

MINUTES OF A MEETING OF THE LICENSING SUB COMMITTEE D

THURSDAY 17 AUGUST 2023

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**Councillors Present:** Cllr Gilbert Smyth in the Chair

Cllr Yvonne Maxwell

**Officers in Attendance:** Amanda Nauth, Licensing Lawyer  
Suba Sriramana, Principal Licensing Officer  
(acting)  
Gareth Sykes, Governance Officer

**Also in Attendance:** **Agenda item 6: Application for a premises licence: Dalston Corner, 1 Stoke Newington Road, London,N16 8BH**

Applicant:

Mahir Kilic, Agent

Responsible Authorities:

None.

Other persons (in objection):

Appendix B1 - Anonymous

**Agenda item 7: Application for a premises licence: The Bibliotheque, 325 Kingsland Road, E8 4DL**

**Applicant:**

Noel Samaroo (Consultant)

**Responsible Authorities:**

None.

**Other Persons (in objection):**

None.

## **1 Election of Chair**

1.1 Cllr Gilbert Smyth was duly elected as the Sub-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 None.

## **4 Minutes of the Previous Meeting**

4.1 The Sub-Committee approved the minutes of the following previous meetings:

- 28 June 2023; and
- 13 July 2023

### **Resolved:**

The minutes of the previous meeting, held on 28 June 2023 and 13 July 2023, be approved as an accurate record of those meetings' proceedings.

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

5.1 The meeting participants noted the hearing procedure for the meeting.

## **6 Application for a Premises Licence: Dalston Corner, 1 Stoke Newington Road, London, N16 8BH**

6.1 The Licensing Sub-Committee heard from Hackney Council's Principal Licensing Officer (Acting), the Applicant and other persons. The application was for a premises licence to allow authorisation of the sale of alcohol on Monday to Sunday. There were no representations from the responsible authorities. The other persons had made representation received on the grounds of the prevention of crime and disorder, public safety, prevention of public nuisance and the protection of children from harm.

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

- Replying to concerns raised by local residents, the agent for the Applicant confirmed that the premises would put up signage to advise local residents to leave quietly and they would monitor the front entrance and ask people to move along and not build up crowds at the busy junction and crossings;
- The Sub-Committee noted that the Applicant had installed Closed Circuit Television (CCTV) on site;
- The other person raised concerns about street drinking and they were not satisfied with the representations made by the agent for the Applicant as they felt that it did not address the issues;

- In response to the concerns raised by the other person about the level of noise, the Sub-committee noted that the premises was at a busy junction with two sets of crossings, and it was hoped that the Applicant would do everything to ensure there is no noise breakout during operation of the premises;
- In response to a question from the Sub-Committee Members about the front and rear of the premises, the agent for the Applicant agreed that his client would not use the front and rear of the premises for licensable activities. A condition was included to that effect;
- The Sub-committee raised concerns about where the premises were permitted to put their rubbish and refuse out each week as it had been noted by the other person that some rubbish and litter had been dumped at the front of the premises which they would want to prevent;
- In response to the concerns raised by the other persons, the agent for the Applicant would ensure that his client's contact details were available to local residents should any issues arise;
- The Licensing Sub-Committee Members noted condition nine that stated: 'no beers, lagers or ciders in single cans, bottles or multi-packs with an ABV of more than 6.5% will be displayed, sold or offered for sale from the premises. This condition does not apply to Guinness Foreign (ABV 7.5%), Dragon Stout (ABV 7.5%) and Leffe Blonde (ABV 6.6%)';
- The Other Person, a local resident, suggested a condition to be included to address concerns raised about the covering of tactile paving outside the premises. The Licensing Sub-Committee agreed to pass on those concerns to the Council's Street Scene team to investigate the issue.

There were no closing remarks from the agent for the Applicant 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 on 17 August 2023 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 Licensing Sub-committee decided that the premises licence for Dalston Corner, 1 Stoke Newington Road, London, N16 8BH be approved in accordance with the Council's Statement of Licensing Policy and the proposed conditions set out in paragraph 8.1 of the published application report:

And the following additional conditions:

- No licensable activities are permitted at the front and rear of the premises.

- The Licence holder will display signage prominently requesting:
  - customers leave the proximity of the shop quickly and quietly
  - respecting any local residents.
- The front of the premises will be monitored at busy times after 18:00 to ensure large groups of customers do not congregate at the busy junction and potentially dangerous crossings which is a risk to public safety.
- The garden area shall not be used for licensable activities and there shall be regular litter checks and collection of litter in the area.
- The Licence holder shall ensure that all staff are fully trained and made aware of the legal requirement of businesses to comply with their duty of care as regards the disposal of waste produced from the business premises. During the hours of operation of the premises, the Licence holder shall ensure sufficient measures are in place to remove and prevent litter or waste arising or accumulating from customers in the area immediately outside the premises, and that this area shall be swept and or washed, and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements by close of business.
- No deliveries to the premises shall take place between 23:00 and 08:00 on the following day.
- The procedure for handling and preparing for disposal of the waste shall be in writing and displayed in a prominent place where it can be referred to at all times by staff.
- The Licence holder shall ensure that any contract for general and recyclable waste disposal shall be appropriate in size to the amount of waste produced by the business. The Licence holder shall maintain an adequate supply of waste receptacles provided by his registered waste carrier (refuse sacks or commercial waste bins) in order to ensure all refuse emanating from the business is always presented for collection by his waste carrier and shall not use any plain black or unidentifiable refuse sacks or any other unidentifiable or unmarked waste receptacles.
- In order to minimise the amount of time any waste remains on the public highway in readiness for collection, the Licence holder will ensure the timeframe within which it may expect its waste carrier to collect is adhered to. The Licence holder must ensure he/she complies with any orders or notices served by the Council.
- The Licence holder shall erect a sign asking customers to refrain from littering the public highway outside the premises and will also instruct members of staff to make regular checks of the area immediately outside and within 10 metres either side of the premises and remove any litter, bottles and glasses emanating from the premises. A final check should be made at close of business.

## **Reasons for the decision**

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

The Sub-committee took into consideration that there were no objections from the Responsible Authorities and there were two objections from Other Persons (local residents). The Sub-committee took into consideration the concerns raised by the local residents.

The Sub-committee took into consideration that the Applicant's agent confirmed that the premises would put up signage to advise local residents to leave quietly and they would monitor the front entrance and ask people to move along and not build up crowds at the busy junction and crossings.

The Sub-committee took into consideration that the Other Persons (local residents) were not satisfied with the representations made by the Applicants agent and the written response that was provided by the Applicant they felt that it did not address the issues. The Other Persons wanted conditions to protect the back garden and areas where rubbish and litter could build up. The Sub-committee noted it is a busy junction with two sets of crossings, and the Other Persons had concerns about the level of noise that could come from the premises. The Sub-committee hopes that the Applicant will do everything to ensure there is no noise breakout during operation of the premises.

The Sub-committee had concerns about where the premises were permitted to put their rubbish and refuse out each week as they were concerned about rubbish and litter being dumped at the front of the premises which they wanted to prevent.

The Sub-committee noted that the hours of the premises were compliant with the Councils off sales hours under Policy LP4.

The Sub-committee took into consideration that the Applicant agreed not to use the outside space for licensable activity, and that they would manage the front with notices to tell people to go quietly and not to disturb local residents in the area.

The Sub-committee took into consideration that the premises is a small off-licence and that the impact on the local area would be low given that the premises closes at 23:00 and is not a late night premises.

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

## **Public Informative**

The Licence holder is recommended to keep an eye on the front area of the premises, which is situated at a dangerous crossing and a busy junction which together are a risk to public safety.

**7 Application for a Premises Licence: The Bibliotheque, 325 Kingsland Road, E8 4DL**

7.1 The Licensing Sub-Committee heard from Hackney Council's Principal Licensing Officer (Acting), the Applicant and other persons. The application was seeking to authorise live music, recorded music, refreshment and the supply of alcohol for consumption on the premises from Monday to Sunday. There were no representations from the Responsible Authorities. Environmental Enforcement and the Police had made representations which were withdrawn. The Other Person, local resident, had made representations received on the grounds of public safety and the prevention of public nuisance.

A Other Person, who had received an invitation and was listed to attend the meeting for this agenda item, did not join the meeting.

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

- Replying to a question from the Sub-Committee about the serving of alcohol with food on site, the agent for the Applicant agreed to a substantial table meal condition;
- The Sub-Committee noted that the Applicant was an experienced operator and currently operated the premises next door at 321 Kingsland Road which was a similar premises. The Applicant had been the license holder for this premises for the last eight years without incident. There had been no complaints from neighbours in the area;
- In response to a query from the Licensing Sub-Committee about the upper floor of the premises, the agent for the Applicant confirmed that there were no local residents living above the premises. The area was used for storage;
- Replying to a question from the Licensing Sub-Committee about live music and performance of dance on the premises, the agent for the Applicant agreed to remove these two aspects of the application to overcome the Licensing Sub-Committee's concerns about the premises. Recorded music, supply of alcohol on the premises and the opening hours of the premises would be retained as part of the application and would remain unchanged;
- Responding to a question from the Licensing Sub-committee about discrepancies with the site plan, the agent for the Applicant agreed that the basement would not form part of the premises. The site plan would be amended to that effect and would also show the location of the kitchen. The amended site plan would be resubmitted to the Licensing Service. The kitchen would have an extractor fan to prevent odours affecting the local area;
- Replying to a question from the Licensing Sub-committee, the agent for the Applicant confirmed that five smokers would be permitted at the front of the premises;
- Responding to a question from the Licensing Sub-committee about the use of Security Industry Authority (SIA) staff on the premises, the agent for the Applicant agreed that the SIA door security would operate from 22:00 to 01:30 from Friday to Saturday each week, and that the SIA would be present 30 minutes after the premises closed to ensure that there were no incidents;

- The Sub-committee felt that there was a need for the premises to provide details of the process and procedures for dispersal to be available for inspection if necessary. It was agreed that this requirement would be added to the SIA door security requirements as set out in condition nine;
- Responding to a suggestion from the Licensing Sub-Committee about staff training, the agent for the Applicant agreed to consult with his client about arranging for staff to undertake free training through Hackney Nights that they may find useful and relevant to their business, for example, on Welfare and Vulnerability, Staff Welfare, Hate Crime and Crime Prevention, Sexual Violence and Misogyny, Sustainability Practices, Drink Spiking and Conflict Resolution.

There were no closing remarks from the agent for the Applicant.

### **The Decision:**

The Licensing Sub-Committee in considering this decision from the information presented to it within the report and at the hearing on 17 August 2023 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 Licensing Sub-committee decided that the premises licence for the Bibliotheque, 325 Kingsland Road, E8 4DL be 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:

- To remove live music, performance of dance, and anything of a similar description from the application which overcame Licensing Sub-Committee members' concerns about the premises.
- The Applicant to submit a revised Plan of the premises removing the basement from the licensable area and to clearly identify the kitchen area and extractor fan on the revised Plan of the premises.
- Amend Condition 9 as follows:

" Security (SIA qualified staff) are to be employed at the venue on Friday and Saturday nights from 2200hrs - 01:30. On other days security will be considered as part of an operational risk assessment. All door supervisors shall enter their full details in the premises daily register at the commencement of their work. They shall record their full name, home address and contact telephone number, their SIA registration number, and the time they commence and conclude working. If the door supervisor was provided by an agency the name, registered business address and contact telephone number will also be recorded. This register will be made available to police or authorised officers immediately upon request. Also the Licence holder shall prepare written details of their dispersal process and procedures a copy of which shall be kept on the

premises and made available to police or other authorised officers upon request".

- Amend Condition 21 as follows:

"Alcohol shall not be sold, supplied, or consumed on the premises otherwise than to persons who are taking substantial table meals and that the consumption of alcohol by such persons is ancillary to taking such meals. The supply of alcohol shall be by waiter or waitress service only".

And the following additional conditions:

- There shall be no more than 5 smokers at the front of the premises at any one time.
- The Licence holder shall display the telephone number/email address of the Designated Premises Supervisor for use by any Responsible Authority or any person who may wish to make a complaint during the operation of the licence in a prominent external location at the premises that is easily accessible to the public.
- The Licence holder will provide details of local taxi firms to customers leaving the premises

### **Reasons for the decision**

The application for a premises licence has been approved because the Licensing Sub-committee was satisfied that the licensing objectives would not be undermined.

The Licensing Sub-Committee took into consideration that both the Environmental Enforcement and the Metropolitan Police Service had agreed conditions with the Applicant in advance of the hearing and had withdrawn their objections. The Sub-Committee took into consideration the objections raised by the Other Persons (local residents).

The Licensing Sub-Committee took into consideration that there were no other Responsible Authorities that made representations or objections to the application.

The Licensing Sub-Committee took into consideration that the Applicant is an experienced operator and currently operates the premises next door at 321 Kingsland Road which is a similar premises. The Licensing Sub-Committee noted that the Applicant has been the licence holder at 321 Kingsland Road for the last eight years without incident and there have been no issues arising. The Licensing Sub-Committee noted that there have been no complaints from neighbours in the area.

The Licensing Sub-Committee took into account that there are no local residents living above the premises. The Licensing Sub-Committee heard that the area above the premises will be used as storage.

The Licensing Sub-Committee felt reassured that the Applicant agreed to remove live music, performance of dance, and anything of a similar description from the application which overcame their concerns about the premises undermining the licensing objectives. The Licensing Sub-Committee noted that the Applicant's agent



also agreed to a condition to provide contact details of the premises to local residents and also to provide details to customers for taxis in the area as they leave the premises.

The Licensing Sub-Committee were satisfied that the Applicant agreed that the Security Industry Authority (SIA) licensed door security would operate from 22:00 to 01:30 from Friday to Saturday each week, and that the SIA staff would be present 30 minutes after the premises closes to ensure that there were no incidents.

The Licensing Sub-Committee felt that there was a need for the premises to provide details of the process and procedures for dispersal to be available for inspection if necessary. This requirement was added to the SIA door security requirements in condition 9 of the premises licence.

The Licensing Sub-Committee took into account that the Applicant had a good track record and was an experienced operator for the last eight years at the premises next door at 321 Kingsland Road. The Licensing Sub-Committee was satisfied that the basements and regulated entertainment were taken out of the application. The Licensing Sub-Committee were pleased to hear that the Applicant had trained their staff in courses such as "Ask Angela" and that they were open to doing more staff training on welfare and vulnerability issues to protect customers.

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

### **Public Informative**

The License holder is advised to arrange for staff to undertake free training through Hackney Nights that they may find useful and relevant to their business, for example, on Welfare and Vulnerability, Staff Welfare, Hate Crime and Crime Prevention, Sexual Violence and Misogyny, Sustainability Practices, Drink Spiking and Conflict Resolution.

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

- 8.1 Following Environmental Protection withdrawing their objection, the Temporary Event Notice (TEN) was withdrawn from the meeting agenda.

## **END OF THE MEETING**

**Duration of the meeting:** 2.00pm - 3.15 pm

Councillor Gilbert Smyth  
Chair of the meeting

Contact:

Gareth Sykes

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