

## MINUTES OF A MEETING OF THE LICENSING SUB COMMITTEE D

TUESDAY 22 SEPTEMBER 2022

THIS MEETING WAS LIVE STREAMED AND CAN BE VIEWED HERE:

[HTTPS://YOUTU.BE/OInbWUYcvGk](https://youtu.be/OInbWUYcvGk)

<b>Councillors Present:</b>	Cllr Penny Wrouth in the Chair
	Cllr Gilbert Smyth
<b>Apologies:</b>	Cllr M Can Ozsen
<b>Officers in Attendance:</b>	Mario Kahraman, Senior ICT Support Analyst Amanda Nauth, Licensing Lawyer Suba Sriramana, Principal Licensing Officer Gareth Sykes, Governance Officer
<b>Also in Attendance:</b>	<p><u>Item 5 Application to vary a premises licence - Expa Local, 226-228 Homerton High Street, E9 6AS</u></p> <p><u>Applicant:</u> Nigel Carter, Consultant Ali Cam, Licensee</p> <p><u>Responsible Authorities</u> David Tuitt, Business Regulation Team Leader (L&amp;TS)</p> <p><u>Other person(objector):</u> Cllr Jessica Webb</p> <p><u>Item 6 Application for a premises licence - Rack and Bite, 36 Great Eastern Street, EC2A 3ES</u></p> <p><u>Applicant</u> Julian Overton, Solicitor, Mr Ali and Mr Pavel, Applicants</p> <p><u>Responsible Authorities</u> Police Constable Amanda Griggs Channing Riviere, Principal Licensing Officer</p> <p><u>Other persons (objectors):</u> Andrew Kanter</p>

	<p><u>Item 7 Temporary Event Notices (TENS):</u></p> <p><u>The Kings Land, 267 Kingsland Road, London, E2 8AS.</u> <u>(TEN for the 24th-25th September 2022)</u></p> <p><u>Premises user:</u> Guy Hicks, Agent Ismail Tezgen, Premises User</p> <p><u>Responsible Authorities:</u> Police Constable Neal Hunwick</p> <p><u>Perfect Fashion, 140-142, Kingsland High Street, E8 2NS</u> <u>(TEN for 23-25 September 2022 and 30 September 2022</u> <u>to 2 October 2022)</u></p> <p><u>Premises user:</u> Ruhi Altun Surendra Panchal, agent</p> <p><u>Responsible Authorities:</u> Police Constable Neal Hunwick</p>
--	--

## **1 Election of Chair**

- 1.1. Cllr Penny Wrout was elected as Chair of the meeting.

## **2 Apologies for Absence**

- 2.1 Cllr M Can Ozsen had sent his apologies for the meeting.

## **3 Declarations of Interest - Members to declare as appropriate**

- 3.1 None.

## **4 Licensing Sub-Committee Hearing Procedure**

- 4.1 The meeting participants noted the published hearing procedure.

## **5 Application to vary a premises licence - Expa Local, 226-228 Homerton High Street, E9 6AS**

- 5.1 The Licensing Sub-Committee heard from the Principal Licensing Officer, the applicant and representatives for the applicant, the Responsible Authorities (Licensing) and one other person, a Hackney Councillor, objecting to the application. The Sub-Committee noted that representation had been withdrawn based on amended hours for supply of alcohol and that the Licensing Authority had made a representation on the grounds of the Prevention of Crime and

Disorder and Prevention of Public Nuisance. The premises was not located in a Special Policy Area (SPA).

5.2 During the course of submissions there was a discussion where the Sub-Committee noted the following points:

- The applicant had submitted a petition of support with a number of signatures;
- A number of proposed additional conditions were submitted by the applicant including the following; No single cans or bottles of beer, lager or cider shall be sold or supplied at the premises after midnight, any alcohol sold or supplied (for consumption off the premises) must be in a sealed container and signage to be erected asking customers to refrain from littering the public highway outside the premises;
- The applicant confirmed that Closed Circuit Television (CCTV) had been installed on the premises. The Sub-Committee noted that the wording for the CCTV condition was a standard wording;
- The Sub-Committee noted from the Planning Authority submission that this variation to the existing licence to extend the current licence hours would be 'unacceptable as there could be an adverse noise or disturbance impacts from these increased hours created';
- In the Licensing Authorities' submission concerns were raised about the extension of the hours for the supply of alcohol for the consumption off the premises. The additional hours being sought would increase the availability of alcohol in the area late at night. The Licensing Authority noted the signatures of support but concerns remained about the extension of the hours;
- The Hackney Councillor raised concerns about the impact of the application on local residents and they queried, in light of the submitted petition, whether local residents had been similarly canvassed?;
- It was noted that no local residents had raised complaints about the application or had contacted Licensing to speak in objection to the application;
- The Licensee explained that a lot of their customers came from the nearby hospital and that they were many convenience stores like theirs nearby;
- The Licensee agreed to lower the closing time to 12am Monday to Thursday and Sunday.

### **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;
- 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 Policy and the conditions set out in paragraph 8.1 of the report, with the following amendment :-

The opening hours and the hours for licensable activity are:

### **Supply of Alcohol (off sales)**

Sunday to Thursday 08:00 - 00:00  
Friday to Saturday 08:00 - 02:00

### **Opening hours**

Sunday to Thursday 07:00 - 00:00  
Friday to Saturday 07:00 - 02:00

And the following conditions:

- No single cans or bottles of beer, lager or cider shall be sold or supplied at the premises after midnight.
- No miniature bottles of spirits of 50 ml or less shall be sold or supplied at the premises after midnight.
- Any alcohol sold or supplied (for consumption off the premises) must be in a sealed container.
- The licensee shall display the telephone number/email address of the Designated premises Supervisor for use by any Responsible Authority or any person who may wish to make a complaint during the operation of the licence in a prominent external location at the premises that is easily accessible to the public.
- Prominent, clear notices shall be displayed at the point of entry to the premises and in a suitable location at any points of sale indicating that where a person appears to be under the age of 25, identification will be sought and, if not provided, service of alcohol will be refused.
- Signage shall be erected asking customers to refrain from littering the public highway outside the premises.

### **Reasons for the decision**

The Licensing Sub-committee approved this Application to vary a premises licence with reduced hours and additional conditions for off-sales of alcohol at the premises.

The Sub-committee took into account that the Applicant had agreed amended hours for supply of alcohol with the Metropolitan Police Service who subsequently withdrew their objections to the application.

The Sub-committee also took into consideration objections raised by Other Persons (the Ward Councillor) on the impact the premises will have on the local residents. The Sub-committee heard representations from Councillor Webb the ward Councillor that there were concerns about the impact the additional hours will have on the residential area at a time when local residents needed to sleep late at night.

The Sub-committee noted that the premises is on a main route that was a busy and noisy road, and there were a number of other shops in the area. The Sub-committee took into consideration Councillor Webb's representations that no one asked local residents for their view on the Application, and the additional hours late at night. The Sub-committee also took into consideration Councillor Webb's concerns about vehicles parking in the dead end along the side.

The Sub-committee took into consideration the representations from the Licensing Authority objecting to this Application because the extension of hours could result in a negative impact on the area late at night. The Sub-committee heard that the Licensing Authority did consider the signatures of support for this application, however, their concerns remained about the extension of the hours.

The Sub-committee took into account that the Planning Authority objected to the Application because the extension of hours could result in a negative impact in the area due to noise and disturbance.

The Sub-committee heard the Applicant's representative contended that the premises is close to an NHS hospital which the Applicant would like to provide a service to NHS staff and local residents. The Sub-committee heard there are no other premises open late at night in the area. The premises is the only shop that provided a high amount of gas and electricity sales in the area. The Applicant made representations that the additional hours will not result in additional crime and disorder in the area.

The Sub-committee took into consideration the representations made by the Applicant, the Licensing Authority and the Other Persons (the ward Councillor), and Sub-committee felt that with the reduced hours and the above conditions that the premises will be able to operate responsibly. The Sub-committee felt the premises are well run, there were no previous complaints, and this variation of the alcohol hours would not negatively impact the area.

The Sub-committee felt the reduced hours and the additional conditions mitigated against the concerns. The Sub-committee noted that the premises already have an operating schedule and CCTV that operates 24/7 and 6 cameras operating outside in accordance with the existing premises licence.

The Sub-committee took into consideration that a large petition of 534 in support of the Application was submitted for hours outside of what is set out in the Council's current Licensing Policy. The Sub-committee felt that there appeared to be a

significant amount of support for this Application and it was noted that there are a number of staff shift workers in the area.

The Sub-committee took into account that the premises is not in a Special Policy Area, and it complies with Policy LP4. The Sub-committee noted there were no previous concerns raised by the Police, and that no local residents had raised complaints about the premises or had contacted to speak in objection to this application.

The Sub-committee took into consideration that the Council supports the principle of flexibility in its approach to licensing hours and will consider the merits of each individual application. The hours for licensable activity will always reflect the individual merits of the Application any relevant representations received as well as the requirement to promote the licensing objectives.

The Sub-committee were not minded to extend the hours on Thursdays because of the potential disturbance to local residents in Nesbitt House. The Sub-committee took into account that shift workers were the likely customers within walking distance from the premises rather than customers with cars. The Sub-committee took into consideration that the Applicant agreed to the closing time of midnight (00:00) Sunday to Thursday. .

The Sub-committee took into consideration that the premises licence holder would need to apply for Planning Permission to operate under the additional hours.

Having taken all of the above factors into consideration, the Licensing Sub-committee was satisfied that the Application to vary this premises licence could be approved and would continue to promote the licensing objectives.

### **Planning Informative**

- The Applicant is reminded of the need to operate the premises according to any current licensing conditions on the premises licence and planning permission relating to its use class, conditions and hours.
- 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.

## **6 Application for a premises licence - Rack and Bite, 36 Great Eastern Street, EC2A 3ES**

6.1 The Licensing Sub-Committee heard from the Principal Licensing Officer, the applicant and representatives for the applicant, the Responsible Authorities (Licensing and the Police) and several other persons The premises that had submitted the application was located within Shoreditch SPA.

6.2 During the course of submissions there was a discussion where the Sub-Committee noted the following points:

- After considering the representations and consulting with their landlord, the applicant wished to substantially reduce the hours sought to the following: Sunday to Tuesday to 23:45 Wednesday to Saturday to 01:00 am;

- The representative for the applicant highlighted that Rack and Bite was a 'food only' operation and does not directly contribute to the problem of the supply of alcohol and its contribution to the cumulative impact in the Shoreditch SPA;
- According to the representative for the applicant, the applicant was not aware of the oversight where the correct planning use did not appear to be in place for the rear high-level extraction unit. The Sub-Committee noted that an application for change had been submitted on the day of the Sub-Committee hearing;
- It was understood that that the applicant had not experience of queuing outside the premises and did not accept that the variation would lead to this;
- The agent for the applicant explained that conditions would be put in place to mitigate against any risk;
- The police explained that they had seen in the surrounding location to the premises a big increase in levels of extreme drunkenness and illness due to intoxication on the streets of Shoreditch. There are crowds of people on the streets after midnight in Shoreditch and police regularly receive complaints from residents in relation to ASB, violence, litter and noise. Granting a late night licence here has the potential to increase numbers hanging around the area;
- The other person in their submission raised a number of concerns about the application and its impact on noise and public safety in the area where local residents lived;
- The representative for the applicant confirmed that his client would cease deliveries to the shop at midnight;
- No mopeds would be used for deliveries;
- The representative for the applicant reiterated that his client had taken steps to assess the risks of the application;
- On the issue of queuing, the representative for the applicant explained that there a condition in place which if needed would look at hiring security on the premises;
- Following further discussion with his client, the representative for the applicant confirmed the condition relating to queuing would be improved;
- It was noted that after midnight a security member of staff would not be needed;
- The applicant's delivery policy would be shared with Hackney Council's Licensing team.

## **Decision**

The Licensing Sub-Committee, in considering this decision from the information presented to them within the report and at the hearing 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 for 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.

- The hours of licensable activity

#### **Late Night Refreshment**

Friday	23:00 - 00:00
Saturday	23:00 - 00:00

#### **Opening hours**

Monday	12:00 - 23:00
Tuesday	12:00 - 23:00
Wednesday	12:00 - 23:00
Thursday	12:00 - 23:00
Friday	12:00 - 00:00
Saturday	12:00 - 00:00
Sunday	12:00 - 22:30

- Condition 3 shall be amended and read as follows:

"An incident log shall be kept at the premises and made available on request to an authorised officer of the council or the police, which will record the following.

- a. All crimes reported
- b. All ejections of patrons
- c. Any complaints received
- d. Any incidents of disorder
- e. Seizure of drugs or offensive weapons
- f. Any faults in the CCTV system or searching equipment or scanning equipment
- g. Any visit by a relevant authority or emergency service "

And the following conditions will be added to the premises licence:

- Conditions 1, 2 and 4 - 14 described at paragraph 8.1 of the report shall be added to the premises licence.
- The Premises Licence Holder shall ensure that any queue to enter the premises which forms outside the premises is orderly so as to ensure that there is no obstruction of the public highway.
- Clear and prominent notices shall be displayed and maintained at all exits in a place where they can be seen and easily read by customers, requiring customers to leave the premises and the area quietly.
- The Premises Licence Holder shall risk assess access when SIA Door Security is required.

- The Premises Licence Holder shall provide a Delivery Policy to the Licensing Authority.
- No customers are permitted on the premises after 23:00.
- The Premises Licence Holder shall maintain a dedicated telephone number and email address that must be available at all times. These contact details shall be included on any website of the premises and on display at the premises. This contact details shall be made available to local residents and businesses in the vicinity.

### **Reasons for the decision**

The application for a premises licence has been approved as members of the Licensing Sub-Committee were satisfied that the licensing objectives would not be undermined in the Shoreditch Special Policy Area (“Shoreditch SPA”).

The Sub-Committee took into consideration that there were 9 objections from Other Persons (local residents), and the Police and the Licensing Authority made representations on the grounds of Crime and Disorder and Public Nuisance.

The Sub-Committee took into account that the Environmental Enforcement Team had agreed conditions with the Applicant in advance of the hearing and withdrew their objections.

The Sub-Committee noted concerns about the planning permission. The Applicants confirmed that the planning application has now been submitted to the Council’s Planning Department and is being processed.

The Sub-Committee noted that the premises had been established three months ago, closing at 23:00. The Applicant made representations that they have demand for their product after 23:00.

The Sub-Committee heard representations that the premises will close before pubs and no alcohol will be sold. It is a modern shop where 11 customers can consume hot food. There are no noise issues. The business is based on passing trade.

The Sub-Committee took into account that the premises are on the red route and local residents live nearby. The premises are situated on the corner of Curtain Road. It has the appropriate hours for this location in the Shoreditch SPA. They do not have many delivery drivers, they have a delivery policy.

The Sub-Committee heard the Police concerns about nuisance, antisocial behaviour and people gathering which will create more problems in the area late at night. Curtain Road and Great Eastern Street are busy areas within the Shoreditch SPA. The late night hours will result in opportunist thefts in the street and traffic in the area.

The Sub-Committee took into account the local residents made representations about having experienced all the issues raised late at night. Also the mopeds used by the premises to deliver food are noisy. The Applicant made representations that they never had a problem of queueing in their shop.

The Sub-Committee took into consideration that the Applicant had amended the hours and they demonstrated that they had mitigated the impact on the area. The Applicant proposed a condition to risk assess for SIA door security, and core hours were offered.

The Sub-Committee took into consideration concerns from local residents and representations that the application is in the Shoreditch SPA and would add to the cumulative impact. However, it was noted that a majority of sales after 23:00 hours are by delivery. No windows and doors open after 21:00 hours to mitigate noise issues. There would be no people on the premises after 22:00 and the Applicant agreed to conditions about queueing at the premises.

Having taken all of the above factors into consideration the Sub-Committee was satisfied that by granting the premises licence the licensing objectives would not be undermined in the Shoreditch SPA.

### **Public Informative**

1. The Premises Licence Holder is strongly encouraged to ensure the extract system is working properly and work directly with the Environmental Protection Team to address resident concerns.
2. The Premises Licence Holder is further reminded of the need to operate the premises according to any current planning permission relating to its use class, conditions and to regularise the hours as required.
3. 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.
4. The Premises Licence Holder is encouraged to engage in dialogue with the local residents to resolve any issues and for the Premises Licence holder to mitigate any impacts of noise emanating from the premises.
5. 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.

## **7 Temporary Event Notices - Standing Item**

- 7.1 The meeting participants noted the published hearing procedure.

### The Kings Land, 267 Kingsland Road, London, E2 8AS

- 7.2 The Licensing Sub-Committee heard from the Principal Licensing Officer, Premises Users and their legal representative and the Responsible Authorities (Police). The TEN was for the period 24-25 September 2022.

- 7.3 During the course of submissions there was a discussion where the Sub-Committee noted the following points:

- The Police raised their concerns about late night venues, and the potential anti-social behaviour (ASB) that can be attracted to the area, and that it was not about who runs the Kings Land

- premises;
- The agent of the premises user stressed that issues of ASB and crime had occurred before the current owner had taken over the premises;
  - The TENS was for a 30th birthday party;
  - Regarding a previous New Years Eve event held at the premises, the premises user was aware that they had been outside their operating hours and had received a police warning;
  - The Sub-Committee noted that CCTV was fully operational on site, two Security Industry Association (SIA) would also be employed, the maximum capacity for the premises was 100 persons and prominent signage for customers would be displayed and a challenge 25 policy would be in place. Members also noted that a dispersal policy would be in place, a maximum of five smokers would be allowed outside and a noise limiter would be installed;
  - Following further discussion with the Sub-Committee, the premises user agreed that the premises would not be open between 12pm and 6pm on the day of the proposed TENSs;
  - The Sub-Committee noted that attendees for the 30th birthday would be by invitation only;
  - The Sub-Committee noted that the premises had applied for and held a TENS on the 25 and 27 February 2022 and it was understood that no issues arose out of that event.

### **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 Metropolitan Police Service, is satisfied that the proposed event would undermine the licensing objectives. Therefore, the sub-committee has decided to serve a counter notice.

### **Reasons for the decision**

The Sub-committee took into consideration the objection received from the Metropolitan Police Service to the Temporary Event Notice for the period from on 24/09/2022 from 12:00 finishing on 25/09/2022 at 03:00am, which contended that this event would undermine the licensing objectives, on the grounds of crime and disorder, public safety, and prevention of public nuisance. The Sub-committee carefully considered the reasons for this objection.

The Sub-committee heard representation from the Metropolitan Police Service (the police) that they had concerns about late night venues, and the potential anti-social behaviour that can be attracted to the area, and that it was not about who runs the

premises.

The Sub-committee took into consideration that longer opening hours of premises meant more alcohol consumed making patrons more vulnerable and/or at risk of causing nuisance.

The Sub-committee carefully considered the evidence presented to them by both the police and the Premises User.

The Sub-committee took into account that the police maintained their objections to this temporary event taking place.

The Sub-committee took into consideration the conditions offered by the Premises User. However, the proposed conditions did not allay their concerns about the licensing objectives being undermined. The Sub-committee were not persuaded how the proposed plans for the temporary event would work. The Sub-committee took into account that the premises held a temporary event in February 2022.

The Sub-committee did not agree that the hours should be increased contrary to the Council's Licensing Policy.

On balance, the Sub-committee considered that the event would contribute to the alcohol-related nuisance late at night that will add to the noise and negative impact of the area. The Sub-committee considers each case on its own merits.

The Sub-committee therefore considered that allowing the event to take place in accordance with the Temporary Event Notice would undermine the licensing objectives. It determined that it was therefore necessary and proportionate to serve a counter notice.

#### Perfect Fashion, 140-142, Kingsland High Street, E8 2NS

- 7.4 The Licensing Sub-Committee heard from the Principal Licensing Officer, Premises Users and their legal representative and the Responsible Authorities (Police). There were two TENS for the premises for the following periods; 23 and 25 September 2022 and 30 September 2022 and 2 October 2022.
- 7.5 During the course of submissions there was a discussion where the Sub-Committee noted the following points:
- The police objected to the two TENS on the grounds that they would undermine the licensing objectives, on the grounds of crime and disorder, public safety, and prevention of public nuisance;
  - The police also highlighted that the Premises User had failed to comply with the conditions of their premises licence as the basement of the premises had been changed. The Premises User did not understand what was required to comply with the licensing legislation;
  - The Sub-Committee noted that a previous TENS had been issued for the premises but at the time it not been understood that that the layout of the basement for the premises had changed;
  - The premises user had previously explained to the police that the basement area had been used closed and had been used as a

- storage area;
- The agent for the premises user acknowledged that a minor variation had taken place on site in the basement;
  - It became clear to the Sub-committee during the hearing that in order for the Premises User to be able to hold a temporary event they needed to comply with the requirements of their licence such as submitting a new site plan to the Licensing Authority to show the revised layout of the premises, and to apply to vary their premises licence;
  - The Sub-committee noted that it had been three years since the police informed the Premises User and served a notice on them to comply with the conditions on their licence, and the notice still had not been complied with;
  - Members of the Sub-Committee noted the submissions made by the agent for the premises user, however the police's concerns remained. There was the potential for Hackney Council's licensing objectives to be undermined should the TENs be granted.

### 23 and 25 September 2022 TENS

#### **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 Metropolitan Police Service, is satisfied that the proposed event would undermine the licensing objectives. Therefore, the sub-committee has decided to serve a counter notice.

#### **Reasons for the decision**

The sub-committee took into consideration the objection received from the Metropolitan Police Service to the Temporary Event Notice for the period from on 23/09/2022 from 23:00 finishing on 25/09/2022 at 02:00am, which contended that this event would undermine the licensing objectives, on the grounds of crime and disorder, public safety, and prevention of public nuisance. The sub-committee carefully considered the reasons for this objection.

The Sub-committee heard representation from the Metropolitan Police Service (the police) that the Premises User had failed to comply with the conditions of their premises licence. The Sub-committee heard that the Premises User did not understand what was required to comply with the licensing legislation. In addition it was a concern that the Premises User did not understand what was required to comply with the licensing objectives in the Dalston Special Policy Area.

It became clear to the Sub-committee during the hearing that in order for the Premises

User to be able to hold a temporary event they needed to comply with the requirements of their licence such as submitting a new site plan to the Licensing Authority to show the revised layout of the premises, and to apply to vary their premises licence.

The Sub-committee took into consideration that it has been 3 years since the police informed the Premises User and served a notice on them to comply with the conditions on their licence, and the notice still had not been complied with.

The Sub-committee felt the Premises User was not able to demonstrate that they were a responsible operator, and that they could operate outside of their licensed hours. The Sub-committee had concerns that this temporary event would add to the cumulative impact in the Dalston Special Policy Area.

The Sub-committee took into consideration that longer opening hours of premises meant more alcohol consumed making patrons more vulnerable and/or at risk of causing nuisance.

The Sub-committee carefully considered the evidence presented to them by both the police and the Premises User's representative. The Sub-committee took into consideration the submissions made by the Premises User's representative, however, that did not allay their concerns about the licensing objectives being undermined.

The Sub-committee took into account that the police maintained their objections to this temporary event taking place.

The Sub-committee did not agree that the hours should be increased contrary to the Council's Licensing Policy.

On balance, the Sub-committee considered that the event would contribute to the alcohol-related nuisance late at night that will add to the noise and negative impact of the Dalston Special Policy Area. The Sub-committee considers each case on its own merits.

The Sub-committee therefore considered that allowing the event to take place in accordance with the Temporary Event Notice would undermine the licensing objectives. The Sub-committee determined that it was therefore necessary and proportionate to serve a counter notice.

### **Public Informative**

The Premises User is advised that they should work with the Responsible Authorities (the police and the Licensing Authority) to ensure the premises is run responsibly and in accordance with the licensing objectives.

30 September 2022 and 2 October 2022 TENS

### **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 Metropolitan Police Service, is satisfied that the proposed event would undermine the licensing objectives. Therefore, the sub-committee has decided to serve a counter notice.

### **Reasons for the decision**

The sub-committee took into consideration the objection received from the Metropolitan Police Service to the Temporary Event Notice for the period from on 30/09/2022 from 23:00 finishing on 02/10/2022 at 02:00am, which contended that this event would undermine the licensing objectives, on the grounds of crime and disorder, public safety, and prevention of public nuisance. The sub-committee carefully considered the reasons for this objection.

The Sub-committee heard representation from the Metropolitan Police Service (the police) that the Premises User had failed to comply with the conditions of their premises licence. The Sub-committee heard that the Premises User did not understand what was required to comply with the licensing legislation. In addition it was a concern that the Premises User did not understand what was required to comply with the licensing objectives in the Dalston Special Policy Area.

It became clear to the Sub-committee during the hearing that in order for the Premises User to be able to hold a temporary event they needed to comply with the requirements of their licence such as submitting a new site plan to the Licensing Authority to show the revised layout of the premises, and to apply to vary their premises licence.

The Sub-committee took into consideration that it has been 3 years since the police informed the Premises User and served a notice on them to comply with the conditions on their licence, and the notice still had not been complied with.

The Sub-committee felt the Premises User was not able to demonstrate that they were a responsible operator, and that they could operate outside of their licensed hours. The Sub-committee had concerns that this temporary event would add to the cumulative impact in the Dalston Special Policy Area.

The Sub-committee took into consideration that longer opening hours of premises meant more alcohol consumed making patrons more vulnerable and/or at risk of causing nuisance.

The Sub-committee carefully considered the evidence presented to them by both the police and the Premises User's representative. The Sub-committee took into consideration the submissions made by the Premises User's representative, however, that did not allay their concerns about the licensing objectives being undermined.

The Sub-committee took into account that the police maintained their objections to this temporary event taking place.

The Sub-committee did not agree that the hours should be increased contrary to the Council's Licensing Policy.

On balance, the Sub-committee considered that the event would contribute to the alcohol-related nuisance late at night that will add to the noise and negative impact of the Dalston Special Policy Area. The Sub-committee considers each case on its own merits.

The Sub-committee therefore considered that allowing the event to take place in accordance with the Temporary Event Notice would undermine the licensing objectives. The Sub-committee determined that it was therefore necessary and proportionate to serve a counter notice.

### **Public Informative**

The Premises User is advised that they should work with the Responsible Authorities (the police and the Licensing Authority) to ensure the premises is run responsibly and in accordance with the licensing objectives

### **END OF MEETING**

**Duration of the meeting: 2:00pm – 5:05pm**

**Chair of the meeting: Cllr Penny Wrouth**

Contact:

Gareth Sykes

Governance Officer

Email: [gareth.sykes@hackney.gov.uk](mailto:gareth.sykes@hackney.gov.uk)