

**MINUTES OF A MEETING OF THE LICENSING SUB COMMITTEE A
THURSDAY, 29 AUGUST 2024**

Councillors Present:	Cllr Christopher Kennedy (Chair) Cllr Susan Fajana-Thomas
Officers in Attendance:	Rabiya Khatun - Governance Officer Amanda Nauth – Licensing and Corporate Lawyer David Tuitt - Business Regulation Team Leader
Also in Attendance:	97 Stoke Newington Road, Hackney, N16 8BX <u>Applicants</u> David Dadds - Legal Representative Michael T Hulbert - DPS <u>Other Person</u> Peter Archard <u>Playhouse, 258 Kingsland Road, London, E8 4DG</u> <u>Applicants</u> Rhys John Rose - Agent James Alexandrou

1 Election of Chair

1.1 Cllr Christopher Kennedy was duly elected as Chair.

2 Apologies for Absence

2.1 There were no apologies received.

3 Declarations of Interest

3.1 There were no declarations of interest.

4 Minutes of the Previous Meeting

4.1 There were no minutes for consideration.

5 Licensing Sub-Committee Hearing Procedure

5.1 The Chair outlined the hearing procedure to be followed.

6 Premises Licence: 97 Stoke Newington Road, London, N16 8BX

6.1 The Sub-committee heard from the Business Regulation Team Leader, the Applicant’s Legal Representative and Other Persons. The representation from

the Responsible Authority Police had been withdrawn following an agreement of conditions. This was an application for a premises licence for recorded music, performance of dance and to authorise the supply of alcohol for consumption on the premises from Monday to Sunday.

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

- The Legal Representative for the Applicant made submissions that included the application to restore the premises licence to the previous licence with similar hours and conditions. The pub had been closed for many years and the previous licence had lapsed due to a technical issue. There would be a new management team at the pub and this action was speedy and less expensive than applying to the courts to reinstate the premises licence under the Licensing Act which would take four months to reinstate.
- It was confirmed that the landlord remained unchanged and that the premises would continue to operate as a traditional pub serving food and drinks.
- The Other Persons 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. Representations from Other Persons from Palatine Road in objection to the application were primarily about the history of the premises and in particular crime and disorder, requested limiting the licence to the ground floor similar space on the previous licence, the additional use of the basement would double the floor space of the premises attracting more people which would adversely impact on local residents and public nuisance, concerns of vertical drinking as no seating plans had been submitted, the conditions were insufficient in addressing the impact of noise nuisance on the neighbours specifically living above the premises, and an acoustic noise report was necessary to ensure adequate measures were in place minimise noise disturbance to residents.

6.3 Having heard submissions, the Legal Representative for the Applicant and the Other Persons responded to the Sub-committee queries and concerns, and also made concessions as follows:

- The resident living above the premises was the landlord and the measures in place ensured the residents above were not disturbed.
- The Applicant had offered to carry out an acoustic report.
- The Applicant had put a public notice in newspapers to engage with residents however the Applicant was unable to directly address any concerns with those making representations as the Council did not provide objectors' details.
- The Applicant would have measures in place that included a policy to keep pavements clear, seating and lounge area however non-fixed furniture did not have to be included in the plan, the basement area would be used for running a book and arts club and karaoke events and a noise limiter had been installed in the premises to minimise the escape of music and noise.
- It was confirmed that the basement was included in the previous premises licence and there had been no objections from responsible authorities and police.

Thursday, 29 August 2024

- The capacity was determined by the fire risk regime, but the Applicant believed the capacity was 220 persons and the basement was capped at 60 persons.
- The Other Person welcomed the Fire risk assessment to be undertaken in relation to capacity prior to opening, but expressed concern regarding the fencing from the door leading out to No 97-107 Stoke Newington Road which it was believed constituted a fire risk.
- With regard to a condition, the Applicant agreed to amend the hours for the doors leading to Palatine Road not to be used from 19.00 hours.
- The Applicant agreed to display the DPS contact details in the window for residents to be able to complain of any noise issues and hold quarterly residents meetings.
- With regard to Condition 22 and the concern that one registered SIA door supervisor was inadequate to manage more than 100 persons on the premises, SIA ensued on the number of registered SIA door supervisors, it was clarified that events would be risk assessed and two SIA door staff could be employed if more than 100 persons were inside the premises.
- The Applicant did not agree to the proposal to close at 22.30 instead of 23.00 hours on Sunday.

6.4 All parties made closing remarks.

RESOLVED:

The Decision of 29th August 2024

The Licensing Sub-Committee in considering this decision from the information presented to it within the report and at the hearing 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, with the following amendments:

- The hours for licensable activities at the premises, shall be:

Recorded Music (indoors)

Sunday to Thursday	11:00 - 23:30
Friday to Saturday	11:00 - 01:30

Performance of Dance (indoors)

Sunday to Thursday	11:00 - 23:30
Friday to Saturday	11:00 - 01:30

Sale of Alcohol (on the premises)

Sunday to Thursday	11:00 - 23:30
Friday to Saturday	11:00 - 01:30

Opening hours of the premises

Sunday to Thursday	11:00 - 00:00
Friday to Saturday	11:00 - 02:00

- Condition 29 shall be amended as follows:

“Any doors leading directly to Palatine Road shall not be used after 19:00 other than to provide access in an emergency”.

And the following conditions:

- The Premises Licence holder shall maintain a dedicated contact telephone number and email address that must be available at all times to any person wishing to report concerns or make a complaint. These contact details shall be included on any website of the premises and on display at the premises.
- The Premises Licence holder shall hold and publicise liaison meetings at least every 3 months with local residents.
- The Premises Licence Holder shall carry out a detailed acoustic report by a competent person and should be submitted to the Licensing Authority and Environmental Protection Team within 2 months from the issue of this decision. Recommendations in the report should be approved by the Environmental Protection Team and completed prior to any regulated entertainment taking place.

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 consideration that the Applicant agreed conditions with the Metropolitan Police Service and their objection was withdrawn. The Sub-committee noted that no other Responsible Authorities made representations.

The Sub-committee took into consideration representations from Applicant's legal representative that the premises licence had lapsed and they are applying for a new premises licence. All the Responsible Authorities accepted the application and conditions, and there were no issues arising. The premises were previously well established and they are now trying to restore the premises licence. The premises now has a new landlord and new management after being closed for a number of years.

The Sub-committee took into account representations and concerns raised by 7 Other Persons (local residents) about the late night hours, noise nuisance, the use of the basement and the floor space to be used. The local residents made submissions that they did not object to the basement being used however they wanted the premises generally to have adequate access and use for disabled customers. The local residents raised concerns about vertical drinking and noise nuisance late at night that would impact local residents that live close to the premises. The local residents made representations about the need for an acoustic report to measure the noise

levels in the premises. The local residents made submissions that they would welcome a fire safety risk assessment before the premises open.

The Sub-committee took into account that the Applicant agreed to carry out an acoustic report. In relation to the seating plan the Applicant's legal representative made representations that they only need to show the fixed furniture in the premises.

The Applicant's legal representative made submissions that the premises will be using a noise limiter. The Sub-committee noted that the basement was part of the premises previously. The Applicant's legal representative made representations that the premises would be supervised by SIA registered security on a risk assessment basis.

The Sub-committee after carefully considering the representations from the Applicant's legal representative and the local residents approved the application as applied for because there were no objections from the Responsible Authorities, and they were satisfied with the application. The Sub-committee did take into consideration the representations raised by local residents and conditions were added to the premises licence to mitigate those concerns.

The Sub-committee took into consideration that each application is considered on its own merits.

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.

Public Informative

The Premises Licence Holder is encouraged to work with local residents and the Responsible Authorities to prevent any public nuisance or negative impact in the area.

7 Premises Licence: Playhouse, 258 Kingsland Road, London, E8 4DG

7.1 The Sub-committee heard from the Business Regulation Team Leader, and the Applicant's Agent. The written representations from the Other Persons were noted. This was an application for a premises licence to allow authorisation for the provision of regulated entertainment and supply of alcohol on Monday to Sunday.

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

- The premises would operate as a cafe bar and community hub for local businesses in the daytime and community theatre space with daily theatre events and training in the evening with a total maximum capacity estimated at 150 persons

7.3 Having heard submissions, from the Applicant's Agent a responded to the Sub-committee queries and concerns, and also made concessions as follows:

- Agreed to a drinking up time of 15 mins before closing hour and reduce the opening hour from 23.59 hours to at 23.45 hours and to include in the dispersal policy no containers of alcohol to be permitted off premises.

- It was confirmed that there would be no licensable activities in the basement and some of the spaces would be used as office space.
- The Applicant was requesting recorded music for one extra hour beyond the Core Hours on Friday and Saturday
- In relation to the concerns of capacity, it was clarified that the capacity was expected to be approximately 70 to 80 persons in the daytime subject to the layout of furniture.

7.4 There were no closing up remarks.

RESOLVED:

The decision of 29th August 2024

The Licensing Sub-Committee in considering this decision from the information presented to it within the report and at the hearing 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, with the following amendments:

- The hours for licensable activities at the premises, shall be:

Sale of Alcohol (on the premises)

Sunday to Thursday	11:00 - 22:40
Friday to Saturday	11:00 - 23:39

Recorded Music

Friday to Saturday	11:00 - 23:39
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Opening hours of the premises

Sunday to Thursday	07:00 - 23:00
Friday to Saturday	07:00 - 23:59

And the following conditions:

- There shall be no open containers or glass containers or drinks taken outside the premises at any time.
- The Licensee shall provide a written dispersal policy to the Licensing Authority and the Police. All staff shall be briefed 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.

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 consideration that the Applicant agreed to conditions with the Environmental Enforcement Service and their objection was withdrawn. The Sub-committee noted that no other Responsible Authorities made representations.

The Sub-committee took into account the written representations and concerns raised by 2 Other Persons (local residents) on the grounds of the four licensing objectives in a residential area.

The Sub-committee took into consideration representations from Applicant's Agent that this application went through an extended consultation for nine weeks due to an error in the publication of the statutory newspaper notice which was beyond their control, and pre-consultation was undertaken. No concerns were raised by the Environmental Protection Service. The Sub-committee noted that the premises was in a state of disrepair and heavy investment was needed. The Applicant's Agent made submissions that the premises was not going to be a pub in the round playhouse theatre. The Applicant wanted to continue working in the round theatre with young and local people and supporting the community. The Sub-committee noted that the Planning issues have been dealt with separately by the Applicant. The Sub-committee also noted that the Police had no concerns about the drinking up time, and the red line plan of the premises took into account the external area.

After considering the representations from the local residents and the Applicant's Agent the Sub-committee felt satisfied with the amendments to the application agreed by the Applicant that included a 20 minute drinking up time and a no open containers condition for drinks outside of the premises at any time. In addition, the Sub-committee was satisfied that a dispersal policy would be submitted to ensure that the dispersal from the premises is carried out in an orderly fashion.

The Sub-committee took into consideration that the Applicant was intending the premises to be a cafe and community hub during the day and operate theatre events in the evening. The theatre shows end before 23:00. The Sub-committee noted that the basement was not included in the application and the capacity of the premises is about 150 for both the first floor and the ground floor where the cafe will be. The Sub-committee took into account that the daytime capacity is about 70 in the café depending on the layout of the furniture and the Sub-committee was satisfied that the Applicant would operate the premises responsibly.

The Sub-committee took into consideration the representations and the concerns raised by local residents and conditions were added to the premises licence to mitigate those concerns.

The Sub-committee took into consideration that each application is considered on its own merits.

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.

Public Informative

1. The Premises Licence Holder is further reminded of the need to operate the premises according to any current planning permission and consents relating to its use class, conditions and to regularise the hours as required.
2. It also should be noted for the public record that the local planning authority should draw no inference or be bound by this decision with regard to any future planning application which may be made.
3. The Premises Licence Holder is encouraged to work with local residents and the Responsible Authorities to prevent any public nuisance or negative impact in the area.

8 Temporary Event Notices - Standing Item

7.1 There were no Temporary Event Notices for consideration.

Duration of the meeting: 7.00 - 9.00 pm