

MINUTES OF A MEETING OF THE LICENSING SUB COMMITTEE B

TUESDAY 8 AUGUST 2023

THE LIVESTREAM OF THE MEETING CAN BE VIEWED HERE:
[HTTPS://WWW.YOUTUBE.COM/WATCH?V=XJOI8AKUBOM](https://www.youtube.com/watch?v=xJOi8akUBOM)

Councillors Present: Cllr Susan Fajana-Thomas in the Chair
Cllr Richard Lufkin and Cllr Yvonne Maxwell

Officers in Attendance: Amanda Nauth, Licensing Lawyer
Sanaria Hussain, Senior Licensing Officer
Natalie Kokayi, Governance Officer

Also in Attendance: Miguel Campbell-Lewis, Light Night Levy Support Officer (Observing)

Item 6 Application for a Premises License: Bagel Buzz, 195 Shoreditch High Street, London E1 6LG

Applicant

Mijanul Islam Applicant
Richard Baker, Applicant's Agent
Roy Light, Advocate

Responsible Authorities

David Tuitt, Licensing Team Leader

Other persons

None

Item 7: Temporary Event Notices

There were none.

1 Election of Chair

1.1 Cllr Susan Fajana-Thomas was elected as the Committee Chair.

2 Apologies for Absence

2.1 There were no apologies for absence.

3 Declarations of Interest - Members to declare as appropriate

3.1 There were no declarations of interest.

4 Minutes of the Previous Meeting

4.1 None.

5 Licensing Sub-Committee Hearing Procedure

5.1 The meeting participants noted the hearing procedure.

6 Application for a Premises License: Bagel Buzz, 195 Shoreditch High Street, London E1 6LG

6.1 The Licensing Sub-Committee heard from Hackney Council's Senior Licensing Officer, the Advocate, and the Agent for the Applicant. The Licensing Team Leader, made representations on behalf of the Licensing Authority. The application was for a premises licence to allow the provision of late night refreshments on Monday to Sunday from 11.00pm - 01.00am. The Police had withdrawn their representation after visiting the premises and discussions with the Applicant.

6.2 During the course of the meeting there was a discussion where a number of points were raised including the following:

- The advocate for the applicant noted that the application was for the supply of hot food and drink from 11.00pm-01.00am.
- Consumption is for takeaway only and deliveries from the premises of hot food and drink after 11.00pm was not proposed.
- Consultation had been carried out in line with the Licensing Act 2003 and regulations.
- It was noted that The Licensing Authority had additional requirements for the application to be displayed on the Council's website and the Council allowed people to subscribe to a list which outlined application details which were circulated weekly. In addition, all licensing application details were sent to all ward councillors.
- The Applicant noted that there were residential dwellings above the premises and adjacent commercial premises had residential dwellings on upper floors.
- The Applicant had not had any discussions about the application with the residents above the shop.
- The Licensing Team Leader noted that the Responsible Authority's Licensing Representation at Appendix B included references to the Special Policy Area (SPA) which no longer applied from 1 August 2023.
- The Licensing Authority was concerned about additional premises operating in the area leading to public nuisance which undermined the licensing objectives.

- The Licensing Team Leader noted that the area was considered to comprise mixed commercial ground floor use with some residential dwellings above commercial premises.
- The Applicant indicated that the application was proposed to develop the business and also responded to customer requests for late night opening.
- The Licensing Authority noted the objection was related to the prevention of nuisance related to persons queuing, consumption of purchases on the street, and discarding of packaging and noise.
- In response to questions related to queuing outside the premises the Applicant's Agent noted that based on the Applicant's trading history queues outside the premises were not anticipated.
- The Applicant had offered conditions including CCTV and a Security Industry Authority (SIA) approved door supervisor to manage the queues. In addition a litter bin and regular pavement sweeping had been proposed.
- The Applicant's agent and advocate indicated that a no queuing outside condition was unenforceable and would not be accepted.
- In response to a query regarding the impact of queuing on residential dwellings above the premises and the impact of where people went to eat their purchases the Licensing Authority noted that the proposed SIA condition sought to restrict the number of customers inside the premises to 8 people. It was noted that the mixed commercial nature of the area suggested that residents were used to activity on the streets outside the premises.
- The Applicant agreed to a further condition as part of the proposed Condition 11: the pavement area outside the premises to be regularly checked for litter and swept when necessary.
- A member of the Sub-Committee suggested that as there may be some disturbance to residents, particularly at weekends and consideration was to be given to restricted days of extended hours.
- The Applicant's Advocate suggested that the key issue in relation to disturbance was the impact caused by heating bagels and serving hot drinks set against serving cold bagels and cold drinks.
- Following further discussions between the Applicant and members of the Sub-Committee the Licensing Authority indicated that proposed reduced hours during the week went some way to alleviate their concerns.
- A member of the Sub-Committee Proposed a public informative was included to note the Sub-Committee's concerns about not causing nuisance to residents from queues outside the premises.

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; 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 Wednesday	07:00 - 01:00
Thursday to Saturday	07:00 - 01:00
Sunday	07:00 - 01:00

Late Night Refreshment:

Monday to Wednesday	23:00 - 00:00
Thursday to Saturday	23:00 - 01:00

- Remove Late Night Refreshment from Sundays
- Condition 11 on the licence to be amended as follows:
 - " The pavement area outside the premises will be regularly checked for litter and the front area will be swept daily".

Reasons for the decision

The application for Late Night Refreshment has been approved because the Licensing Sub-committee was satisfied that the licensing objectives would not be undermined.

The Sub-committee took into consideration the objection made by the Licensing Authority due to the late opening of the premises beyond core hours under Policy LP3.

The Sub-committee took into consideration that the Metropolitan Police Service ("the Police") withdrew their representation after speaking to the Applicant in advance of the hearing. The Sub-committee also noted that there were no representations from other Responsible Authorities or local residents in the area.

The Sub-committee heard that the Applicant was seeking to open later to provide late night refreshment in the form of hot bagels and hot drinks for takeaway after 23:00, and there was no consumption of alcohol on the premises. The Sub-committee heard that the Applicant wanted to develop the business and their customers asked why they did not open after 23:00.

The Sub-committee heard the Applicant's legal representative make submissions that the Applicant sold niche bagels, that it was a modest Application from 23:00 - 2 am each day, the Police and Environmental Protection have no objection to this application. The Applicant's legal representative contended that it was not a quiet area, and it was a busy area late at night. The Sub-committee heard the representation made on behalf of the Applicant that " would a hot bagel served with a hot drink" add to the cumulative impact of the area.

After hearing from the Applicant's legal representative, the Applicant's Agent and from the Licensing Authority, the Sub-committee was satisfied with the amended condition and the reduced hours that the Applicant agreed to would mitigate any negative impact that granting the licence would have on the potential for customers causing noise nuisance late at night.

The Sub-committee had concerns about queuing outside the premises which could result in noise affecting the local residents late at night. In addition to the disturbance from late night drinkers. The Sub-committee took into consideration that only 8 customers were permitted inside the premises, and the Applicant's ability to control the outside area.

The Sub-committee took into consideration that it was a mixed use area of both commercial and residential, and that local residents lived above the premises in flats. The Sub-committee noted that the local residents will be used to the busy commercial activity in the area.

The Sub-committee took into account that the customers after 23:00 were likely to be people coming back from clubs and going to the nearest take away in the area.

The Sub-committee took into consideration that the Applicant agreed to monitor the outside area for litter and sweep the outside area of the premises each day. The Sub-committee took into account that the Licensing Authority were happy with the compromise reached on the operating hours, and felt that it did go some way to overcoming the concerns of the Licensing Authority.

The Sub-committee felt that the sale of hot bagel's was not a material consideration.

The Sub-committee felt that the premises due to its size and capacity would have less of a negative impact on the area.

Having taken all of the above factors into consideration, the Licensing Sub-committee was satisfied, when granting this application for Late Night Refreshment, that the licensing objectives would be upheld.

Public Informative

1. The Licence holder is advised to monitor and keep an eye on the queueing outside the premises, and in particular late at night. The Licence holder is asked to take into consideration the impact on local residents to prevent noise nuisance and any negative impact in the area.
2. The Applicant is strongly encouraged to use sustainable cutlery, plates, cups, food containers, and recyclable disposable materials to avoid using single-use plastic disposable items to protect the local area, to prevent litter, and to protect the environment.

7 Temporary Event Notices

7.1 There were no Temporary Event Notices

END OF THE MEETING

Duration of the meeting: 7.00pm - 8.20pm

Cllr Susan Fajana-Thomas
Chair of the Licensing Sub-Committee

Contact:
Natalie Kokayi
Governance Officer
Email: governance@hackney.gov.uk