

MINUTES OF A MEETING OF THE LICENSING SUB COMMITTEE B

TUESDAY 8TH DECEMBER 2020

Councillors Present: Councillor Gilbert Smyth in the Chair

Councillor Sharon Patrick

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 The Bread Station

Applicant:

Andy Newman, Agent for the applicant
Ronnie Finch, Applicant

Responsible Authorities:

Police

PC Dave Atkins
PC Kerrie Ryan

Other Persons:

Anatasia Sledkova

1 Election of Chair

1.1 Councillor Gilbert Smyth 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.

3.2 There were no minutes of a previous Licensing Sub-Committee meeting for consideration.

4 Licensing Sub-Committee Hearing Procedure

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

5 Application for a premises licence: The Bread Station Railway Arch 373 Helmsley Place, London E8 3SB

5.1 The Principal Licensing Officer introduced the application as set out in the published report. The proposed licensable activities were for films, late night refreshment and the supply of alcohol. The committee noted that the Environmental Health Authority had withdrawn their representation based on agreed conditions, as set out at paragraph 8.1 of the report.

The Licensing Authority had also withdrawn their representation subject to agreement of the following condition:

Where alcohol is sold to a customer for consumption on the premises, the licensee shall take all reasonable steps to ensure that the customers remain seated whilst consuming alcohol on the premises. Notwithstanding this condition customers are permitted to take from the premises sealed containers of alcohol.

In discussion with the Licensing Authority and the Police, the applicant had reduced the proposed hours to the Hackney Policy Hours; the hours were revised to align with LP3, therefore limited to 23:00 Monday to Thursday, 23:30 Friday and Saturday and 22:30 on Sunday:

- Cease use of external areas by 22:00 daily except for a limited number of smokers (engaged in Licensable activity).
- Agreed Challenge 25
- The Premises shall only operate as a café/restaurant ancillary to the primary use of the premises as a bakery.

The Committee noted that the Police had made a representation on the grounds of the prevention of crime and disorder and the prevention of public nuisance. It was also noted that supplementary papers had been provided by the applicant including an accurate floor plan and a response to the objections raised by the police. These supplementary papers had been circulated and published on the Hackney Council website.

5.2 The agent for the applicant presented their case in support of the application. They spoke about the experience of the applicant and also the support for the

business from local residents and businesses, the Hackney representative for the Federation of Small Businesses, and a Redbridge Councillor. The agent for the applicant highlighted the Section 182 Guidance to the Licensing Act 2013 which referred to the promotion of fairness, equal treatment and proportionality. They also cited the principle of proportionality as enshrined in European Union (EU) law. The agent for the applicant continued by disputing the representation made by the Police, arguing that each individual application had to be based on its own merits and insisting that there was no adverse evidence provided. The premises were also not in a Special Policy Area (SPA) for Cumulative Impact and the applicant had reached out to local residents to discuss further their concerns.

5.3 The committee next heard from the Responsible Authorities, the Police, who were opposed to the application on the grounds of the prevention of crime and disorder and the prevention of public nuisance. The police made a number of points including the following:

- There are already a number of existing premises licences in the immediate vicinity they are in the midst of constructing eight three bedroom flats opposite the venue meaning that in addition to the existing residents in the area there will be the potential for 8 further families with young children
- The Police would request that Condition 16 relating to Challenge 21 be amended to Challenge 25
- Condition 21 stated that “There shall be no more than 8 persons who have temporarily left the venue, allowed to smoke outside the Courtyard at the front of the premises at any one time. This area will be monitored by staff”. This was residential area and Police would ask why the venue would need to utilise space outside the venue when they already benefit from an external courtyard
- The Police asked what the capacity of the venue would be both internally and externally?
- The way in which the application presents suggests that the venue would be steering towards operating as a bar which Police believe would undermine the licence objectives namely Crime and disorder and public nuisance. The Police would ask what steps the applicant would intend to take in order to minimise any effect the granting of a licence at the location would have on the undermine of the licensing objectives
- The Police had offered a condition that the sale or supply of alcohol for consumption on the premises otherwise than to person taking substantial tables meals there for consumption by such a person as an ancillary to their meal
- The Police were concerned about the premises being in an area where there were reports of street drinking and Antisocial behaviour (ASB) and they felt that it would be useful to have a condition in place that would go towards mitigating that concern

5.4 The agent for the applicant responded to the Police’s comments that any condition should be based on evidence. He highlighted that the applicant had

operated in Hackney for a number of years with no issues and there was already in place a number of careful conditions. He added that there was no evidence that any of the customers leaving the Bread Station were taking part in any acts of ASB. The premises was an organic bakery where food was complemented by alcohol. Police concerns were understood but it was felt that they should focus on other areas. There was no evidence to support the inclusion of any additional conditions beyond those already cited and there had to be a proportional response.

5.5 A discussion ensued between the applicant and the police around condition 24. The police understood that the applicant was content with the wording of the condition and that alcohol would complement the food. The police reiterated their concern that any change could lead to the premises becoming a bar. Agent for the applicant felt that the condition was too restrictive and that any remaining concerns were now addressed through the condition agreed between the Licensing Authority and the applicant. The applicant highlighted that condition 25 in the application report was out of date. The applicant also confirmed that they were continuing with home deliveries.

5.6 It was agreed that condition 25 would be amended to read as follows:

Off sales of alcohol shall be in sealed containers for takeaway to a residential or business address.

5.7 Discussions continued between the applicant and police. The latter were concerned that the capacity, 96, was a large number of people for the premises. The police suggested that a further condition would relieve their concerns about the establishment becoming like a bar. The agent for the applicant replied that there was nothing in the application to suggest that it was nothing more than a working bakery. The applicant added that it would be difficult for him to accept any more conditions and he reiterated that he operated the premises as a bakery. The applicant explained the difficulties involved in running a table service seeing it as not being economically viable. The committee noted that currently the cafe operating hours were from 7am to 4pm and then the bakery would reopen at 8pm. The premises sold wholesale produce and in the age of Covid19 was seeking to branch out the business. The applicant cited the restaurant next door which had long opening hours and how he had made the application to match the restaurant. The applicant insisted that they could not operate the premises as a bar.

5.8 The committee heard from an Other Person, who presented their objections to the application. They were concerned about the location of the premises in the middle of an overwhelmingly residential area. It was understood that the only exit for patrons leaving the premises was through Mentmore Terrace, which was entirely residential. Given the number of existing premises with licences in the area already this application would contribute further to those negative aspects of when customers leave the licensed premises at the end of an evening e.g. ASB.

- 5.9 On a point of clarification it was reiterated that the applicant, in agreement with both Licensing and the Police, had reduced the proposed hours of licensable activities to be in line with the Hackney Policy Hours. The hours were revised to align with LP. On the issue of capacity the applicant explained that at 10pm use of the external areas would cease except for a limited number of smokers. Addressing the issue of the dispersal policy the applicant sympathised with the local residents concerns, he was a local resident himself. He wanted to work with local residents and it was felt that this had been demonstrated by the amendments to the hours.
- 5.10 The meeting moved on the discussion phase where a number of points were raised including the following:
- The police reiterated their concerns about the potential for the premises to be become a bar
 - The agent for the applicant insisted that the premises was a working bakery and highlighted again the support for the premises from local businesses et al and that the premises was not in a cumulative impact area and there was no evidence to support the claim that it would lead to incidents of street drinking
 - The Licensing Authority confirmed that they had held talks with the agent for the applicant, the police and the applicant. They understood that the concerns expressed about incidents of street drinking were as a result of the Covid19 regulations
 - The agent for the applicant believed that all the points had been covered but there remained an impasse over the wording and implementation of condition 24
 - Following further discussion the police recommended that condition 24 could be amended so that after 22:00 hours the maximum capacity of the premises, inside, would be 30 patrons, at any given time and the sale and supply of alcohol for consumption, inside the premises, would be made only with the sale of food which would be available at all times. All parties agreed to this amendment of condition 24
- 5.11 The committee noted that in terms of the operating hours for the premises it would be Monday to Thursday 11:00 to 23:00 hours, on Saturday to 23:30 hours and on Sunday to 22:30 hours. The external area was to be closed at 22:00 hours every day. The capacity for the premises, 96, would exclude staff.
- 5.12 There were no points of clarification from the police.
- 5.13 It was confirmed that the condition agreed between the Licensing Authority and the applicant would remain (see paragraph 5.1). Prior to publication of the Committee's decision The Legal Officer would circulate to all interested parties the final wording of the amended condition 24.
- 5.14 There were no closing remarks from the agent for the applicant, the applicant, the responsible authorities or the other person.

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 as 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	11:00 – 23:00 hours
Friday to Saturday	11:00 - 00:00 hours
Sunday	11:00 – 22:30 hours

Supply of Alcohol (on and off the premises):

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

Films:

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

Late Night Refreshment:

Friday to Saturday	23:00 - 23:30 hours
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- Live and recorded music was withdrawn from the application.
- The maximum number of persons (excluding staff) allowed at the premises at any one time shall not exceed 96 persons as follows:
 - i) 30 persons (excluding staff) inside the premises at any one time.
 - ii) 66 persons (excluding staff) in the external areas of the premises at any one time.

- Condition 17 shall be amended and read as follows:

“ 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. Challenge 25 signage will be prominently displayed”.

And the following additional conditions

- All licensable activity will cease 30 minutes before the premises closes each day.
- After 22:00 hours the maximum capacity of the premises (inside) will be 30 patrons at any given time and the sale and supply of alcohol for consumption inside the premises, shall be made only with a sale of food which shall be available at all times
- Where alcohol is sold to a customer for consumption on the premises, the licensee shall take all reasonable steps to ensure that the customers remain seated whilst consuming alcohol on the premises. Notwithstanding this condition customers are permitted to take from the premises sealed containers of alcohol.
- A finalised accurate site plan shall be submitted to and deemed acceptable by the Licensing Authority.
- No patrons are permitted to use the external areas after 22:00 hours every day except for the maximum of eight (8) smokers at any one time.
- Any alcohol sold or supplied for the consumption off the premises shall be in a sealed container. No open containers shall be taken off the premises.

Reasons for the decision

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

The sub-committee took into consideration that Environmental Enforcement, and the Licensing Authority had withdrawn their representations, and agreed conditions with the applicant in advance of the hearing. The Metropolitan Police Service and Other Persons maintained their objection to the application on the grounds of public nuisance and crime and disorder. It was also noted representations in support of the application.

The Metropolitan Police Service had concerns that the premises was steering towards operating like a bar which would undermine the licensing objectives in particular crime and disorder and public nuisance. They also felt that Helmsley Place was becoming more of a residential street which may affect local residents.

The applicant's representative explained that the premises shall only operate as a café/restaurant ancillary to the primary use of the premises as an organic wholesale bakery, and the applicant would like to offer the sale of wine and beer generally and in the external courtyard.

The sub-committee having carefully considered all the representations made decided to grant the premises licence. They took into consideration that alcohol would be sold ancillary to a meal which was reassuring in relation to how the premises will be controlled and operated. The sub-committee also took into consideration the impact that the premises would have on local residents.

The sub-committee approved the application having taken into consideration that the hours had been reduced from the original intention, together with the conditions which the applicant had agreed with the Metropolitan Police and the Licensing Authority. The sub-committee felt that the applicant had addressed the issues and the concerns of the Metropolitan Police Service including having a staggered dispersal policy which they were satisfied with. The sub-committee felt that the conditions would adequately mitigate any negative impact in the area.

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 for a Premises Licence Koya Ko 11-12 Broadway Market Mews, E8 4QJ

6.1 The application was approved under delegated authority and subsequently withdrawn from the meeting agenda.

7 Temporary Event Notices - Standing Item

7.1 There were no Temporary Event Notices (TENs) for consideration at the meeting.

Duration of the meeting: 19:00 – 20:30 hours

Signed

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Chair of Committee, Councillor Gilbert Smyth

Contact:

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