

**DRAFT MINUTES OF THE LICENSING SUB COMMITTEE  
HELD ON 2ND FEBRUARY 2023 AT 2PM**

**THIS MEETING WAS LIVE STREAMED AND CAN BE VIEWED  
HERE:<https://youtu.be/Q2x78IWitRs>**

**Chair:** Cllr Fagana-Thomas in the Chair

**Councillors in Attendance:** Cllr Sheila Suso-Runge and Cllr Gilbert Smyth

**Apologies:** There were no apologies for absence

**Officers in Attendance:** Peter Gray (Governance Officer), Amanda Nauth (Licensing and Corporate Lawyer), Suba Srirmana (Acting Principal Licensing Officer)

**Also in attendance:** Variation - 14 Chatsworth Road

**Applicant:**  
Applicant - Chandra Sarkar  
Agent: Mr Hunter

**Responsible Authorities:**  
Police - PC Amanda Griggs  
Licensing - David Tuitt

**Other Persons:**  
Cllr Ian Rathbone  
Lynne Troughton

New - 13 Bradbury Street

**Applicant:**  
Applicant - Joshua Shakes-Drayton  
Consultant - Debbie Tumkaya

**Responsible Authorities:**  
Police - PC Amanda Griggs  
Channing Riviere - Licensing

**1. Appointment of Chair**

1.1 Cllr Fagana-Thomas was duly elected as 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. Application to Vary a Premises Licence: Vintage Bottle, 14 Chatsworth Road, London, E5 0LP**

4.1 The Licensing Team Leader introduced the application from Palash Chandra to vary a premises licence to authorise the supply of alcohol off the premises 24 hours daily Monday to Sunday under section 34 of the Licensing Act 2003.

4.2 The Applicant, Palash Chandra made submissions in support of the Application, highlighting that there was customer demand for later hours at the premises.

4.3 The Chair asked for clarification as follow:

- What plans were in place for a 24 hour operation;
- The operating hours went beyond the hours in planning permission;
- The nature of the shop - customer/ alcohol split.

4.4 The applicant confirmed that additional staff would be recruited and the appropriate planning permission was in place. The premises sold daily provisions and alcohol.

4.5 The Principal Licensing Officer made submissions against the application, highlighting the following:

- There were concerns that the additional hours could lead to public nuisance in the area with the Licensing Objectives bring undermined;
- That there was no representations from Planning;

4.6 Councillor Ian Rathbone made submission against the application, highlighting the following:

- That there were no other premises on the street;

- The street was family friendly;
  - That the area was residential and there was agreement with the Council that there be no licensed premises after midnight;
  - Granting the licence would encourage others to apply for a licence;
  - A resident with children had expressed concerns about the licence;
  - There was an issue with planning permission at the premises;
- 4.7 Councillor Lynne Troughton made submissions against the application, highlighting the following;
- The area was residential;
  - There had been an increase in licensed premises in the area;
  - A policy of restricting opening hours was in existence;
  - There would be a negative impact on other residents in the area;
  - The granting of the licence would make it difficult for the Council to refuse other such applications;
  - Granting the licence could lead to anti-social behaviour in the area;
- 4.8 The Chair asked how the applicant would mitigate the concerns expressed about the application.
- 4.9 Councillor Suso Runge asked for clarification in regard to customers after 11pm and what parking was available in the vicinity of the premises.
- 4.10 The applicant submitted that there was customer demand after 11pm and that most of the customers walk to the premises and do not require parking bays.
- 4.11 There were no closing submissions.

### **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 to vary a premises licence has been refused in accordance with Licensing Policies LP1, LP2, LP3 and LP4 within the Council's Statement of Licensing Policy.

### **Reasons for the decision**

The Licensing Sub-Committee, having heard from the Responsible Authorities (the Licensing Authority and the Metropolitan Police Service ("the Police")) believed that granting this application is likely to result in the licensing objectives being undermined and will have an impact on the area.

The Sub-committee took into consideration that there were objections raised by Other Persons (the local ward councillor and the residents association) on the grounds of the four licensing objectives. The Sub-committee took into consideration the objections raised by the Police and the Licensing Authority on the grounds of public nuisance and crime and disorder.

The Sub-committee took into consideration the concerns of the Police who did not support this application due to the impact it would have on street drinking which would lead to unregulated drinking late at night, and anti-social behaviour. The Police made representations that the premises is located on a busy road which has a number of retail outlets and the premises is in a residential area. The Sub-committee took into account that the excessive hours being sought by the Applicant would increase anti-social behaviour and will have an impact on local residents. The Sub-committee noted that the extension of hours would mean that people would have more access to alcohol for longer hours late at night.

The Sub-committee took into consideration representations made that the Applicant did not consider the local residents when making this application. The Sub-committee took into consideration that the Police and the Licensing Authority agreed that the hours applied for 24 hours each day were excessive and beyond Core hours (LP4).

The Sub-committee heard the Applicant's representations that they sell groceries, and they wanted to sell alcohol 24 hours a day following demands from customers to open later and to sell alcohol and groceries.

The Sub-committee did not feel that the Applicant understood the requirements of the application for an alcohol licence, and he would not be able to prevent public nuisance and crime and disorder in the residential area. The Sub-committee felt that the premises was more of an off-licence than a grocery store, and that there were not strong mitigating factors to support why they should be granted a licence in a quiet residential area.

The Sub-committee carefully considered the representations made by the Applicant, the Metropolitan Police Service and the Licensing Authority. The Sub-committee was not convinced that the Applicant's proposed conditions would be operational. Therefore, the Sub-committee decided to refuse the application to vary the premises licence for off sales 24 hours each day 7 days a week which is contrary to the Council's Licensing Policy and specifically Policy LP4 ("Off sales of alcohol").

The Sub-committee also felt that by not granting this variation application it would prevent anti-social behaviour, in terms of more people coming into the area, consuming alcohol, and staying in the area for longer which would contribute to increasing public nuisance, and crime and disorder in the area.

The Sub-committee took into consideration when refusing this application that each case is considered on its merits. The Sub-committee believed that the licensing objectives could not be promoted by granting this variation application, and as such believed it was appropriate to refuse the application in its entirety.

## 5 The Dalston Lounge, 13 Bradbury Street, N16 8JN

5.1 The Acting Principal Licensing Officer introduced the application from Joshua Shakes-Drayton for a premises licence under section 17 of the Licensing Act 2003. 1.2. The application seeks to authorise live music, recorded music, late night refreshment and to authorise the supply of alcohol for consumption on and off the premises on Monday to Sunday

5.2 Mr Hunter, the applicant's agent highlighted the following:

- That security would be provided at the premises;
- Appropriate training would be made available for staff at the premises;
- Deliveries would be at 8am and 8pm;
- 
- Outside table meals with alcoholic drinks;
- A sound limiter would be in place;
- Seated capacity would be 42.

5.3 The Principal Licensing Officer made submissions against the application as follows:

- The premises was in the Special Policy Area;
- The hours applied for went beyond core hours;
- There was no Delivery Operations Plan;
- There was a need for clarification on the nature of the delivery service;
- The premises was located near to Dalston Square where there was a prevalence of Anti Social Behaviour;
- How had the applicant demonstrated that the the increased hours would add to cumulative impact in the area;
- That this was to be a seated premise was welcomed.

5.4 The applicant, Joshua Shakes-Drayton highlighted the following;

- That he was aware that the premise was located in the Special Policy Area;
- That the Police had visited the shop. There had been concerns regarding a previous premise owner;

5.5 The Chair clarified that in the transfer of the licence it had not been made clear that the licence had lapsed.

5.6 The Sub-Committee asked for clarification on

- if developments mitigated any cumulative impact and if the applicant;
- If the applicant would accept core hours;
- clarification on the circumstances around the Police visit to the premises following the use of the premises without a licence;

- clarification in relation to the door policy/ egress at the premises;
  - Clarification on the nature of the premises - whether it was a bar or restaurant;
  - Who was to be the Designated Premises Supervisor;
  - Would the applicant to no loud music or vertical drinking;
  - Clarification on the smoking policy at the premises.
- 5.7 The Principal Licensing Officer confirmed that core hours at the premises would be welcomed and that there was a need for clarification on the nature of Off-Sales. He submitted that there would be a need for a specific condition on hiring out the premises.
- 5.8 Following questions posed the applicant highlighted:
- Agreement to restrict Off Salers to delivery only;
  - Agreement to Core hours at the premises;
  - Agreement to no loud music or vertical drinking;
  - That entertainment at the premises would consist of a saxophone player or poetry reading;
  - In relation to the use of the premise without a licence, the premise had been hired out on these occasions with no sale of alcohol;
  - There was to be a door supervisor at the premises;
  - The premises was to be a sit down restaurant with music;
  - A Designated Premises Supervisor had been identified;
  - The number of smokers in the outside area had been limited to 3 people
- 5.9 There were no closing submissions.

### **Decision:**

The Licensing Sub-Committee in considering this decision from the information presented to it within the report and at the hearing 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 as applied for with the following amendments agreed with the Applicant.

- The hours for licensable activities, shall be, as agreed:

### **Live Music**

Monday to Thursday 20:00 - 23:00

Friday to Saturday 20:00 - 00:00

Sunday 20:00 - 22:30

### **Recorded Music**

Monday to Thursday 20:00 - 23:00

Friday to Saturday 20:00 - 00:00

Sunday 20:00 - 22:30

### **Late Night Refreshment:**

Friday to Saturday 23:00 - 00:00

### **Supply of Alcohol**

Monday to Thursday 11:00 - 23:00

Friday to Saturday 11:00 - 00:00

Sunday 11:00 - 22:30

### **Opening hours**

Monday to Thursday 10:00 - 23:30

Friday to Saturday 10:00 - 00:30

Sunday 10:00 - 23:00

And additional conditions:

- 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.
- All off sales of alcohol sold or supplied for consumption off the premises must be in a sealed container and are to be sold only with food orders.
- The capacity of the premises shall be no more than 42 persons at any one time.
- There shall be no more than 3 smokers at any one time outside.
- 1 SIA Security door staff on Fridays and Saturdays.
- A noise limiter to be set and agreed with the Environmental Protection Team.
- The Applicant to provide a Delivery Management Plan to the Licensing Authority for approval.
- The Licensee shall ensure that all relevant staff are fully trained and made aware of the legal requirement of businesses to comply with their responsibility as regards the disposal of waste produced from the business premises. 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 Licensee 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 Licensee 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 Licensee will ensure the timeframe within which it may expect its waste carrier to collect is adhered to.
- The Licensee shall instruct members of staff to make regular checks of the area immediately outside the premises and remove any litter, bottles and glasses emanating from the premises. A final check should be made at close of business.
- The Licensee shall provide a safe receptacle for cigarette ends to be placed outside for the use of customers, such receptacles being carefully placed so as not to cause an obstruction or trip.
- The current trade waste agreement/duty of care waste transfer document shall be conspicuously displayed and maintained in the window of the premises where it can be conveniently seen and read by persons standing in the Dalston Lounge. This should remain unobstructed at all times and should clearly identify:-
  - the name of the registered waste carrier
  - the date of commencement of trade waste contract
  - the date of expiry of trade waste contract
  - the days and times of collection
  - the type of waste including the European Waste Code

**Reasons for the decision:**

The application for a premises licence for on and off sales has been approved because the Licensing Sub-Committee was satisfied that the licensing objectives would not be undermined in the Dalston Special Policy Area (Dalston SPA).

The Sub-committee noted that there were objections raised by the Responsible Authorities (Environmental Enforcement, the Metropolitan Police Service (“the Police”), and the Licensing Authority), and one Other Person (a local resident).

The Sub-committee noted that the application was for a licensed restaurant with live and amplified music, and that the hours the Applicant was seeking was in excess of Core hours Policy LP3.

The Sub-committee took into consideration that there were conditions in the licence for no vertical drinking, and that the premises are near Dalston Square, which is a busy area.



The Sub-committee heard from the Police and the Licensing Authority that the premises is situated on a side road off of Kingsland High Road, running parallel to Gillett Square, in the middle of the Dalston SPA. The Sub-committee took into consideration that the area had a high level of ASB and the Applicant needed to demonstrate how they will not add to the cumulative impact currently being experienced in the area, and why they were seeking hours in excess of Core hours.

The Sub-committee noted that the Police had concerns about the previous owner. The Sub-committee heard that the Applicant said that their shop had not been open and they were trying to work with the Licensing Authority and the Police to have a good working relationship with them going forward. The Sub-committee heard that the lease for the premises had been transferred to the Applicant and they were not responsible for any of the previous incidents that occurred at the premises. The previous business went into liquidation and the licence lapsed.

The Sub-committee noted that the Applicant agreed to off sales with food orders. The Applicant also agreed to operate to Core hours with a capacity of 42 persons at any one time. The Sub-committee heard that the Applicant will ensure that the CCTV system is working at all times. The Sub-committee took into consideration that the Police were happier with the proposed restaurant that the Applicant described to operate under Core hours.

The Sub-committee noted that there were other licensed premises in the area. However, they felt that one additional premise will not add to the cumulative impact and the problems in the area. The Sub-committee felt that the conditions and the reduced hours would help the premises operate responsibly.

Having taken all of the above factors into consideration the Licensing Sub-Committee was satisfied that this application could be approved without the licensing objectives being undermined.

**Public Informative:**

The Premises Licence holder is advised to inform the Licensing Authority of the Planning Permission they have obtained for the premises.

**Duration of Meeting: 2pm to 4pm**

**Chair:** Councillor Fagana Thomas

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