

MINUTES OF A MEETING OF THE LICENSING SUB COMMITTEE E

THURSDAY 12 OCTOBER 2023

Councillors Present: Cllr Gilbert Smyth in the Chair

Cllr Zoe Garbett (Substitute) and
Cllr Christopher Kennedy

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

Also in Attendance: Item 6: Application for a Premises Licence: 360 Old Street, EC1V 9LT

Applicant:

Mr Tanyel Gulbahar, TMG Consultancies Ltd

Other persons (in objection):

OP1 Louise Garrett

Item 7: Application to vary a Premises Licence:
Bar Lotus, 480 Kingsland Road, Hackney, London,
E8 4AE

Applicant:

Holly McColgan (Solicitor)
Noa Wang (Represents the Applicant company)
David Wang (Represents the Applicant company)

Responsible Authorities:

David Tuitt, Licensing Authority

Item 8: Temporary Event Notice – Counter Notice:
The Gun, 235 Well Street, London E9 6RG

Applicant

Nicholas Evans, The Gun

1 Election of Chair

1.1 Cllr Gilbert Smyth was duly elected as the Sub-Committee Chair.

2 Apologies for Absence

2.1 None.

3 Declarations of Interest - Members to declare as appropriate

3.1 None.

4 Minutes of the Previous Meeting

4.1 None.

5 Licensing Sub-Committee General Information & Hearing Procedure

5.1 The meeting participants noted the hearing procedure for the meeting (hearing procedure type A).

6 Application for a Premises Licence: 360 Old Street, EC1V 9LT

6.1 The Licensing Sub-Committee heard from Hackney Council's Principal Licensing Officer (Acting) and the representative for the Applicant. During initial discussions with the representative for the Applicant at the meeting it became apparent that the premises in question already held an active premises licence. Questioned further on whether the Premises Licence Holder wished to replace the current premises licence with the one under consideration at the hearing the representative for the Applicant agreed to the former.

6.2 With the representative for the Applicant agreeing that 360 Old Street EC1V 9LT would continue to be run on the existing premises licence the application put before the hearing was withdrawn from the meeting agenda.

7 Application to vary a Premises Licence: Bar Lotus, 480 Kingsland Road, Hackney, London, E8 4AE

7.1 The Licensing Sub-Committee heard from Hackney Council's Principal Licensing Officer (Acting) introduced the application to vary a Premises Licence for Bar Lotus, 480 Kingsland Road, Hackney, London, E8 4AE, the representative for the Applicant and the Responsible Authorities (Licensing Authority). The Applicant was seeking authorisation for the following proposed variation; to update the layout of the premises (as per revised plan provided), to remove condition 16: Police and LBH contracted drugs dogs or drug detection equipment will be given immediate access to the premises without notice for the purpose of detecting and reducing incidences or drug misuse; and to extend permitted hours. The Licensing Authority had made representation on the grounds of the Prevention of Public Nuisance. The Licensing Authority in its submission had stated that given the locality and saturation of existing nearby licensed premises, the potential for the negative cumulative impact of licensed premises may be increased and place the licensing objectives at risk of being undermined. They also highlighted that the hours sought are beyond those

outlined in the Council's Licensing Policy LP3 Core Hours and LP6 External Areas and Outdoor Events. The Licensing Authority added that while the Applicant was seeking to extend the hours, they had not suggested any additional measures or conditions that look to mitigate any problems that may arise from late night dispersal of patrons from the premises. Some clarification was also sought from the Applicant on the provision of Off Sales at the premises.

7.2 Following submissions from the various parties there was a discussion where a number of points were raised including the following:

- The Sub-Committee noted that the Applicant had withdrawn the Off Sales of alcohol from the application;
- Responding to a question from the Sub-Committee, the legal representative for the Applicant explained that the sale of alcohol would only be by waiter/waiter service to customers who are seated. The premises would not be a vertical drinking establishment;
- The Sub-Committee noted that there had been no submissions from the Police, Environmental Protection or Other Persons in objection to the application;
- In response to a question from the Sub-Committee, the applicant replied that they had been working closely with neighbouring businesses in order to establish close relations;
- The legal representative for the premises licence holder confirmed that in relation to capacity there would be 32 patrons inside and 20 patrons in the rear garden area (excluding staff);
- Replying to a question about the number of smokers allowed on site, the Legal Representative for the Applicant confirmed that, under condition 20 in the application, that no more than five persons shall be permitted to smoke outside the premises at any one time;
- Replying to a question as to whether the Applicant would be placing tables and chairs outside the front of the premises, the Applicant responded that they were not currently seeking to place tables and chairs outside the front of the premises but it was something they would consider in the future;
- Responding to a question about whether anyone lived above the premises, the Applicant confirmed that there was three flats above the premises;
- Responding to concerns raised by the Licensing Authority about the proposed licensable activity going beyond Core Hours, the legal representative for the Applicant agreed to a recommendation from the Committee Chair to amend the closing time back on Monday to Thursday to 00:00 hours. The Licensing Authority welcomed this news. The finishing time for licensable activities for Friday and Saturday would be 02:00 hours;
- Following further discussions between the Sub-Committee and the Applicant, the Applicant agreed that a Security Industry Authority (SIA) trained operative would be employed for Friday and Saturday, 23:00 to 3:00. The Sub-Committee felt this measure would be particularly helpful in assisting the dispersal of patrons from the premises when closing.

7.3 There were no closing remarks from either the Licensing Authority, the representative for the Applicant or 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 12 October 2023 and 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 Sub-Committee decided that the application to vary the premises licence, for Bar Lotus, 480 Kingsland Road, Hackney, London E8 4AE, 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:

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

Late Night Refreshment:

Monday - Thursday 23:00 - 00:00

Friday - Saturday 23:00 - 02:00

Supply of Alcohol (on sales)

Monday - Thursday 10:00 - 00:00

Friday - Saturday 10:00 - 02:00

Opening hours

Monday - Thursday 10:00 - 00:30

Friday - Saturday 10:00 - 02:30

- Remove condition 16 from the premises licence.
- Off-sales to be removed from the application.
- Amend condition 21 as follows:

“ On Fridays and Saturdays SIA registered supervisors to be employed on an operational risk assessment basis from at least 23:00. Security staff shall be clearly identifiable at all times. Additional SIA registered supervisors to be employed on an operational risk assessment basis. Any security staff shall enter their full details in the premises daily register at the commencement of

their work. This register will be made available to the Police or authorised officer immediately upon request ”.

And agreed to the following additional conditions:

- The use of the garden shall cease at 23:00 Monday to Saturday and 22.30 Sunday.
- There shall be no more than 32 persons inside and 20 persons in the garden (excluding staff) at any one time.
- The sale of alcohol shall be by waiter/waitress service to customers who are seated.

Reasons for the decision

The application to vary a premises licence for Bar Lotus, for the updated layout of the premises, and removal of condition 16 of the premises licence 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 the Licensing Authority had made representations objecting to the hours proposed by the Applicant. The Sub-Committee noted that no representations had been made at the hearing from any other Responsible Authority or Other Persons.

The Sub-Committee heard representations from the Licensing Authority that after hearing from the Applicant Friday and Saturday remained a concern to the Licensing Authority when the premises was open until 02:00, however, the standard of the refurbishment of the premises means that the an exception could be made in the in respect of this application.

The Sub-Committee took into account that the Applicant had agreed to employ a Security Industry Authority(SIA) trained operative on Fridays and Saturdays from 23:00 to allow for dispersal from the premises until after the premises are closed. The Sub-Committee noted that the hours on Sunday are unchanged.

The Sub-Committee also took into account that the Applicant had been willing to reduce their operating hours, between Monday and Thursday, in response to concerns raised by the Licensing Authority in their submission at the hearing. The Licensing Authority had welcomed this response by the Applicant.

The Sub-Committee took into consideration that the Applicant had submitted a number of additional documents in support of their application including a draft dispersal policy to be approved by the Licensing Authority.

Thursday 12 October 2023

The Sub-Committee also took into account that the Applicant had proposed additional conditions to operate the premises responsibly including the use of the garden shall cease at 23:00 Monday to Saturday and 22.30 Sunday, the capacity of the premises being set at 32 persons inside and 20 persons in the garden (excluding staff), the sale of alcohol shall be by waiter/waitress service to customers who are seated. The Sub-Committee noted that the Applicant already has contact details on the premises.

Having taken all of the above factors into consideration, the Sub-Committee was satisfied that the licensing objectives would not be undermined.

Public Informatives

1. The Premises Licence Holder is advised as part of the rigorous monitoring and checking that all staff are to be well trained, and to undertake the required training including Wave training, training for vulnerable persons and other training offered by the Council's Hackney Nights portal.
2. The Premises Licence Holder is advised that no smoking shall be in the external covered area to the rear of the premises.
3. The Premises Licence holder 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.

Your right to appeal

If you are aggrieved by any term, condition or restriction attached to this decision, you have the right to appeal to the Thames Magistrates Court, 58 Bow Road, London E3 4DJ within 21 days of the date you receive this written decision.

8 Temporary Event Notices - Standing Item

- 8.1 The Licensing Sub-Committee heard from Hackney Council's Principal Licensing Officer (Acting) introduced the application from the Environmental Protection giving the Licensing Authority and the premises user notice of objection to a Temporary Event Notice (TEN) for an event to be held on 15/10/2023 from 11:30 finishing on 16/10/2023 at 02:00 at The Gun, 235 Well Street, London E9 6RG. The Environmental Protection have objected to the TEN on the grounds of the prevention of public nuisance. No representative for Environmental Protection was present at the hearing. The Premises User briefly explained the nature of the TEN and how it was an annual event at the premises.
- 8.2 Following submissions there was a discussion where a number of points were raised including the following:

Thursday 12 October 2023

- The Sub-Committee were reminded that they were considering the TEN Counter Notice at the hearing and that issues relating to abatement notices was a separate unrelated matter;
- The Sub-Committee highlighted that it was unfortunate that no-one was present from Environment Protection at the hearing. It was reported from the Licensing Service that someone from Environmental Protection had attempted to join the hearing was unsuccessful;
- The Sub-committee felt that there was a lack of evidence from the Environmental Protection Team to support their Counter Notice and it was noted that there had not been any representations made by other Responsible Authorities e.g. the Police either to the TEN under consideration at the hearing and other previous ones applied for;
- Responding to a question from the Sub-Committee, the Premises User replied that they had been in contact with Environmental Protection and maintained good relations;
- The Premises User confirmed that they had last been granted a TEN on 29 August 2023;
- Responding to a question from the Sub-Committee, the Premises User replied that the TENs was not for a private event explaining that he was giving away free beer to celebrate his birthday.

8.3 In their closing remarks the Premises User spoke of how they were a good, experienced and responsible operator and they had good relations with the Council's Environmental Protection team. They stressed that they were not irresponsible.

8.4 Responding to a question from the legal officer, the Licensing Authority, who were present to observe this part of the meeting initially, replied that if a Premises User was giving away free beer, there was no restrictions on allowing them to do that. The Sub-Committee noted that the Premises User had paid for the beer themselves.

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

and in particular upon consideration of the 'objection' given by the Environmental Protection Team, is satisfied that the proposed event would not undermine the licensing objectives. Therefore, the Sub-committee has decided not to serve a counter notice and to allow the event to proceed.

Reasons for the decision

The Sub-committee took into consideration the objection received from the Environmental Protection Team for the Temporary Event Notice for the period from on 15/10/2023 from 11:30 finishing on 16/10/2023 at 02:00 am, which contended that this

Thursday 12 October 2023

event would undermine the licensing objectives, on the grounds of prevention of public nuisance. The Sub-committee carefully considered the reasons for this objection.

The Sub-committee noted that the Environmental Protection Team was unable to attend the hearing and make representations. Therefore, the Sub-committee could not be satisfied that the licensing objectives would be undermined by the hours of the premises being further extended by this Temporary Events Notice.

The Sub-committee carefully considered the evidence presented to them by the Premises User and this was an annual event at the premises.

The Sub-committee took into consideration that there was a lack of evidence from the Environmental Protection Team. The Sub-committee felt that the Premises User was a responsible and experienced operator who has tried and is willing to work with the Environmental Protection Team. The Sub-committee noted there were no previous concerns about the premises, the Police had not made any representations, and the last Temporary Event at the premises raised no concerns.

The Sub-committee considers each case on its own merits. On balance, the Sub-committee felt that the annual Temporary Event at the premises would not undermine the licensing objectives and it was not appropriate in this case to issue a counter notice.

END OF MEETING

Duration of the meeting: 2.00pm - 3.18pm

Clr Gilbert Smyth
Chair of the meeting

Contact:
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