

MINUTES OF A MEETING OF THE LICENSING SUB COMMITTEE B

MONDAY 25 SEPTEMBER 2023

Councillors Present: Cllr Richard Lufkin in the Chair
Cllr Christopher Kennedy and Cllr Yvonne Maxwell

Apologies: Cllr Midnight Ross and Cllr Penny Wrouth

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: Abney Chapel, Abney Park, 215 Stoke Newington High Street, London, N16 0LH

Attendees:

Applicant

Behalf of London Borough of Hackney, Kimberley Jacobs

Responsible Authorities

David Tuitt, Licensing Authority

Other Persons

C1 - Dr Lucy Wedderburn
C28 - Tom Walker

1 Election of Chair

1.1 Cllr Richard Lufkin was duly elected as the Sub-Committee Chair.

2 Apologies for Absence

2.1 Apologies for absence were received from Cllr Midnight Ross and Cllr Penny Wrouth.

3 Declarations of Interest - Members to declare as appropriate

3.1 None were declared.

4 Minutes of the Previous Meeting

4.1 None were submitted for approval.

5 Licensing Sub-Committee Hearing Procedure

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

6 Application for a Premises Licence: Abney Chapel, Abney Park, 215 Stoke Newington High Street, London, N16 0LH

6.1 The Licensing Sub-Committee heard from Hackney Council's Principal Licensing Officer (Acting), a representative for the applicant, responsible authorities (in this case the Licensing Authority) and other persons. The application was for a premises licence to allow authorisation for the provision of late night refreshment, regulated entertainment and the sale of alcohol on Monday to Sunday. The Licensing Authority had made a representation on the grounds of the prevention of public nuisance and it was noted that the proposed hours of activity are to 00:00 daily which are in excess of the hours set out in LP3 (Core Hours). Various other persons had made representations on the grounds of the prevention of crime and disorder, public safety, prevention of public nuisance and the protection of children from harm. The Sub-Committee noted that the applicant, the London Borough of Hackney, was happy to go along with, in a published letter to the Council's Licensing Authority, a suggestion from them to scale back the hours to LP3 Core Hours.

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

- Responding to a question about how the applicant would manage the dispersal of patrons, specifically if they wandered off and cause potential noise, nuisance and damage to the immediate area, the applicant replied that in their experience in managing similar events at their other sites not all of the events that they hosted would include alcohol. The applicant gave a brief summary of the types of events that they held at their Clissold Park venue which included wedding ceremonies, National Health Service (NHS) staff away days and antenatal classes. The security arrangements that they had in place their other venues would also be applied to the Abney Chapel;
- The Sub-Committee noted that, under their terms and conditions, at Abney Chapel any events that were above 40 people, involve alcohol consumption or pose a higher risk will require security via Council contracted supplier CIS and clear terms and conditions were lined out for each event;
- Replying to a suggestion that limiting the days of operation to initially three days to see how the business would manage and to allay local residents' concerns, the applicant replied that from their

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other venues they had shown that there had been a lot of demand and they wanted to make the Abney Chapel inclusive;

- The Applicant confirmed that during the summer Abney Park was open up to 9:00pm and in the winter up to 4:00pm. It was understood that the nearest local residencies were approximately 100 metres away from the venue;
- Replying to a question about noise, the applicant responded that the noise level was set to 93 decibels, which related to the inside the venue where all events would be held. They added that all windows and doors would be closed from 9pm onwards. There would also be an insulated roof to mitigate against noise breakout. They added that they would not operate outside of the venue and in the park at all and all activity taking place is strictly inside. In relation to the impact of the proposals on the local nocturnal wildlife e.g. bats and Owls, the applicant explained that an ecological survey had been undertaken and concerns were not raised and advice had been considered from ecological consultants;
- The Sub-Committee noted that the Stoke Newington High Street was a direct street to access through the graveyard. Responding to a suggestion from the other persons that Church Street could be used as an alternative access route to and from the venue, the applicant replied that it was not safe. It was poorly lit and was not paved and therefore was unsuitable for customers particularly late at night;
- Replying to concern raised about the difficulty of managing any additional litter occurring, as a possible consequence of events held at the venue, the applicant replied people should not be dropping litter outside the venue as all events would be held inside, however, it was recognized that in hot weather customers would be given the option to step outside;
- The Licensing Authority stated that their concerns about the application had now been allayed that the licensable hours had been scaled back to core hours;
- The applicant confirmed that they did have planning permission;
- The other persons were receptive to the suggestion put forward by the Sub-Committee that the applicant should consider limiting their hours of operation to initially three days a week in any one week;
- The applicant stated that limiting their days of operation to three days a week would mean that they would not be inclusive;
- The Chair of the Committee on the suggestion that that applicant consider opening three days a week that would be three of the applicant's choosing;
- Responding to a question from the other persons about a more collaborative approach between the applicant and the Council's Parks and Leisure team, the Applicant replied that they did work closely with the Parks and Leisure team regarding their application. They reiterated that the types of events that they would be hosting would be inside the chapel only;
- Some of the Sub-Committee suggested that three days of licensable activities would be considered a good compromise for the use of the site to preserve nature and wildlife;

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- Responding to question about whether the venue had held in Temporary Event Notices (TENs), the applicant replied no TENs had been operated because the building was not yet ready, as it was currently being refurbished;
- The Sub-Committee briefly debated if they should put in a condition for the venue to be open three days a week, the Legal Officer responded that they could. The Licensing Authority concurred adding that any condition that they imposed, relating to three days of operation, was less than the application currently before the Sub-Committee for consideration;
- Some of the Sub-Committee members suggested an informative stating that the Premises Licence holder is advised to work with local residents and the Abney Park Trust to prevent noise, nuisance and disturbance to local residents;
- Responding to a question from the Other Person's, the Chair of the Committee replied that they consider four rather than three days a week to the applicant, that way any issues between the applicant and concerned local residents could be worked out and then a variation could be applied for at a later date;
- The Other Persons supported the compromise suggested by the Sub-Committee in particular any steps for further consultation with local residents.

6.3 In their closing remarks the Licensing Authority were satisfied with that they had heard at the hearing and welcomed the news that the applicant had agreed to scale back their hours to core hours.

6.4 In their closing remarks the other persons thanked the Sub-Committee giving them an opportunity to raise their concerns about the Abney Chapel Licensing application. They also welcomed the efforts to reach a compromise among the various interested parties.

6.5 In their closing remarks the applicant agreed with the Sub-Committee that they should work together with the local residents and the Abney Chapel Trust to find the best way forward.

The decision

The Licensing Sub-Committee in considering this decision from the information presented to it within the report and at the hearing of Monday 25 September 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 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:

Plays

Monday to Thursday	09:00 - 23:00
Friday to Saturday	09:00 - 00:00
Sunday	10:00 - 22:30

Films

Monday to Thursday	09:00 - 23:00
Friday to Saturday	09:00 - 00:00
Sunday	10:00 - 22:30

Live Music

Monday to Thursday	09:00 - 23:00
Friday to Saturday	09:00 - 00:00
Sunday	10:00 - 22:30

Recorded Music

Monday to Thursday	09:00 - 23:00
Friday to Saturday	09:00 - 00:00
Sunday	10:00 - 22:30

Performance of Dance

Monday to Thursday	09:00 - 23:00
Friday to Saturday	09:00 - 00:00
Sunday	10:00 - 22:30

Anything of a similar description

Monday to Thursday	09:00 - 23:00
Friday to Saturday	09:00 - 00:00
Sunday	10:00 - 22:30

Late Night Refreshment:

Friday to Saturday	23:00 - 00:00
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Supply of Alcohol (on and off sales)

Monday to Thursday	11:00 - 23:00
Friday to Saturday	11:00 - 00:00
Sunday	11:00 - 22:30

Opening hours

Monday to Thursday	09:00 - 23:30
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Friday to Saturday 09:00 - 00:30
Sunday 10:00 - 23:00

The Applicant to provide a revised plan to show the extent of the premises and the red edged area.

And an additional condition:

The premises licence shall be limited to three days a week in any 7 day week.

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 Sub-Committee took into account that the Licensing Authority made representations on the grounds of Public Nuisance and raised concerns that the original proposed hours of activity were in excess of LP3 Core Hours. The Sub-Committee noted that the Applicant, the London Borough of Hackney, had agreed to reduce the proposed hours of activity to LP3 Core Hours. The Sub-Committee also took into consideration that these reduced hours to Core Hours allayed the Licensing Authority's concerns about the application, and they were clearer on what was now required by the Applicant for pre-booked events.

The Sub-Committee took into account that 28 Other Persons, nearby local residents, had made representations both at the hearing and through several written submissions on the grounds of the four licensing objectives: Prevention of Crime and Disorder, Public Safety, Prevention of Public Nuisance and the Protection of Children from Harm.

The Sub-Committee also took into account that the local residents raised concerns about the impact of the proposals on the natural habitat in the immediate area and the close proximity of the venue to local residencies, and that the Applicant was keen to work with both local residents and the local Abney Park Trust to reach a compromise.

The Sub-Committee heard that all the Applicant's venues in Hackney are the same and the decibels are set the same for each venue. In addition all windows and doors are closed at 21:00. The Sub-Committee took into consideration that the designated area outside of the chapel is where guests can have a drink. The Sub-Committee noted that the Applicant did submit a dispersal policy specific to Abney Chapel, and that the music and events will end 30 minutes before the premises close

The Sub-Committee heard the Applicant's representations that they are pleased to be able to refurbish this Grade Two listed building to bring it back into use in the area. The Applicant confirmed that they do not want to restrict people from walking around the chapel and the park area.

The Sub-Committee heard from the Applicant that not all events are alcohol related or have alcohol served. The Applicant explained to the Sub-Committee that there is a minimum of two security staff on the premises at any one time, and an example of the events that will take place at Abney Chapel will be weddings, NHS awaydays, Jewish celebrations and celebration of life and similar events.

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The Sub-Committee took into consideration that the security staff at the premises would be assessed for each event that is booked. The Sub-Committee noted that the Applicant was seeking to operate the premises with a licence seven days a week which was considered excessive, given the nature and the impact on the area. The Applicant contended that it is difficult to assess what days people want events and what will be included in those events. The Sub-Committee noted that no temporary events had been operated because the building was not yet ready; it was still being refurbished.

The Sub-Committee noted that the park opening hours are until 22:00 each day and the noise limit is 93 decibels. The Sub-Committee heard that bats in the nature reserve are a protected species and would be affected by the use of the premises 7 days a week.

The Sub-Committee heard the Applicant's representations that an ecological survey had been undertaken and no concerns were raised. The Sub-Committee noted that the Applicant had received and considered advice from ecological consultants.

The Sub-Committee heard that the Stoke Newington High Street is a direct street to access from the cemetery. The Sub-Committee noted Church Street is not safe and it is not paved. Therefore, it is not suitable for guests to be going through late at night.

The Sub-Committee heard representations from the local resident that she had lived in the area for 30 years and was very familiar with how the Abney Chapel area operated, and that the local residents were delighted that money was being obtained to refurbish Abney Chapel to bring it back into use. The Sub-Committee heard from the local resident that the core hours are a small change and do not cover the noise issues late at night, resulting in crime and disorder.

The Sub-Committee noted that there were concerns about how 70 people in hot weather would manage at the premises until midnight on weekdays, weekends, and the impact on local residents' sleep. The Sub-Committee took into account the local resident's representation that it would be better to have the premises operate three days a week, taking into consideration the impact on local residents and to help preserve the Wildlife in the area.

The Sub-Committee heard from the Abney Parks Trust that there were concerns about how the building was going to be used for the various events. The Sub-Committee noted that Abney Parks Trust supported the application to operate the premises more than three days a week if possible, however, they felt it could be managed better, and in a more considered way addressing the public nuisance issue.

The Sub-Committee took into consideration the local residents' representations that they were concerned that the cemetery could be potentially damaged by the continual events taking place every day seven days a week. The Sub-Committee took into account that the Applicant acknowledged that Abney Chapel is different to other sites in the borough. The Applicant confirmed that Abney Chapel has no kitchen or facilities for food preparation for a full wedding reception. Therefore, they would not have wedding reception events with food catered. The Sub-Committee also considered that litter clearance will be difficult to control on this site.

The Sub-Committee felt that the Applicant needed to either use Temporary Events for a period or to generally operate the premises and prove themselves over a period of time that they can operate for example, 3 days a week without causing noise, nuisance or public nuisance and then consider if appropriate to extend the premises licence. The Sub-Committee felt that the Applicant needed to work with local residents given the unique setting and nature of Abney Chapel, and having a licensed venue used for events in the middle of a cemetery.

The Sub-Committee heard from the local resident that there was a need to allow the area to be dark and quiet to preserve the nature reserve. The Sub-Committee heard that the local residents supported a limited number of days, and they would be happy for a compromise to be reached. The Sub-Committee noted that three days of licensable activities would be considered a gentle approach to the use of the site to preserve nature and wildlife. It was also noted that the Abney Parks Trust agreed with the representations made by the local resident.

The Sub-Committee was pleased with the Applicant's positive engagement with the Abney Park Trust. The Sub-Committee felt that due to the area and nature reserve, it is necessary to keep the licensable activities limited to a specific number of days. The Sub-Committee took into consideration that there would be no alcohol taken off the premises site, and alcohol would only be consumed on the premises, in the hall of the premises, and in the designated area immediately outside of the chapel.

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 work with local residents and the Abney Park Trust to prevent noise, nuisance and disturbance to local residents.

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.

7 Temporary Event Notices - Standing Item

7.1 No Temporary Event Notices (TENs) were scheduled for consideration at the meeting.

Duration of the meeting: 7.00pm - 8.19pm

END OF MEETING

Clr Richard Lufkin
Chair of the meeting

Contact:

Monday 25 September 2023

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