

DRAFT MINUTES OF THE MEETING OF LICENSING SUB COMMITTEE D

THURSDAY 29 JULY 2021

THIS MEETING WAS LIVE STREAMED AND CAN BE VIEWED AT:

https://youtu.be/Tcdd_TQNGM8

Councillors Present: Cllr Emma Plouviez (Chair) and Councillor Gilbert Smyth

Officers in Attendance: Mario Kahraman, ICT Support
Amanda Nauth - Licensing and Corporate Lawyer
Gareth Sykes - Governance Services Officer
David Tuitt, Business Regulation Team Leader,
Licensing Service

Also in Attendance: Item 6 Temporary Event Notice
Courtyard, St Michael's Church, Leonard
Street, EC2A 4ER
Premises user:
Luke Elford - Solicitor
Mr Jaroslav Krampol - Premises user
Paul MacStocka - Manager
Responsible Authorities:
Gurch Patti, Environmental Protection,
Hackney Council

1. Election of Chair

1.1 Councillor Emma Plouviez 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. Licensing Sub Committee Hearing Procedure

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

5 Temporary Event Notice Address: The Car Park at 14 Anning Street, EC2A 3LQ

5.1 The Temporary Event Notice (TEN) for the Car Park at 14 Anning Street was withdrawn from the meeting agenda.

6 Temporary Event Notice: Courtyard, St Michael's Church, Leonard Street, EC2A 4ER

6.1 David Tuit, from Hackney Council's Licensing Service, introduced the report, explaining that the council's Environmental Protection team had given the Licensing Authority notice of a written objection to the Temporary Event Notice (TEN) for a pop-up restaurant to be located at the Courtyard, St Michael's Church, Leonard Street on 6 August 2021 from 12:00 finishing on 7 August 2021 at 22:00 hours. Supplementary papers had been submitted by the Premises User and Environmental Protection.

6.2 Gurch Patti, from the Hackney Council's Environmental Protection team, outlined the Council's reasons for objecting to the TEN; their view was that the TEN could lead to a statutory noise nuisance and an undermining of the council's public nuisance licensing objective. Numerous complaints from local residents had been received, and they already endured noise disturbances because of several licensed premises in the area. Mr Patti referred to the supplementary materials showing the location of the TEN and its close proximity to local residences.

6.3 Mr Luke Elford, a solicitor representing the premises user, made a number of submissions, detailing what the TEN would involve and how it would feed into other activities planned throughout the week, as well as the positive steps that had been taken to meet the Council's licensing objectives. Mr Elford disputed that the TEN would result in a statutory nuisance and would add to the cumulative impact in the area. The validity of the complaints was queried as activities on site had yet to take place. Mr Elford explained that his client welcomed being contacted by local residents about the operation, adding that the visible presence of the pop-up restaurant would be a useful deterrent against any noise disturbances occurring. Mr Elford highlighted that his client had a proven track record of running similar events with no history of complaints. Mr Elford concluded that a counter notice should not be issued and if anything was to happen during the weekend of 31 July and 1 August then it was doubtful that any further TENs would be applied for.

6.4 Following all the submissions, the Chair led a discussion about the application, during which the following points were raised:

- Hackney Council's smoking policy did not apply to this TEN as it was taking place outside, however, the premises user

acknowledged that there would have to be a designated smoking area on site.

- Restaurant bookings were made through the online ResDiary system which would also allow the premises user to include Terms and Conditions and notes e.g. reminding customers to be quiet when leaving the site.
- Taxi numbers would be available to customers but it was accepted that there were also public transport and online taxi booking options available.
- Walk-in customers would also be booked through the ResDiary system.
- The complaints management system would be advertised through the premises user's various social media accounts as well being advertised on the front gate of the premises. Dialogue had already taken place between the premise user and some of the local residents.
- The premises user explained that because of a delay in the previous licensing hearing, they had not yet set up tables on site. If the TEN at the hearing was agreed then it would be a 'soft launch' for the 31 July and 1 August weekend with an expected capacity of up to 100 people. The operation would also run from 17:00 to 22:00 hours only.
- Empty bottles would be bagged up with a collection time to be agreed with the waste removal company that would be outside those hours that might cause a disturbance to local residents.
- Water and portable toilets were provided on site.
- Fire extinguishers would be provided and the premises user was in the process of identifying a fire assembly point.
- The premises user was currently deciding on whether to have a small speaker on site for playing low volume music.

6.5 In his closing remarks Mr Elford commended the TEN to the committee and asked the Councillors when making their decision to take into consideration the considerable amount of material that had been submitted by his client. He concluded by emphasising that the TEN would allow an otherwise derelict and empty space to be used in Hackney.

6.6 In his closing remarks Mr Patti reminded the sub-committee that there was already a large number of licensed premises in the vicinity of the proposed TEN. The sub-committee was asked whether the TEN actually needed to go ahead, as it could add to the misery already being experienced by local residents. Mr Patti concluded by asking the sub-committee to consider how they would feel if a pop-up restaurant, catering to 100 people, was set up near their home.

6.7. Responding to a point raised by Mr Elford, the Chair of the sub-committee clarified that Mr Putti had said that the TEN could add to the misery of local residents. As shown by the submissions included in the published meeting papers, local residents were already suffering.

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

and in particular upon consideration of the 'objection notice' given by the Environmental Protection Team, is satisfied that the proposed event would undermine the licensing objectives. Therefore, the sub-committee has decided to issue a counter notice.

Reasons for the decision

The sub-committee took into consideration the objections from the Environmental Protection Team to the Temporary Event Notice for the period from 6th July 2021 from 12:00 to 22:00 and 7th July 2021 from 12:00 to 22:00, which contended that this event would undermine the licensing objectives, particularly the objective of preventing public nuisance. The sub-committee carefully considered the reasons for the objection.

The Environmental Protection Team submitted that allowing the event could constitute a statutory nuisance which would cause a serious disturbance to the local residents who live within close proximity (immediately adjacent and opposite) of the proposed site for the event. The sub-committee considered that this would be very likely to equate to a public nuisance under the licensing regime.

The Environmental Protection Team also presented a number of complaints received from local residents regarding potential anti-social behaviour from allowing this event to take place. The residents clearly felt that the disturbance would add to the negative impact on their quality of life and that of all residents in the area.

The sub-committee, having considered the complaints received from local residents by the Environmental Protection Team, felt that there is clear potential for the proposed event to result in public nuisance that would affect the local residents. The sub-committee, having heard from the premises user, found that there was no evidence that the premises user made enquiries with local residents before deciding to use the site for this event given that the premises user contended that the event was for the benefit of the community or attempted to resolve the issues raised by the local residents' complaints in advance of the event. It was noted that the representative for the premises did try to contact the Environment Protection Team.

The sub-committee felt this is an area that already has a great deal of alcohol-related nuisance, and is situated very close to the Shoreditch Special Policy Area. The sub-committee felt that extending the hours of the event into the daytime would

increase the crowd noise and alcohol consumption on the streets in the area. They also felt that allowing the proposed event to take place would lead to more 'pre-loading' and increased anti-social behaviour in the vicinity, and people staying in the area for longer. The sub-committee considered that there is a great deal of anti-social behaviour in the area, and an additional premises in the area will add to the noise and the negative impact on the local residents.

Therefore, on balance and notwithstanding the proposed mitigations presented by the representative of the premises user, the sub-committee felt that the event would contribute to the negative impact of the residential area and would therefore undermine the licensing objective concerning the prevention of public nuisance. The sub-committee was also not satisfied that the mitigations proposed by the premises user were capable of adequately addressing this risk of public nuisance. Given that the sub-committee considered that allowing the event to take place in accordance with the Temporary Event Notice would undermine the licensing objectives, it decided to issue a counter notice for the proposed event in the Shoreditch area.

End of Meeting

Duration of Meeting: 14:00-14:35 hours

Chairperson: Councillor Emma Plouviez

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