

PUBLIC MINUTES OF A MEETING OF THE LICENSING SUB COMMITTEE D

THURSDAY 12 JANUARY 2023

LIVESTREAM: [HTTPS://YOUTU.BE/EY-gg0FGbWA](https://youtu.be/EY-gg0FGbWA)

Councillors Present:	Councillor Gilbert Smyth in the Chair Cllr Zoe Garbett and Cllr Sheila Suso-Runge
Officers in Attendance:	Amanda Nauth, Licensing Lawyer Suba Sriramana, Principal Licensing Officer Rabiya Khatun, Governance Officer
Also in Attendance:	<u>Premises Licence Variation: Faulkners, 424-426 Kingsland Road, E8 4AA</u> Graham Hopkins - Applicant's Agent <u>Item 8- Interim Steps: Queen of Hoxton, 1-5 Curtain Road and RoofTop Cinema (RTC), 1-5 Curtain Road, London EC2A 3JX</u> Applicant -Metropolitan Police Service: PC Sian Giles PC Jankowski PC Fotadis Premises User/Representative(s) Gary Grant - Premises Licence Holder's Legal Representative (Barrister) Jack Spiegler - Solicitor Andreas Maddocks - Managing Director Mothership Group Limited Jon Ross - Mothership Group Limited Mark Silverman -Non Executive Chairman, Mothership Group Limited Andrew Bamber - Advisor on Policing Issues Adrian Eleftheriou - Designated Premises Supervisor (DPS) & Head of Operations, Mothership Group Avdi Gabbi Selmani - Duty Manager, Queen of Hoxton Latoya Satnarine - DPS, Queen of Hoxton

1 Election of Chair

- 1.1 Cllr Smyth was duly elected as Chair of the meeting.

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 There were no minutes for consideration at the meeting.

5 Licensing Sub-Committee Hearing Procedure

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

6 Premises Licence Variation: Faulkners, 424-426 Kingsland Road, E8 4AA

6.1 NOTED the additional information including amended and additional proposed conditions circulated prior to the meeting.

6.2 Suba Sriramana, Principal Licensing Officer introduced the variation application seeking to extend the hours for the sale of alcohol on and off premises and late night refreshment, and to include the hours for regulated entertainment. Representations were received from the Police, Licensing and Health Authority, and it was reported that there had been an error in the report and that the premises were located within the Dalston Special Policy Area (SPA).

6.3 Graham Hopkins, the applicant's agent outlined the application including the additional/revised conditions to address the concerns raised by the responsible authorities including further reducing the extended hours, a condition that alcohol would be sold ancillary to food in the restaurant and take-away/delivery business, the licensable activities play and dance had been removed, 55 to 60 covers inside the premises and 12 seats allowed in the outside area, the outside table and chairs would not be in use from 22.00 hours daily, a dispersal policy, a maximum of 6 smokers at any one time, a sound limiter had been installed, risk assessments would be undertaken daily and condition 9 had been amended to include delivery drivers. The business had been suffering financial losses since Covid-19 and from local competition and the extended hours would enable the business to compete and survive.

6.4 In response to questions from members seeking clarification regarding the application, Mr Hopkins confirmed that the applicant had not applied for any TENs and an additional condition had been proposed to address the concern relating to children's safety 'Any unaccompanied children shall not be allowed at the premises after 22.00 hours.'

6.5 Channing Riviere, Licensing, objected to the application on the grounds of public nuisance and welcomed the reduction in the extended hours for licensable activities and off sales but emphasised the hours still exceeded the Council's Core Hours, there had been no measures proposed to mitigate the potential rise in public

nuisance arising from motorcycles being used for deliveries during the later hours. It was highlighted that there were no concerns about the applicant's track record.

6.6 PC Griggs, Police objected to the application on the grounds of the prevention of crime and disorder and public nuisance. She welcomed the assurance that the premises would operate as a restaurant but concerns remained about the range of the regulated entertainment, the potential increase in public nuisance from the external seating area being open until 22.00 hours and how the dispersal policy would be implemented for the proposed later hours.

6.7 In response to questions from members regarding noise nuisance, Mr Hopkins confirmed that the licensable activities play and dance had been removed from the application, live and recorded music would be played until 01.00 hours for the occasional parties held at the venue, live music would be played at background level, live performances would be held after 23.00 hours and up to 15 delivery drivers would be allowed in the designated waiting area for takeaway collections.

6.8 George Wokorach, Environmental Protection objected to the application and enquired how the applicant intended to minimise noise nuisance from the proposed live and recorded music to be played inside the premises and the noise from the external area during the later hours, how dispersal would be implemented during the later hours without causing a disturbance to residents, there needed to be a specific end time for takeaway deliveries, a specific number of delivery drivers permitted in the waiting area and restricting the capacity at the premises. It was emphasised that the noise from the premises and the external area combined would create a tunnel effect due and as a result cause more noise nuisance.

6.9 In response to the concerns raised, Mr Hopkins proposed that live music could be reduced to 01.00 hours and limited to two acoustic musicians, Uber delivery drivers could be required to wait inside the takeaway and asked to switch off their motorcycle to minimise noise nuisance, and agreed to cease off sales of alcohol at 00.30 hours Monday to Sunday and late night refreshment and on sales of alcohol until 01.30 hours Thursday to Saturdays, and up to 15 people would be allowed in the takeaway waiting area.

6.10 The applicant made closing remarks in support of granting the application.

RESOLVED:

The decision

The Licensing Sub-Committee, in considering this decision from the information presented to them within the report and at the hearing today 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 to vary 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 for licensable activities, shall be, as agreed:

Live Music

Sunday to Wednesday	08:00 - 00:30
Thursday	08:00 - 01:00
Friday	08:00 - 01:00
Saturday	08:00 - 01:00

Recorded Music

Sunday to Wednesday	08:00 - 00:30
Thursday	08:00 - 01:00
Friday	08:00 - 01:00
Saturday	08:00 - 01:00

Performance of Dance

Sunday to Wednesday	08:00 - 00:30
Thursday	08:00 - 01:00
Friday	08:00 - 01:00
Saturday	08:00 - 01:00

Late Night Refreshment:

Sunday to Wednesday	23:00 - 00:30
Thursday	23:00 - 01:30
Friday	23:00 - 01:30
Saturday	23:00 - 01:30

Supply of Alcohol (on sales)

Sunday to Wednesday	12:00 - 00:30
Thursday	12:00 - 01:30
Friday	12:00 - 01:30
Saturday	12:00 - 01:30

Supply of Alcohol (off sales)

Sunday to Wednesday	08:00 - 00:30
Thursday	08:00 - 00:30
Friday	08:00 - 00:30
Saturday	08:00 - 00:30

Opening hours of the premises

Sunday to Wednesday	08:00 - 01:00
Thursday	08:00 - 02:00
Friday	08:00 - 02:00

Saturday

08:00 - 02:00

- Remove “Plays” from the premises licence.
- Remove “Anything of a similar description” from the premises licence.

And the following additional conditions:

- The external seating area shall be closed with furniture rendered unusable by 22:00 each day save for a maximum of six (6) smokers after this time.
- There shall be a written dispersal policy submitted to and approved by the Licensing Authority and the Police which shall be reviewed regularly. The approved dispersal policy shall be implemented at the premises by the staff. All staff shall be trained on this dispersal policy. A copy of the policy shall be kept on the premises and shall be produced to a police officer or other authorised officer upon request.
- No bottles, glasses or alcoholic drinks shall be taken outside except for consumption in the external area at the outside tables and chairs until 22:00.
- All amplified music shall be played through a noise limiter set and sealed by an Environmental Protection Officer and the premises Acoustic Consultant.
- All doors and windows shall be closed during the playing of regulated entertainment except for entry and egress.
- External noise patrols shall be undertaken at least every half an hour to ensure music noise cannot be heard at the nearest noise sensitive premises. Details shall be recorded in the Incident Book.
- There shall be a member of staff tasked for the purpose on the door from the terminal hour until at least 30 minutes after the premises closes and all customers have left the premises. They shall ensure that no glasses, bottles or open alcoholic drinks are removed from the premises, remind customers to leave quietly, quickly and ensure that they do not loiter outside the premises.
- The Premises Licence Holder / Designated Premises Licence holder shall ensure that an ongoing daily risk assessment shall be undertaken taking into account any advice received from the Police or events taking place locally, to identify any need for additional staff or SIA Licensed Door Supervisors to be on duty.
- Off sales of alcohol shall only be made to accompany a substantial food order for customer collection or home delivery and be limited to a maximum of 8 bottles or cans of beer, lager or cider and or 2 bottles of wine per order.
- No children shall be permitted on the premises after 20:00.
- Staff shall verbally instruct delivery drivers and riders to turn their engines off while collecting orders. Delivery drivers remain inside the premises when collecting food orders.

Reasons for the decision

The application to vary a premises licence has been approved, because members of the Licensing Sub-committee were satisfied that the licensing objectives would not be undermined.

The Sub-committee took into account that the Responsible Authorities (the Environmental Protection Team, the Licensing Authority and the Metropolitan Police Service ("the Police")) raised objections to the application. The Environmental Protection Team, and the Licensing Authority objected to the application on the grounds of public nuisance. The Police objected to the application on the grounds of public nuisance and crime and disorder. The Sub-committee noted no other Responsible Authorities and no local residents objected to the application.

The Sub-committee took into consideration the representations made by the Police and their concerns about the impact that the increased hours would have on the Dalston Special Policy Area (Dalston SPA) and the cumulative impact on the area. The Sub-committee noted that the Applicant took on board the advice from the Police and the Licensing Authority and revised their hours and conditions to be more suitable for the Dalston SPA. The Sub-committee took into consideration that alcohol will be ancillary to food.

The Sub-committee heard the representations made by the Applicant's representative that the premises is a fish and chip restaurant which has been open for the last 20 years. The Sub-committee noted that the Applicant was seeking the variation of the premises licence to improve the business. The Sub-committee took into account that the existing premises licence has a restaurant condition that alcohol cannot be supplied on the premises without a substantial table meal being served which will remain on the licence. The Sub-committee noted that the takeaway meals are delivered by electric bikes and motorcycles and events at the weekend are usually birthdays or similar celebrations.

After hearing representations from the Applicant and the Responsible Authorities (the Environmental Protection Team, the Licensing Authority and the Metropolitan Police Service) the Sub-committee felt that the variation should be granted because the Applicant offered reduced hours which helped to alleviate their concerns. The Sub-committee took into consideration that the premises is situated on the boundary of the Dalston Special Policy Area and may add to the cumulative impact in the area.

The Sub-committee felt that with the conditions offered by the Applicant including a dispersal policy together with the reduced hours it would mitigate the concerns and impact on the area. The Sub-committee took into account that the Police and the Licensing Authority agreed to the conditions. The Sub-committee felt that the Applicant demonstrated that they are an experienced operator with a good track record who could operate the premises responsibly.

The Sub-committee took into account that the Applicant agreed that there will be a cut-off time for the number of deliveries. Drivers on electric bikes will be inside. The deliveries by electric bikes will turn off their engine and the food order will be collected inside to mitigate the noise and music will be regulated through a noise limiter. The Sub-committee noted that the premises will remain as a restaurant, and it was agreed off-sales of alcohol will end at 00:30 Thursday to Saturday.

Thursday 12 January 2023

The Sub-committee took into consideration that the Licensing Authority accepted the reduced hours, the conditions and that the premises will remain as a restaurant predominantly. The Licensing Authority were also satisfied that the takeaway hours were being reduced by one hour and that alcohol will be served ancillary to food.

The Sub-committee heard that the Police had no reason to visit the premises and they were aware that the Applicant has held the licence for this restaurant for the last 20 years. The Sub-committee took into account that the Applicant agreed to the outside seating area being closed at 22:00. The Sub-committee took into account that the Police had concerns, however, they had been allayed following the representations made by the Applicant.

The Sub-committee cannot determine the application based on economic factors. Each application is determined on its own merits.

Having taken all of the above factors into consideration, the Sub-committee was satisfied that by granting this variation to the premises licence, that the licensing objectives would continue to be promoted.

7 Temporary Event Notices - Standing Item

7.1 There were no temporary event notices.

RESOLVED

That the Press and Public be excluded from the meeting during the consideration of agenda item 8 due to the disclosure of exempt information as defined under paragraph 7, Part 1, Schedule 12A of the Local Government Act 1972.

The live stream ended and the meeting proceeded in closed session.

8 EXPEDITED REVIEW: Queen of Hoxton, 1-5 Curtain Road, London, EC2A 3JX including the Roof Terrace, 4th Floor

8.1 This application was considered during the private session of the meeting and the discussion and decision are available in the exempt minutes.

Duration of the meeting: 2.00pm