



L I C E N S I N G S U B C O M M I T T E E D

Thursday 1 December 2022
at 2.00 pm.

Until further notice, all Licensing Sub-Committee meetings will be held remotely.

S U P P L E M E N T A R Y P A P E R : I T E M 7 T E M P O R A R Y E V E N T N O T I C E – C O U N T E R N O T I C E

Members of the Sub-Committee:

Councillor Zoë Garbett (substitute)

Councillor Gilbert Smyth

Councillor Sheila Suso-Runge

Mark Carroll
Chief Executive
Wednesday 30 November 2022
www.hackney.gov.uk

Contact:
Gareth Sykes
Governance Officer
gareth.sykes@hackney.gov.uk

Licensing Sub Committee D
Thursday 1 December 2022

SUPPLEMENTARY PAPER: ITEM 7
TEMPORARY EVENT NOTICE – COUNTER
NOTICE

7 Temporary Event Notices - Standing Item (Pages 7 - 24)

TEN – COUNTER NOTICE: Off Broadway, 63-65 Broadway Market, London, E8
4PH

Ward: London Fields

Agenda Item 7

Licensing Sub-Committee hearings, under the Licensing Act 2003 – Type E [Re; Temporary Event Notice]

<p>Step 1 Appointment of Chair and introduction</p>	<p>The Sub-Committee will appointment a Chair.</p> <p>The Chair will introduce the Sub-Committee, announce the item, and establish the identity of those taking part.</p> <p>The Sub-Committee will consider any requests to depart from normal procedure, such as holding a private session if it is considered to be in the public interest to do so or if a deferral/adjournment is requested for the item.</p> <p>The Chair (or Legal Adviser if asked by the Chair) will briefly outline how the hearing will proceed. However, Members may seek clarification on any issue raised during the hearing if required and if requested.</p>	<p>5 minutes</p>
<p>Step 2 Licensing Officer</p>	<p>The Licensing Officer will outline the report.</p>	<p>5 minutes</p>
<p>Step 3 Responsible Authorities' Case</p>	<p>The Chair will invite the Police and/or those in the Council that exercise environmental health functions to highlight their reasons for objecting to the application as contained in the report.</p>	<p>5 minutes each</p>
<p>Step 4 Premises users Case</p>	<p>The Premises user will present their case in support of their application. Licensing Sub-Committee Members may then seek clarification on any matters raised, if necessary.</p>	<p>5 minutes</p>
<p>Step 5 Discussion</p>	<p>The Chair will structure and lead a discussion on the information presented and give Sub-Committee members the opportunity to seek clarification on matters raised.</p>	<p>15 minutes</p>
<p>Step 6 Closing remarks</p>	<p>The Chair will ask all parties if they have any final comments to make. Any additional comments shall only be made in relation to issues raised during the discussion. Any comments made shall be brief.</p>	<p>10 minutes</p>
<p>Step 7 - Final clarification</p>	<p>Licensing Sub-Committee Members will have a final opportunity to seek clarification on any points raised, following which the Chair will conclude the discussion.</p>	<p>5 minutes</p>
<p>Step 8 Consideration</p>	<p>The Sub-Committee will normally withdraw to consider the evidence that has been presented to them with the Committee Officer and Legal Adviser in order that the Committee can reach a decision and obtain legal advice if required.</p> <p>The Legal Adviser will repeat any legal advice given to Members upon returning to the public hearing.</p> <p>In simple cases the Sub-Committee may not consider it necessary to retire.</p>	<p>10 minutes</p>
<p>Step 9 Chair announces the decision</p>	<p>The Sub-Committee will return and the Chair will announce the decision. Reasons for their decision will be given, if appropriate.</p> <p>The Licensing Officer will draw attention to any restrictions which will affect the running of the premises and provide a written record of the decision, which will be sent to the applicant.</p>	<p>5 minutes</p>

The Council's procedure rules are also incorporated into these hearing procedures in so far as it does not conflict the procedures as set out above. The Licensing Hearing Regulations can also be viewed by following the link below – <http://www.legislation.gov.uk/ukxi/2005/44/contents/made>

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For Consideration By	Licensing Sub-Committee
Meeting Date	01 December 2022
Type of Notice	TEMPORARY EVENT NOTICE – COUNTER NOTICE
Address of Premises	Off Broadway, 63-65 Broadway Market, London, E8 4PH
Classification	Decision
Ward(s) Affected	London Fields
Director	Rickardo Hyatt

1. **Summary**

- 1.1. The Metropolitan Police have given the Licensing Authority and the premises user notice of objection to Temporary Event Notice for an event to be held on **08/12/2022** from **16:00** finishing on **09/12/2022** at **01:00am** at above premises. The Licensing Authority must hold a hearing to decide whether or not to allow the event to proceed.

2. **Current Status/History**

- 2.1. The premises licence was revoked at the Licensing Sub-Committee hearing on 22 March 2022 and the licensee has appealed the decision.

3. **TEMPORARY EVENT NOTICE FOR EVENT TO BE HELD 08/12/2022 - 09/12/2022**

- 3.1. A TEN has been submitted to allow licensable activities to take place on the premises. A copy of the Temporary Event Notice is attached as Appendix A.

4. **Objections**

- 4.1. The Metropolitan Police have objected to the TEN on the grounds of the prevention of crime and disorder, public safety and the prevention of public nuisance. A copy of the objection is attached as Appendix B.

5. **Guidance Considerations**

- 5.1. That the Licensing Sub-Committee consider the issuing of counter notices if it is satisfied that any of the licensing objectives would be undermined if the premises were to be used in accordance with the temporary event notice.

6. **Policy Considerations**

- 6.1 When considering an objection to a TEN the Council will:

- Expect that any existing conditions will be maintained (where relevant) in circumstances where an event is to take place at a premises that has an existing authorisation.
- Assess any history of complaints as a result of licensable activity that may or may not have been authorised by a TEN.
- Consider the track record of the premises user

- 6.2 Consider any other control measures proposed to mitigate the objection

7. **Human Rights Act 1998 Implications**

- 7.1. **There are implications for;**

- **Article 6** – Right to a fair hearing
- **Article 14** – Not to discriminate
- Balancing; **Article 1**- Peaceful enjoyment of their possession (i.e. a licence is defined as being a possession) with **Article 8** – Right of Privacy (i.e. respect private & family life) to achieve a proportionate decision having regard to the protection of an individuals rights against the interests of the community at large.

8. **Members; Decision Making**

- 8.1. **Option 1**

That the Licensing Authority decides not to give a counter notice.

- 8.2. **Option 2**

That the Licensing Authority decides to give a counter notice, giving the reasons for the decision.

9. **Conclusion**

- 9.1. That Members decide whether or not to issue a counter notice for the event scheduled to take place on **08/12/2022** from **16:00** finishing on **09/12/2022** at **01:00am** at location **above**.

Appendices:

Appendix A – Temporary Event Notice

Appendix B – Objection from the Responsible Authority

Appendix C – Location Map

Report Author	Name: Suba Sriramana Title: Principal Licensing Officer Email: Subangini.Sriramana@hackney.gov.uk Tel: 020 8356 4915
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Temporary Event Notice

Before completing this notice, please read the guidance notes at the end of the notice. If you are completing this notice by hand, please write legibly in block capitals. In all cases, ensure that your answers are inside the boxes and written in black ink or typed. Use additional sheets if necessary. You should keep a copy of the completed notice for your records. You must send at least one copy of this notice to the licensing authority and additional copies must be sent to the chief officer of police and the local authority exercising environmental health functions for the area in which the premises are situated. The licensing authority will give to you written acknowledgement of the receipt of the notice.

I, the proposed premises user, hereby give notice under section 100 of the Licensing Act 2003 of my proposal to carry on a temporary activity at the premises described below.

1. The personal details of premises user (Please read note 1)	
1. Your name	
Title	Mr <input type="checkbox"/> Mrs <input type="checkbox"/> Miss <input type="checkbox"/> Ms <input checked="" type="checkbox"/> Other (please state)
Surname	Creed
Forenames	Clea Blythe
2. Previous names (Please enter details of any previous names or maiden names, if applicable. Please continue on a separate sheet if necessary)	
Title	Mr <input type="checkbox"/> Mrs <input type="checkbox"/> Miss <input type="checkbox"/> Ms <input type="checkbox"/> Other (please state)
Surname	
Forenames	
3. Your date of birth	Day <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
4. Your place of birth	<input type="checkbox"/>
5. National Insurance Number	<input type="checkbox"/>
6. Your current address (We will use this address to correspond with you unless you complete the separate correspondence box below)	
<input type="checkbox"/>	
Post town <input type="checkbox"/>	Postcode <input type="checkbox"/>
7. Other contact details	
Telephone numbers Daytime	<input type="checkbox"/>
Evening (optional)	
Mobile (optional)	
Fax number (optional)	
E-Mail address (if available)	<input type="checkbox"/>
8. Alternative address for correspondence (If you complete the details below, we will use this address to correspond with you)	

<div style="background-color: black; width: 200px; height: 15px; margin: 0 auto;"></div>	
Post town 	Postcode
9. Alternative contact details (if applicable)	
Telephone numbers: Daytime	
Evening (optional)	
Mobile (optional)	
Fax number (optional)	
E-Mail address (if available)	

2. The premises	
Please give the address of the premises where you intend to carry on the licensable activities or, if it has no address, give a detailed description (including the Ordnance Survey references) (Please read note 2)	
Off Broadway, 63-65 Broadway Market, London, E8 4PH	
Does a premises licence or club premises certificate have effect in relation to the premises (or any part of the premises)? If so, please enter the licence or certificate number below.	
Premises licence number	LBH-PRE-T-0979
Club premises certificate number	
If you intend to use only part of the premises at this address or intend to restrict the area to which this notice applies, please give a description and details below. (Please read note 3)	
Please describe the nature of the premises below. (Please read note 4)	
Mixed drinks bar	
Please describe the nature of the event below. (Please read note 5)	
14th anniversary of bar opening date	

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3. The licensable activities		
Please state the licensable activities that you intend to carry on at the premises (please tick all licensable activities you intend to carry on). (Please read note 6)		
The sale by retail of alcohol	<input checked="" type="checkbox"/>	
The supply of alcohol by or on behalf of a club to, or to the order of, a member of the club	<input type="checkbox"/>	
The provision of regulated entertainment (Please read note 7)	<input type="checkbox"/>	
The provision of late night refreshment	<input type="checkbox"/>	
Are you giving a late temporary event notice? (Please read note 8)	<input type="checkbox"/>	
Please state the dates on which you intend to use these premises for licensable activities. (Please read note 9)		
08/12/2022, 09/12/2022		
Please state the times during the event period that you propose to carry on licensable activities (please give times in 24-hour clock). (Please read note 10)		
16:00 (08/12/2022) – 1:00 (09/12/2022)		
Please state the maximum number of people at any one time that you intend to allow to be present at the premises during the times when you intend to carry on licensable activities, including any staff, organisers or performers. (Please read note 11)	50	
If the licensable activities will include the sale or supply of alcohol, please state whether these will be for consumption on or off the premises, or both (please tick as appropriate). (Please read note 12)	On the premises only	<input checked="" type="checkbox"/>
	Off the premises only	<input type="checkbox"/>
	Both	<input type="checkbox"/>

<p>Please state if the licensable activities will include the provision of relevant entertainment. If so, please state the times during the event period that you propose to provide relevant entertainment (including, but not limited to lap dancing and pole dancing). (Please see note 13)</p> <p>No, N/A</p>

4. Personal licence holders (Please read note 14)		
Do you currently hold a valid personal licence? (Please tick)	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
If "Yes" please provide the details of your personal licence below.		
Issuing licensing authority		
Licence number		
Date of issue		
Any further relevant details		


5. Previous temporary event notices you have given (Please read note 15 and tick the boxes that apply to you)		
Have you previously given a temporary event notice in respect of any premises for events falling in the same calendar year as the event for which you are now giving this temporary event notice?	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
If answering yes, please state the number of temporary event notices (including the number of late temporary event notices, if any) you have given for events in that same calendar year	1	
Have you already given a temporary event notice for the same premises in which the event period: a) ends 24 hours or less before; or b) begins 24 hours or less after the event period proposed in this notice?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>

6. Associates and business colleagues (Please read note 16 and tick the boxes that apply to you)		
Has any associate of yours given a temporary event notice for an event in the same calendar year as the event for which you are now giving a temporary event notice?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
If answering yes, please state the total number of temporary event notices (including the number of late temporary event notices, if any) your associate(s) have given for events in the same calendar year.		
Has any associate of yours already given a temporary event notice for the same premises in which the event period: a) ends 24 hours or less before; or b) begins 24 hours or less after the event period proposed in this notice?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
Has any person with whom you are in business carrying on licensable activities given a temporary event notice for an event in the same calendar year as the event for which you are now giving a temporary event notice?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
If answering yes, please state the total number of temporary event notices (including the number of late temporary event notices, if any) your business colleague(s) have given for events in the same calendar year.		

Has any person with whom you are in business carrying on licensable activities already given a temporary event notice for the same premises in which the event period: a) ends 24 hours or less before; or b) begins 24 hours or less after the event period proposed in this notice?	Yes <input type="checkbox"/>	No X
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7. Checklist (Please read note 17)	
I have: (Please tick the appropriate boxes, where applicable)	
Sent at least one copy of this notice to the licensing authority for the area in which the premises are situated	X
Sent a copy of this notice to the chief officer of police for the area in which the premises are situated	X
Sent a copy of this notice to the local authority exercising environmental health functions for the area in which the premises are situated	X
If the premises are situated in one or more licensing authority areas, sent at least one copy of this notice to each additional licensing authority	X
If the premises are situated in one or more police areas, sent a copy of this notice to each additional chief officer of police	X
If the premises are situated in one or more local authority areas, sent a copy of this notice to each additional local authority exercising environmental health functions	X
Made or enclosed payment of the fee for the application	X
Signed the declaration in Section 9 below	X

8. Condition (Please read note 18)
It is a condition of this temporary event notice that where the relevant licensable activities described in Section 3 above include the sale or supply of alcohol that all such supplies are made by or under the authority of the premises user.

9. Declarations (Please read note 19)	
The information contained in this form is correct to the best of my knowledge and belief.	
I understand that it is an offence: (i) to knowingly or recklessly make a false statement in or in connection with this temporary event notice and that a person is liable on summary conviction for such an offence to a fine of any amount; and (ii) to permit an unauthorised licensable activity to be carried on at any place and that a person is liable on summary conviction for any such offence to a fine of any amount, or to imprisonment for a term not exceeding six months, or to both.	
Signature	
Date	25/10/2022

Name of Person signing	CLEA BLYTHE CREED
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For completion by the licensing authority

10. Acknowledgement (Please read note 20)	
I acknowledge receipt of this temporary event notice.	
Signature	On behalf of the licensing authority
Date	
Name of Officer signing	

RESPONSIBLE AUTHORITY REPRESENTATION: APPLICATION UNDER THE LICENSING ACT 2003

RESPONSIBLE AUTHORITY DETAILS

NAME OF AUTHORITY	Metropolitan Police service
ADDRESS OF AUTHORITY	Licensing Unit, Stoke Newington Police Station 33 Stoke Newington High Street Stoke Newington London N16 8DS
CONTACT NAME	PC3590CE Hunwick
TELEPHONE NUMBER	02082176694
E-MAIL ADDRESS	hackneylicensing@met.police.uk

APPLICATION PREMISES

NAME & ADDRESS OF PREMISES	Off Broadway 63/65 Broadway Market E84PH
NAME OF PREMISES USER	Clea Creed

COMMENTS

I make the following relevant representations in relation to the above application to the TEN at the above address.

- 1) the prevention of crime and disorder ◆
- 2) public safety ◆
- 3) the prevention of public nuisance ◆
- 4) the protection of children from harm □

Representations (which include comments and/or objections) in relation to:

Police object to the granting of this TEN for the 8th/9th December 2022 on the grounds of crime and disorder, public safety, the prevention of public nuisance and the protection of children from harm for the following reason(s):

The venue has repeatedly breached conditions pertaining to its licence and operated in such a manner as to generate numerous complaints from local residents to such an extent that the premises licence was revoked at Sub Committee earlier this year (Decision letter attached). Police can not therefore be satisfied that the licensing objectives will not be undermined by the hours of the venue being further extended by this Temporary Events Notice.

The above representations are supported by the following evidence and information.

Police National Computer (PNC) data, Criminal Intelligence Reports, personal knowledge

Are there any actions or measures that could be taken to allay concerns or objections? If so, please explain.

Details as requested

Signed PC590GD HUNWICK (By E-mail)

Name PC590GD HUNWICK (Printed)

Review of the Premises Licence – Off Broadway, 63-65 Broadway Market - Revocation

The decision of 22 March 2022

The licensing sub-committee, in considering this decision from the information presented to them within the report and at the hearing today and having regard to the promotion of the licensing objectives:

- the prevention of crime and disorder;
- public safety;
- prevention of public nuisance; and
- the protection of children from harm,

that the premises licence for Off Broadway, 63-65 Broadway Market be revoked.

The Reasons for the decision:

The Licensing Sub-Committee carefully considered the application for a review of the premises licence from the Licensing Authority supported by the Metropolitan Police Service (“the police”), and 93 Other Persons (local residents). They also carefully considered the representations from the licence holder’s representative and the licence holder, and the supporting evidence presented by them. The Sub-Committee decided that revocation of the premises licence was an appropriate and necessary course of action, given the repeated failures to comply with the terms and conditions of the premises licence.

The Sub-Committee also considered the other options available to them, as detailed in the report. They were satisfied that none of these would adequately address the likelihood of public nuisance reoccurring. They felt that revocation of the licence was necessary to prevent the licensing objectives being undermined in the future.

The Sub-Committee considered the evidence that led to the review being called by the Licensing Authority. They took into consideration the following specific evidence:

1. The Sub-Committee had no confidence that the licence holder would make the necessary changes to improve the operation of the premises so that it would not have a negative impact on the local residents that live near to the premises.
2. The local residents made representations to the effect that, if the Sub-Committee was not minded to revoke the licence, it should prohibit off-sales, outside drinking and vertical drinking, all of which led to complaints

about noise nuisance, albeit residents were not satisfied that such additional conditions would either address their concerns or be complied with. The Sub-Committee heard from local residents that over 25 complaints of noise nuisance and other complaints about the premises had been made to the Licensing Authority. It was noted that a large number of the local residents had lived in the area for 40 years and continue to have disturbed sleep late at night due to the noise coming from the premises.

3. The Sub-Committee heard evidence from local residents that alcohol has been sold outside permitted hours under Planning Permission.
4. The licence holder was not in agreement with the original, proposed conditions discussed with the police and the Licensing Authority.
5. The Sub-Committee were disappointed that the licence holder did not take the opportunity presented by the meeting's adjournment to negotiate or mediate with local residents to overcome and address their concerns about the premises. This was the purpose of the adjournment. It was clear to the Sub-Committee that the licence holder showed no consideration about how the noise nuisance affected local residents.
6. The Sub-Committee took into account that the licence holder did not engage with local residents, despite claiming to have offered mediation, and was not proactive in trying to resolve the recent noise nuisance. The Sub-Committee took into consideration that the local residents did not have sight of the draft conditions to comment on until just before the resumption of the Licensing Sub-Committee hearing on 22 March. This gave the local residents no time to properly consider and comment on the draft conditions, as the parties had agreed when adjourning the hearing on 25 January. This demonstrated a lamentable lack of commitment to working with residents and the Responsible Authorities to find an agreed resolution.
7. The Sub-Committee heard from local residents that there continued to be recent complaints of noise nuisance in February from the premises to which the licence holder did not respond.
8. The local residents had told the Sub-Committee that they are exhausted with the licence holder failing to comply with the conditions on their licence, and they have no confidence that the licence holder would comply with the new draft conditions.
9. The Sub-Committee heard from local residents that the premises had various planning issues that needed to be resolved including applying for Planning Permission for permitted hours to operate the premises which has been

outstanding for some time. The Sub-Committee noted that the licence holder was informed on 11 June 2015 that it was not compliant with its planning consent. Although there were no representations from the Planning Service in relation to the planning issues, the Sub-Committee felt the licence holder could have avoided this, however, there was no attempt previously by the licence holder to resolve the situation.

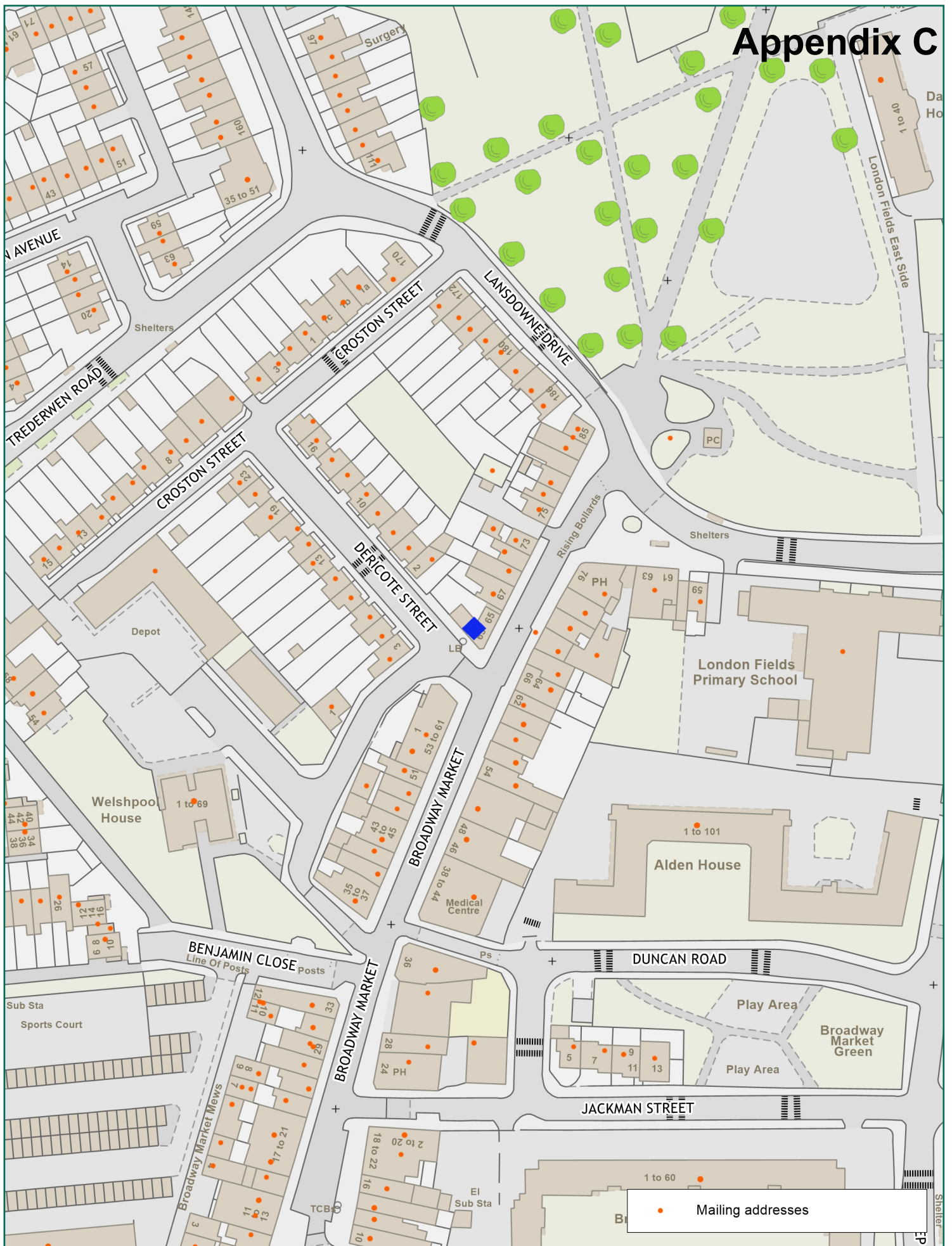
10. The Sub-Committee heard evidence that the premises had been operating without the required Designated Premises Supervisor (DPS) since 2020 which is a requirement to operate the premises. The Sub-Committee heard from the Licensing Authority that the licence holder had not submitted an application for a new Designated Premises Supervisor until very recently. The Licensing Authority received an invalid application to change the DPS on 17 March 2022. The Licensing Authority requested further information for the licence holder to provide his consent to act as the DPS (a necessary component of a valid DPS application). The Sub-Committee heard from the police that as an experienced licence holder he should have known the process and procedures to apply for a new DPS.
11. The impact that the premises are having on local residents due to the public nuisance issues is evident from the numerous complaints which the Licensing Authority has received from local residents.
12. The Sub-Committee took into consideration that the extent of these issues is symptomatic of the way in which the premises are managed.
13. The Sub-Committee felt that the way the premises were operating was unacceptable and could not continue. There were very serious concerns about the ability of the licence holder to uphold the licensing objectives following these repeated failings. The premises lacked good management, adequate supervision, and responsible staff.
14. The Sub-Committee took into consideration that 93 representations received from and on behalf of local residents in support of the review application. The Sub-Committee also heard that local residents experienced noise disturbance from patrons leaving the premises.

The Sub-Committee when making their decision took into consideration the lack of confidence in the licence holder and the management of the premises. The Sub-Committee was not confident, given the serious issues raised in relation to public nuisance, that the current management in charge of the premises and the licence holder are capable of upholding or promoting the licensing objectives.

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 Thames Magistrates at Thames Magistrates Court, 58 Bow Road, London E3 4DJ within 21 days from the date you receive the written decision.

Appendix C



NORTH

Scale: 1:1250 at A4

Hackney

Off Broadway, 63-65 Broadway Market, E8 4PH

Ref: **Page 20**

Tuesday, November 29, 2022

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email: [blank]