

MINUTES OF A MEETING OF THE LICENSING SUB COMMITTEE D

TUESDAY 16 JANUARY 2024

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| Councillors Present: | Cllr Penny Wrout in the Chair |
| | Cllr Gilbert Smyth and Cllr Susan Fajana-Thomas |
| Apologies: | Cllr Sem Moema |
| Officers in Attendance: | Amanda Nauth, Licensing Lawyer Subangnini Sriramana, Principal Licensing Officer (acting) Gareth Sykes, Governance Officer |
| Also in Attendance: | <p><u>Agenda item 6 Application to Vary a Premises Licence: The Rolling Stock, 46-48 Kingsland Road, London, E2 8DA</u></p> <p><u>Applicant</u> Shaun Murkett, Agent Byron Evans, Applicant</p> <p><u>Responsible Authority</u> David Tuitt, Licensing Authority</p> <p><u>Other Persons</u></p> <p><u>Supporting</u> Matt Down Henrik Kubel</p> <p><u>Objecting</u> Louise Garrett</p> <p><u>Agenda item 7 Application for a Premises Licence: Hoxton Spirits HQ, 1st floor, 2-4 Holywell Lane, Hackney EC2A 4QS PDF 4 MB</u></p> <p><u>Applicant</u> Alun Thomas, Legal representative Robert Pechey, Applicant</p> <p><u>Responsible Authority</u> Channing Riviere, Licensing Authority</p> <p><u>Other Persons</u> None (submission withdrawn prior to the meeting)</p> |

1 Election of Chair

1.1 Cllr Penny Wrout was duly elected as the Licensing Sub-Committee Chair.

2 Apologies for Absence

2.1 Apologies for absence were received from Cllr Sem Moema. Cllr Gilbert Smyth was in attendance as substitute in place of Cllr Moema.

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 Hearing Procedure

5.1 The Chair outlined the hearing procedure to be followed.

6 Application to Vary a Premises Licence: The Rolling Stock, 46-48 Kingsland Road, London, E2 8DA

6.1 The Sub-Committee heard from the Principal Licensing Officer (acting), the Agent for the Applicant, the Applicant, Responsible Authorities (the Licensing Authority) and Other Persons speaking in support and in objection. The application before the Sub-Committee was to vary a premises licence to extend hours for licensable activities on Thursday, Friday and Saturday in the main building of the premises and to amend current condition 64 in the published application report. The Responsible Authority (Licensing Authority) had made their representation on the grounds of the prevention of crime and disorder and the prevention of public nuisance. The Council's Environmental Protection team had agreed to conditions in advance of the hearing. The Applicant had previously had nine Temporary Event Notices (TENS) covering the same hours applied for, without complaint. There had been no representation in objection to the application from the Police. Other persons had made representation both in objection and in support of the application. Those Other Persons making representations in support praised the Applicant for their security arrangements in and around the premises and they did not cite noise nuisance as a concern. Those Other Persons making representation in objection to the application had done so on the grounds of the prevention of crime and disorder, public safety, prevention of public nuisance and the protection of children from harm.

6.2 During the course of submissions and a discussion of the application, the following points were made:

- The Other Persons speaking in support of the application highlighted that Closed Circuit Television (CCTV) had been installed which included covering the rear area of the premises;
- The Other Persons speaking in objection to the application wanted to maintain the boundaries in the Shoreditch area and

they were concerned about the additional hour that the Applicant was seeking. They noted that other nearby licensed premises closed at 2:00am and that there would be pressure on Police resources from 2:00 am onwards in the area;

- In relation to a dispersal policy, the Applicant explained that they had an effective working relationship with the security firm that they used. They noted the suggestion from the Sub-Committee that they may wish to consider joining Hackney Council's Hackney Nights Accreditation initiative;
- The Sub-Committee suggested to the Applicant that they may wish to consider not amending condition 64 and therefore retain that no customers would be readmitted after 2:00am rather than the proposed 3:00am. The Applicant replied that they did not have an issue with this suggestion;
- The Agent for the Applicant reminded the Sub-Committee that there had been no representation from the Police in objection to the application;
- The Applicant confirmed that the premises capacity was 250 patrons;
- The Applicant also confirmed that the outside area was not used after 10:00pm;
- The Other Person who was making a representation in objection highlighted that it was rare for a licensed premises in the area to be open to 4:00am. They were concerned about people dispersing and leaving the premises late at night and that the area was a magnet for street drinking and they were concerns about people outside in the summer months;
- The Licensing Authority made clear that should the Sub-Committee decide not to vary the condition restricting new admissions after 2:00am, much of their concerns would be allayed.

- 6.3 In their closing remarks the Other Person speaking in objection reiterated their concerns about the proposed additional hour opening time. They felt it would make a big difference and would contribute to the cumulative impact in the area.
- 6.4 There were no closing remarks from the Other Persons speaking in support of the application.
- 6.5 The Licensing Authority in their closing remarks retained some concerns about the possibility of cumulative impact on the surrounding area if the 4:00am opening were approved, though this was significantly lessened if there were to be no further admittance from 2:00am.
- 6.6 Responding to the comments from the Licensing Authority, the Agent for the Applicant explained that the application was modest and not excessive. They emphasised the many years of experience of the Applicant and how there had been no objections from the Police and the Applicant had run nine TENS without complaint.
- 6.7 The Sub-Committee encouraged the Applicant to join the Hackney Nights accreditation scheme. Premises who gain the accreditation would benefit from

a 30% reduction to late night levy fees. The Sub-Committee agreed that they would include this as part of the decision as a Public Informative.

The Sub-Committee made their deliberations in private at the end of the public hearing. The Applicant had been informed that they could have verbal notice of the decision the following day and a written decision would follow shortly afterwards.

The decision

The Licensing Sub-Committee in considering this decision from the information presented to it within the report and at the hearing of Tuesday 16 January 2024 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 to vary a premises licence has been partially approved in accordance with the Council's Statement of Licensing Policy and the proposed condition set out in paragraph 8.1 of the report as applied for with the following additional condition to be added to the premises licence:

- The varied hours for licensable activities, shall be:

Live Music

Thursday to Saturday 12:00 - 04:00

Recorded Music

Thursday to Saturday 12:00 - 04:00

Late Night Refreshment

Thursday to Saturday 23:00 - 04:00

Supply of Alcohol (On sales)

Thursday to Saturday 12:00 - 04:00

Opening hours of the premises

Thursday to Saturday 12:00 - 04:30

- The Premises Licence holder shall submit a Dispersal Policy to be approved by the Licensing Authority.

Reasons for the decision

The Sub-Committee agreed to approve a partial variation of the premises licence. The variation of the hours applied for until 4:00am was approved for Thursday to Saturday. The Licensing Sub-Committee decided not to grant the amendment to condition 64 and they decided to keep the condition unchanged at 2:00am due to issues in the Shoreditch area. The Sub-Committee was satisfied that the licensing objectives would not be undermined.

The Sub-Committee noted that the Environmental Protection Team agreed to a condition with the Applicant in advance of the hearing and withdrew their objection.

The Sub-Committee recognised that the Applicant had managed a well run premises for a long time and the Applicant was an experienced operator. The Sub-committee noted that they had applied previously and been granted nine late-night Temporary Event Notices (TENS), to operate to similar hours to the hours proposed, without any complaints. The Sub-Committee noted that no representation had been made by the Police objecting to the application.

The Sub-Committee took into account that the Licensing Authority had made representations both at the hearing and through a written submission objecting to the application on the grounds of the Prevention of Crime and Disorder and the Prevention of Public Nuisance. The Sub-Committee noted their concerns raised about the potential negative cumulative impact, and public nuisance from patrons in the immediate area of the premises if the additional hour until 4:00am was granted. The Licensing Authority made it clear that the Premises Licence Holder's agreement to no patron admittance after 2:00 am would go some way to alleviate their concerns about the potential impact on the area and the licensing objectives.

The Sub-Committee took into account the representations made both at the hearing and through written submissions by Other Persons in support of the application. The Sub-Committee noted that 8 letters of support for the application were received by local residents. The Other Persons in support of the application highlighted the increased security presence in the area provided by the Applicant's security team and that the proposed extended hours would help to continue to maintain that security. The Other Persons also reported that they had not experienced any issues relating to noise nuisance emanating from the premises. They also highlighted that the dispersal of patrons from the premises had improved due to the security personnel ensuring that no customers were hanging around the premises. The Sub-Committee noted that the SIA security staff monitored the area and the beer garden entry area.

The Sub-Committee took into account representations made both at the hearing and through a written submission by Other Persons who objected to the application 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 noted their concerns about the potential negative cumulative impact of patrons leaving the premises at 4:00 am, as proposed by the Applicant, would put pressure on the Police resources at that time of the morning, and they did not want local residents disturbed late at night. They highlighted that several other licensed premises in the area closed earlier at 2:00 am.

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

Public Informative:

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 as part of the Hackney Nights accredited training scheme.
2. The Premises License Holder is advised to turn the music down from 3:30am to help stagger dispersal from the premises.

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 Application for a Premises Licence: Hoxton Spirits HQ, 1st floor, 2-4 Holywell Lane, Hackney EC2A 4QS

7.1 The Sub-Committee heard from the Principal Licensing Officer(Acting), the legal representative for the Applicant and, the Applicant and the Responsible Authority (Licensing Authority). The application was for a Premises Licence under the Licensing Act 2003 to authorise the supply of alcohol for consumption off the premises on Monday to Sunday. The Sub-Committee noted that the legal representative for the Applicant had contacted the Council's Licensing Service prior to the hearing to clarify that drink orders made by customer would be through remote ordering methods only which would include online orders taken via the company's direct-to-consumer website or third-party services including Deliveroo and Uber Eats. The Applicant was withdrawing the request for click and collect from the general public. The legal representative for the Applicant made representations that their client would not be using third party delivery drivers, instead using the Applicant's own delivery partner, which utilises only electric vehicles. This way the Applicant felt that they had much greater influence on their drivers' behaviours and they would not be using motorised vehicles. The legal representative for the Applicant also explained that in order to minimise potential nuisance to neighbours would operate the following procedures; delivery drivers would be prohibited from entering the lobby and the Applicant could also arrange that their delivery firm would be notified via text/phone of arrival to eliminate any misuse of the intercom. The Applicant had also indicated that they were content to reduce the hours in line with LP4 to conclude business at 11:00pm. The Responsible Authority had made a representation on the grounds of the Prevention of Public Nuisance. The Sub-Committee noted that the Other person, who had made a representation on the grounds of the Prevention of Public Nuisance and Public

Safety, was the freeholder of the premises and had withdrawn their representation before the hearing following discussions with the Applicant.

7.2 During the course of submissions and a discussion of the application, the following points were noted:

- Conditions four and six in the published application report would be amended to reflect the Applicant informing the Licensing Authority prior to the hearing that the click and collect element had been removed from the application;
- The Sub-Committee noted that the Applicant did not have a Delivery Management Plan. The Applicant agreed to a condition where they would provide a Delivery Management Plan Including a code of conduct for approval by the Licensing Authority;
- Drink orders were managed through a third-party delivery firm that they used called Quiver. The drink orders were passed to the delivery drivers from the company's office;
- The Applicant confirmed that they had FedEx and Royal mail deliveries three times a day and deal with the rest as deliveries. The Applicant explained that currently there were currently no collections from the premises. Should the application be granted the Applicant expected that there would not be a constant stream of orders every day. They expected to process about five to ten orders a day. Being open to 11:00pm would allow staff to process orders especially preparing those orders for next day which were going further afield;
- No delivery drivers would be parking directly outside the premises with the communications made with the drivers in advance;
- The Applicant were content to accept a condition where no more than two delivery drivers were at one time were to stand and wait outside the premises to collect drink orders;
- The Applicant confirmed there were no shutters. There was an intercom system, which could use to stop using to prevent noise nuisance;
- The parking bay that had been identified was in operation between 7:00pm and 7:00am:
- The Applicant explained that a typical online drink order from customers was one bottle for personal consumption;
- All meeting participants were in agreement that conditions six and eight of the published application report would be amended to remove any references to click and collect and public access to the premises;
- The Applicant agreed to a condition to provide a Delivery Management Plan including a code of conduct for approval by the Licensing Authority;
- The Chair noted that a considerable amount of discussion time could have been avoided if the Applicant had put down more detail to explain their somewhat particular circumstances, in the original application.

7.3 The legal representative for the Applicant clarified with the Sub-Committee the amendments to the wording of conditions six and eight in the published application report. They also reiterated their agreement to conditions relating to his client's submission of Delivery Management Plan to the Licensing Authority

as well as a condition relating to the queuing of delivery drivers outside the premises.

- 7.4 The Licensing Authority confirmed with the Sub-Committee that they had no outstanding concerns with the application.

The decision

The Licensing Sub-Committee in considering this decision from the information presented to it within the report and at the hearing of Tuesday 16 January 2024 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:

Supply of Alcohol

| | |
|--------------------|-------------|
| Monday to Saturday | 10:00-23:00 |
| Sunday | 10:00-22:00 |

Opening hours

| | |
|--------------------|-------------|
| Monday to Saturday | 10:00-23:00 |
| Sunday | 10:00-22:00 |

The Applicant agreed amendments to the following conditions on page 72 of the application report:

- Delete Condition 10.
- Condition 6 shall be amended to read as follows:

'Alcohol orders shall be supplied by delivery only'.

- Condition 8 shall be amended to read as follows:

'General members of the public shall not be permitted on the premises to purchase alcohol.'

The Applicant agreed to the following additional conditions:

- No more than two delivery drivers at any one time shall stand and wait outside the premises to collect drink orders.
- The Premises Licence Holder shall provide a Delivery Management Plan to include a code of conduct, for staff for noise nuisance in the building and requirement for no queueing outside the premises to be approved by the Licensing Authority.

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 acknowledged that the Applicant had made representations that the application was for off sales only and that the alcohol was not distilled on site. The Sub-Committee noted that alcohol sales were through postal and Internet sales. Also there was no public access to the premises. The Applicant made representations that he would use the stairwell on premises to ensure it did not affect local residences.

The Sub-Committee recognised that the Applicant had amended their application by withdrawing the click and collect element of the application to prevent any potential noise nuisance or disturbance to local residences. The Sub-Committee took into account that alcohol sales were managed through a third-party delivery firm that they used called Quiver. The Sub-Committee noted that delivery drivers were instructed to park in a designated area and not on the red route.

The Sub-Committee took into account that the Licensing Authority had made representations on the grounds of Public Nuisance. The Licensing Authority welcomed the news that the Applicant had amended the application to remove the click and collect element. The Sub-Committee took into consideration that the Licensing Authority were now satisfied that the licensing objective would not be undermined and that their concerns were alleviated by the amendments to the application.

The Sub-Committee noted that the Other Person, who was the freeholder of the premises, had withdrawn their representation before the hearing following discussions with the Applicant.

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.

8 Temporary Event Notices - Standing Item

8.1 There were no Temporary Event Notices for consideration.

Duration of the meeting: 2.00pm - 4.06pm

CLOSE OF MEETING

Chair of the Licensing Sub-Committee meeting – Cllr Penny Wrout.

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