



**MINUTES OF THE MEETING OF THE LICENSING SUB COMMITTEE D  
HELD ON 31 JANUARY 2023 AT 2pm**

**THIS MEETING WAS LIVE STREAMED AND CAN BE VIEWED AT:**

**<https://hackney.moderngov.co.uk/ieListDocuments.aspx?CId=142&MId=5587>**

**Councillors Present:**

**Councillor Gilbert Smyth (In the Chair)  
Councilor Cam Oszen  
Councillor Penny Wroust**

**Officers in Attendance:**

**Amanda Nauth - Legal Officer,  
Suba Sriramana - Acting Principal Licensing Officer  
Peter Gray - Governance Officer**

**Also in Attendance:**

**New - 550 Kingsland Road, E8 4AH**

**Applicant:**

**Applicant - Zaid Anwarh  
Consultant - Shailender Nagpal**

**Responsible Authorities:**

**Police - PC Amanda Griggs  
Licensing - Channing Riviere  
Environmental Enforcement - Jacey Frewin**

**Other Persons:**

**Stuart Willes**

**New - The Barrell - 6 Whitmore Road, N1 5DT**

**Applicant:**

**Applicant - Mustafa Aslan  
Consultant - Besim Hajdini**

**Other Persons:  
Not Present**

**1. Election of Chair**

1.1 Councillor Gilbert Smyth 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. Application for a New Premises Licence: 550 Kingsland Road , Hackney, E8 4AH**

5.1 The acting Principal Licensing Officer introduced the report in respect of an application for a premises licence made by Zaid Anwarh under section 17 of the Licensing Act 2003. The application sought to authorise late night refreshment from 23:00 to 04:00 on Mondays to Sunday. The premises are located within the Special Policy Area (Dalston SPA). Representations reminaed from Environmental Enforcement, the Licensing Authority and one Other Person.

5.2 The applicant, Zaid Anwarh made submissions in support of the application, highlighting the following:

- Alcohol was not sold at the premises;
- The current closure time of 11pm was restrictive as the consumption of Pizza was more prevalent later in the evening;
- Other premises in the area served alcohol until 2pm whilst other premises sold Pizza until late;
- Having researched issues around the Special Policy Area, it was now proposed to have late night refreshment until 4am on Friday and Saturday and until 2am on other days of the week;
- Facial recognition, an incident log and CCTV were available at the premises;

- 1-2 Members of staff were available at the premises at night;
- All rubbish was cleared away from the premises.

5.3 Following requests for clarification from the Sub-Committee the applicant confirmed that the application was amended to 1pm, 7 days of a week.

5.4 The Principal Licensing Officer made submissions in opposition to the application , highlighting the following:

- The Premises was in the Special Policy area;
- The hours applied for fell far outside core hours;
- The premises had been discovered operating without a licence on 3 occasions;
- Welcomed no walk in after 1pm and the conditions to be imposed, however some of these would require amendment to become enforceable;

### **Discussion Phase**

5.5 Councillor Oszen asked for clarification on how long the applicant had operated at the premises and whether details of deliveries at the premises Including any loading bays in the vicinity of the premises

5.6 The Chair asked for clarification on the whereabouts of the Pelican crossing. He asked if the applicant had a management plan for the premises.

5.7 Councillor Wrout expressed concern about a 4am closure with disturbance to local residents and difficulties around passing trade. She asked if the conditions had been accepted.

5.8 The Principal Licensing Officer clarified that the loading bays were not directly opposite the premises with one bay outside the premises and that the Pelican crossing was 4 to 5 premises down;

5.9 The applicant confirmed

- That he had managed the premises for a number of years;
- That Uber used motor bikes and electric scooters;
- The conditions proposed were accepted;
- That there were no residential dwellings above or opposite the premise so residents would not be disturbed;
- The shutters would be half way closed later in the evening preventing difficulties around passing trade;
- To agree to the conditions as proposed by Environmental Enforcement.

- That a management plan would be drawn up;
- That people would be encouraged not to congregate;
- That other premises in the area operated until later hours.

5.10 The Principal Licensing Officer highlighted the following:

- Welcomed that there would not be a late night walk in the premises
- Recommended core hours - Monday to Friday until 12 midnight;
- That the condition on CCTV should be reworded in accordance with the Police condition in this regard;
- The the condition on deliveries was not enforceable and required rewording;
- That the shutters be altered in such a way as to indicate delivery only.

5.11 The Sub-Committee expressed concerns around cumulative impact and proposed core hours on Sunday to Thursday until 12 Midnight and 2pm on Friday and Saturday. Walk in to the premises should remain at core hours Some of the proposed conditions required rewording with the addition of a delivery plan. It was suggested that the shutters be altered in such a way as to indicate delivery only.

5.12 The Planning and Licensing Lawyer confirmed that each application should be considered on its own merits.

5.13 In closing, the the Principal Licensing Officer submitted;

- That the premises wa in the Special Policy Area;
- That the premises should operate at core hours- Sunday to Thursday;
- Welcome the suggestions around deliveries;
- The premises could build up a track record through the use of Temporary Events Notices;
- The importance of a cut off time on walk-ins to the premises.

5.14 In closing, the applicant submitted that he possessed a 5 star food and hygiene certificate, demonstrating the level of his management of the Premises and that the premises would not add to cumulative impact in the area.

## **6. Application for a New Premises Licence - 6 Whitmore Road, N1 5DT**

6.1 The Principal Licensing Officer introduced the application. Mustafa Aslan has made an application for a premises licence under section 17 of the Licensing Act 2003. The application seeks to authorise the supply of alcohol for consumption on and off the premises. The hours have been amended as agreed with the Public Health Authority. Environmental Health and the Police had withdrawn their objections following the agreement of conditions. Representations remained from 2 Other Persons.

6.2 The Consultant - Besim Hajdini, made submissions on behalf of the applicant, as follows:

- Representations from the Police and Environmental Health had been accepted in full by the applicant;
- Only 2 residents remained concerned about the sale of alcohol after 7pm;
- The owner was an experienced Licensee who knew the area well;
- The applicant was content to reduce the hours to 10pm on Sundays;
- Signage to leave quietly would be in place;
- The application fulfilled the licensing objectives;
- The clientele at the premises included older people and couples.

6.3 The Sub-Committee asked:

- Whether a commencement time of 7am was required and if this could be amended to 12pm;
- Whether a condition to have conditions requiring alcohol to be ancillary to food with a table service;
- The nature of the premises, ie what food offer would be available;
- Whether the the number of seats in the outside area could be restricted for 24 to 8 patron or the hours of sale be reduced to 8:30pm;

6.4 The applicant responded as follows:

- That there would be a food offer at the premises;
- To agree to the hours of alcohol to be reduced to 8:30pm;
- To agree to alcohol being ancillary to food and that there be a table service;<sup>2</sup>
- To agree to a commencement time of 12pm;

6.5 The applicant made no closing submissions.

## **Decision:**

The Licensing Sub-Committee, in considering this decision from the information presented to them within the report and at the hearing and having regard to the promotion of 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 and the proposed conditions set out in paragraph 8.1 of the report, with the following amendments:

The hours of licensable activity:

### **Late Night Refreshment**

Monday to Sunday 23:00 - 00:00

### **Food Deliveries**

Friday - Saturday 00:00 - 02:00

### **Opening Hours:**

Sunday to Thursday 11:00 - 00:00

Friday - Saturday 11:00 - 02:00

- Remove condition 15 from the licence as not enforceable and to be added to the Delivery Management Plan

And the following conditions to be added to the licence:

- Food Deliveries shall be permitted only on Friday to Saturday from 00:00 - 02:00
- Display prominent signs on the premises on Fridays and Saturdays to make customers aware that they are only open for deliveries from 00:00 - 02:00.
- The Applicant to provide a Delivery Management Plan to the Licensing Authority for approval.

- The premises shall maintain a comprehensive CCTV system as per the minimum requirements of a Metropolitan Police Crime Prevention Officer. All public areas, entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Recordings shall be made available immediately upon the request of the Police or authorised officer.
  
- A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises are open to the public. This staff member shall be able to show Police or an authorised officer of Hackney Borough Council recent data or footage with the absolute minimum of delay when Requested.
  - There shall be 'CCTV in operation' signs prominently displayed.
  - An incident log shall be kept at the premises, and made available immediately to an authorised officer of the Hackney Borough Council or the Police, which will record the following:
    - all crimes reported to the venue
    - any complaints received
    - any incidents of disorder
    - any faults in the CCTV system
    - any refusal of the sale of alcohol
    - any visit by a relevant authority or emergency service.
  
- There shall be clear and prominent signage asking all customers to leave quietly and respect local residents.
  
- 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 Barrel Boulangerie. 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 has been approved, as members of the Licensing Sub-committee were satisfied that the licensing objectives would not be undermined in the Dalston Special Policy Area ("Dalston SPA") and therefore it is subject to Policy LP10.

The Sub-committee took into consideration that the Responsible Authorities (the Licensing Authority and the Metropolitan Police Service ("the Police")) made representations on the grounds of crime and disorder and prevention of public nuisance. The Sub-committee noted no other Responsible Authorities made representations about the application, and 1 local resident objected to the application.



The Sub-committee after hearing from the Applicant, the Responsible Authorities and the local resident were satisfied that the premises would not

add to the cumulative impact in the area, and would not undermine the licensing objectives in the Dalston SPA.

The Sub-committee took into consideration that Environmental Enforcement were satisfied with the Applicant's representations, and the Applicant would not add to the cumulative impact because no alcohol will be served while operating late night refreshment.

The Sub-committee took into consideration that the Licensing Authority is content that the Applicant will be doing a Management Plan for deliveries. The Sub-committee took into consideration that it is small premises, and with the above conditions and hours that they felt that the premises would operate responsibly in the future.

The Sub-committee considers each application on its own merits and financial circumstances are not taken into consideration.

Having taken all of the above factors into consideration the Sub-committee was satisfied that by granting this premises licence, the licensing objectives would not be undermined in the Dalston SPA.

### **Public Informative**

The Premises Licence holder is encouraged to continue working with the local residents to deal with any issues arising relating to noise nuisance.