small, self-contained part of a unit, as well as running a grocery store. Alcohol would be stored in the shop in display units and stored in the back room. The applicant was seeking an off-licence to sell direct to his customers for consumption off site and to sell online for delivery.

5.3 The Responsible Authorities, the Police, made their submission next to the Licensing Sub-Committee. The Police had made their submission on the grounds of concerns around the prevention of crime and disorder, public safety and the prevention of public nuisance. The Police highlighted that the premises was located in an Anti-Social Behaviour (ASB) hotspot and they were concerned that the granting of this licence would undermine the licensing objectives.

5.4 The meeting proceeded to the discussion phase where the following points were raised:

- The applicant confirmed he did not expect to be at the premises longer than six to nine months because the landlord intended to redevelop the area. The applicant had applied for a short Lease due to the current climate and he hoped to extend the Lease subject to how the business progressed
- It was understood that delivery scooters would not go up the Narrow way, they would have to park at the bottom. The

business had about approximately 10 - 15 delivery orders per day. They did not expect a lot of delivery drivers

- There was a brief discussion about whether the premises should have a dispersal policy. The Licensing Service confirmed that because the premises was an off licence a dispersal policy was not applicable
- The applicant explained that they had a short Lease on the premises for less than 12 months, however, they had applied for a full alcohol licence
- The Police were concerned that anyone taking over the licence after three months would not know the area, and would not have the same business model
- The applicant was open to the possibility of some form of limited licence up to nine months and also offered to put stickers on cans to monitor if the cans of alcohol are coming from their store

5.5. In their closing remarks the Police reiterated their concerns about the location of the premises in a ASB hotspot and the potential for the undermining of the licensing objectives.

5.6 The applicant in his closing remarks stressed did not expect to be at the premises longer than six to nine months because of the landlord's intention to redevelop the area.

## **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;
- 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 additional conditions:

- No "miniature" bottles of spirits of 100ml or less shall be sold or supplied at the premises.
- No beer, lagers or ciders exceeding 6.5% alcohol by volume (ABV) shall be sold or supplied at the premises.
- Any alcohol sold or supplied for consumption off the premises must be in a sealed container.
- No deliveries between 22:30 to 08:00 Monday to Friday and no deliveries between 22:30 - 10:00 Saturday and Sunday

- The premises shall install, operate and maintain a comprehensive CCTV system as per the minimum requirements of a Metropolitan Police. All public areas and each entry and exit points will be covered enabling frontal identification of every person entering in any light condition.
- The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Recordings shall be made available immediately upon the request of Police or other authorised officer.
- There shall be a staff member from the premises who is conversant with the operation of the CCTV system on the premises at all times when the premises are open to the public. This staff member must be able to show a Police or authorised council officer recent data or footage when requested.
- Signs will be prominently displayed at all entrance and exit points reminding customers to leave quietly and respect local residents.
- A Challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as driving licence or passport.
- An incident log shall be kept at the premises, and made available on request to an authorised officer of the council or the police, which will record the following.
  - a. All crimes reported:
  - b. All ejections of patrons
  - c. Any complaints received.
  - d. Any incidents of disorder.
  - e. Seizure of drugs or offensive weapons.
  - f. Any faults in the CCTV system.
  - g. Any refusal of the sale of alcohol.
  - h. Any visit by a relevant authority or emergency service.
- Premises to operate zero tolerance policy to drugs and comply with Hackney Police Drugs and Weapons policy where appropriate.
- All instances of crime and disorder to be reported by the Designated Premises Supervisor or responsible member of staff to an agreed police contact point, as agreed with the police.
- All staff shall receive training on the legislation relating to the sales of alcohol to underage persons and drunken persons and shall have refresher training every 12 months. There shall be written records of such training, which will be kept on the premises and produced to a police officer or other authorised officer upon request.

- All spirits shall be located behind the counter.
- The licence holder shall maintain a dedicated telephone number of the DPS or Duty manager for use by any responsible authority or any person wishing to make a complaint. This number shall be provided to the licensing authority, police or local residents upon request.

### **Reasons for the decision**

The application has been approved for the supply of alcohol for consumption off the premises, with the above additional conditions, as the Licensing sub-committee was satisfied that the licensing objectives would not be undermined.

The sub-committee took into consideration that Environmental Enforcement had withdrawn their representations, and agreed conditions with the applicant in advance of the hearing. It was noted that apart from the Metropolitan Police no other Responsible Authorities made representations.

The Metropolitan Police maintained their objection to the application due to concerns about street drinking, and anti-social behaviour in the area. It was noted that the applicant has a short Lease on the premises for less than 12 months, however, they have applied for a full alcohol licence. The Metropolitan Police had concerns that anyone taking over the licence after three months will not know the area, and will not have the same business model.

The applicant confirmed he did not expect to be at the premises longer than six to nine months because the landlord intends to redevelop the area. The applicant applied for a short Lease due to the current climate and he hopes to extend the Lease subject to how the business progresses. The applicant confirmed that he would be present while the premises are open. The applicant understood the concerns raised by the Metropolitan Police about street drinking. The applicant offered to put stickers on cans to monitor if the cans of alcohol are coming from their store. They have approximately 10 - 15 delivery orders per day. They did not expect a lot of delivery drivers. There will be no queues expected, and a Dispersal Policy had been agreed by the Licensing Authority.

The sub-committee carefully considered all the representations from the applicant and the Metropolitan Police. They felt that the applicant demonstrated they were a responsible, and an experienced operator who would uphold the licensing objectives. They took on board that the applicant would be selling an expensive range of craft brewery products, beers, and supporting local suppliers. The applicant demonstrated that he is familiar with the area. He had an understanding of the nature of the locality in which the premises are located, and he lives in the area.

The sub-committee were satisfied with the proposed hours, and conditions that would mitigate any negative impact that the premises would have on the area. It was accepted that it was a challenging time for local businesses.

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.

## **6 Application to vary the Premises Licence: Tettos 123-125 Kingsland High Street E3 2PB**

6.1 The Principal Licensing Officer introduced the application as set out in the published report. There were a number of proposed licensable activities including the following an amendment to the layout of the premises, removal of condition 32, to vary the hours for the supply of alcohol, to increase the basement capacity by 80 people and to amend conditions 13 and 16. Committee members noted that the Police had withdrawn their representations in relation to the application and agreed to the proposed amendment to Condition 13 and agreed with the applicant that it should now begin 'On the ground floor.....'

1. Basement can only be in use for pre-booked events, and they must be under the supervision of Mr Salman Kurt the applicant. Mr Kurt must be present at the venue throughout the function. There shall be a guest list for each event supplied by the hirer and this guest list shall be made available to police or other authorised officer on request.
2. There shall be a maximum of 10 smokers outside the premises at any one time. This shall be monitored by staff'.
3. There shall be a maximum of 65 persons in the basement, including staff, at any one time.

The Police had been sent the dispersal policy for the venue and were satisfied that this variation will not undermine the licensing objectives.

6.2 The operations manager for the premises made a submission to the committee giving an outline of the application. He explained that the basement would only be used as a pre-booked private function room. He acknowledged the concerns of local residents and he explained that it was counterproductive for the business to not be on good relations with their neighbours and they were very familiar with the area. He added that they were only looking at an half hour extension and they also highlighted their agreement reached with the police and the amendment to condition 13. The operations manager explained that the sale of alcohol was not what the business would mostly be making money from. The basement would be strictly controlled and the business would be working closely with the police and local residents to ensure the licensing objectives were not undermined.

6.3 The Responsible Authority, the Licensing Authority, made their submission to the committee. They highlighted that the premises were located in the Dalston Special Policy Area (SPA), an area identified as suffering from the negative cumulative impact of concentration of licensed premises in the area. The Licensing Authority queried how the proposed condition would be enforced requiring pre booked events in the basement to only go ahead in the presence of the applicant? There were also concerns expressed about the expansion of the premises into the basement and the removal of specific conditions could have a negative impact on the promotion of the licensing objectives, in particular the prevention of public nuisance. Meeting participants were to note LP10 relating to the SPA in Dalston and Shoreditch.

- 6.4 The committee heard from two Other Persons who objected to the application because of its potential impact on the local community and there was concern that it may be a 'trojan horse' for a late night bar which would create more rubbish, anti-social behaviour and late night noise and nuisance. There were concerns raised about the size of the basement and it was not clear what was meant by pre-booked events. Clarification was also sought on the drafting of the condition 13, the basement potentially promoting vertical drinking and the current dispersal policy being unworkable.
- 6.5 A local ward councillor made a representation raising concerns about the level of concern raised by local residents over incidents of ASB in the area where the premises was located. They argued that the SPA in Dalston made little impact on the number of incidents of the ASB. It was accepted that the applicant would be able control their clientele on site but the issue was when they left the premises and ventured onto the streets outside. It was recommended that the SPA needed to be more robust and reactive to the needs of local residents.
- 6.6 The meeting proceeded to the discussion phase where the following points were raised:
- The legal officer confirmed that condition 32 would be removed and condition 30 would be amended. The latter was to be amended on the advice from the police
  - The applicant explained that there had been a misunderstanding regarding the basement being some kind of vertical drinking establishment. The police had raised concerns but this had now been resolved with the conditions agreed with police. The basement would not be open every day of the week. It was a function room for pre-booked events only. Two Security Industry Authority (SIA) members of staff would also be present in this area when any event was being held
  - Regarding contingency plans if the applicant, Mr Kurt, was indisposed and could not be on site, as proposed in the conditions agreed with the police, it was suggested that a way could be found that he was available to oversee any pre-booked events
  - The operation manager explained that in terms of the capacity for the basement, this time this application was different to the previous one because the area was open to 23:30 hours. It would not be a late night venue
  - The operations manager replied that he was open to the possibility of reducing the capacity for the basement
  - The operation manager explained that the premises were taking various steps to mitigate the impact on the cumulative impact. They were keen to work with the responsible authorities and local residents. It would not be an establishment for drunk people as some the pre-booked events would likely to have children present
  - The events held in the basement would not be advertised. There were two kitchens on the premises - one downstairs, one upstairs. The premises's focus was on fine dining and was not a

cover for anything else and the operations manager cited the example of the size of and cost spent on the cold room on the premises. The premises had a long established relationship with a local taxi service to provide transportation for their customers. There was also nearby bus stops and normally at 22:30hours at night the restaurant was usually not very busy

- The operations manager was prepared to accept a condition where their dispersal policy would be reviewed by the police and their would be regular communication policy
- Addressing local residents' concerns, the operations manager reiterated that the business had spent a lot of time, money and effort to make the premises compliant and to work with the surrounding community. They stressed that events held in the basement were pre-booked events only. Customers would drink and eat on the premises and the staff would call the taxis to pick up the customers
- Both the ground floor and basement plans for the premises were to be re-submitted and approved by the Licensing Authority
- There were concerns raised about the staircase being the only exit of the basement in the event of a fire. It was noted that a fire risk assessment had been circulated to all the committee members
- There was some confusion expressed over the discrepancies regarding the submitted floor plan. It now appeared to be suggesting it was a vertical drinking establishment but the application was not for this purpose. It was understood by the Licensing Authority that the basement was for customers to sit down and be served alcohol
- The Operations Manager explained that there would be tables and chairs in the basement but the layout was such that customers would have the opportunity to dance. He added that they wanted to keep condition 13 for the ground floor
- The chair of the committee suggested that condition 13 would be kept for the whole premises with a table meal for the ground floor and the basement
- On the dispersal policy, the Operations Manager explained that the policy was not a standard one. He insisted that they had the right staffing in place and that they had a proven track record in this area and was more than willing to reduce the capacity for the basement
- The Other Person noted the very convincing case put forward by the applicant but concerns still remained on the impact of the application on the local community and any potential use in Anti-Social Behaviour
- The applicant had previous experience of agreeing to a series of conditions with the police. If the applicant was ill or unavailable then events in the basement would not be held
- The Licensing Authority stated that they were confused, it appeared that the applicant was now suggesting that the basement was just an extension of the restaurant. It had been

understood that the application had been for alcohol to be ancillary to a table meal. The wording of condition 13 was also cited in support of this. The Licensing Authority highlighted that the suggestion that the basement could be used for dancing, for example, appeared to contradict this. The purpose behind the use of the basement appeared to have changed in a short space of time

- It was suggested that the hearing be adjourned because what was being now proposed appeared to not be aligned with condition 13
- A discussion ensued over the current status of the application and what had changed from what had been proposed. The chair of the committee understood those concerns raised by the Licensing Authority and how the application had evolved over the course of the meeting to such an extent that clarity was needed
- The operations manager acknowledged the changes that occurred to the application during the course of the meeting but they added that they had shown willingness to make these changes should be taken into account when the committee makes its decision

6.7 In their closing remarks the Other Persons reiterated their concerns about the application. It was suggested that the hearing process needed to be less arduous and it was stressed the negative impact that application would have on local residents should it go through. It was hoped that the committee meeting would result in a positive outcome.

6.8 There were no closing remarks from the applicant's representative.

6.9 Following the concerns raised about the changes to the application during the meeting the operations manager decided to withdraw most of the variation application except the amended layout of the premises. The Licensing Sub-Committee decided to partially approve the application by approving the change of the layout of the premises only to ensure that the premises licensing conditions were complied with.

### **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;
- The protection of children from harm;

the application for a variation of the premises licence has been partially approved in accordance with the Council's Statement of Licensing Policy, and as set out in the report, as follows:

A Partial approval of the application to vary the layout plan of the premises.

- The applicant withdrew items 2 – 8 of his application to vary the premises Licence

### **Reasons for the decision**

The application has been partially approved to vary the layout plan of the premises. The Licensing sub-committee was satisfied that the licensing objectives would not be undermined in the Dalston Special Policy Area (SPA). During the hearing the application that was put forward for consideration by the Licensing Sub-Committee was significantly changed from the application that was originally advertised and applied for. Accordingly the Applicant withdrew the section of the application as indicated above.

The Licensing Sub-Committee felt that if the Applicant should decide to re-apply he should take on board the representations made by the Other Persons (local residents) in advance of the hearing so that the Applicant could try to resolve and respond to the issues raised as far as possible.

Having taken the above factors into consideration the Licensing sub-committee was satisfied, when partially granting the application, that the licensing objectives would continue to be promoted in the Dalston SPA.

### **7 Temporary Event Notices - Standing Item**

7.1 There were no Temporary Event Notices for consideration.

**Duration of the meeting:** 19:00 – 21:45 hours

**Signed**

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**Chair of Committee, Councillor Margaret Gordon**

**Contact:**

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