



**L I C E N S I N G  
S U B - C O M M I T T E E C  
S U P P L E M E N T A R Y  
A G E N D A**

**Tuesday, 24 January 2023  
at 7.00 pm**

**Until further notice, all Licensing Sub-Committees  
will be held remotely**

**The live stream can be viewed here:**

**<https://youtu.be/JrnHUj5DH3E>**

**Back up live stream:**

**<https://youtu.be/mo6JQgRt70I>**

**Members of the Committee:**

**Councillor Zoë Garbett**

**Councillor Richard Lufkin**

**Councillor Smyth**

**Mark Carroll**

**Chief Executive**

**23 January 2023**

**[www.hackney.gov.uk](http://www.hackney.gov.uk)**

**Contact: Natalie Williams**

**Senior Governance Officer**

**[governance@hackney.gov.uk](mailto:governance@hackney.gov.uk)**

# **Licensing Sub-Committee C**

**Tuesday, 24 January 2023**

## **Agenda**

- 4 Minutes of the Previous Meeting (Pages 11 - 16)**
- 8 Temporary Event Notices - Standing Item (Pages 17 - 34)**

## **Licensing Sub-Committee Hearings**

This guide details the procedure for Licensing Sub-Committee hearings under the Licensing Act 2003. Whilst this will be used in most cases, the procedure will be altered in exceptional circumstances and when for example Personal Licences, Temporary Event Notices and Reviews are considered.

Until further notice, all Licensing Sub-Committee Hearings will be held remotely using the Google Meets platform. Licensing Sub-Committee Hearings are public meetings that are live-streamed. Hearings are available to be viewed by the public online.

### **A Licensing Sub-Committee will be held if:**

- The applicant has applied for a Premises Licence, Provisional Statement, Club Premises Certificate or expressed their intention to vary their existing licence/certificate and has advertised this in a local newspaper and displayed a distinctive blue notice at the premises, following which representations have been made by a Responsible Authority or Other Person/s.
- A Review has been requested by a Responsible Authority or Other Person/s and the Review has been advertised by displaying a distinctive blue notice at the premises and also at the Council's office and website.
- An application is made to transfer a Premises Licence or for interim authority and the Police have issued an objection
- The applicant has made a Personal Licence application and the Police have objected to the Licence being granted.
- A Temporary Event Notice has been given and the Police and/or those in the Council that exercise environmental health functions have issued an objection.

### **Prior to your item being heard:**

- The Licensing team upon receiving representations will form a view as to whether the representations are irrelevant, frivolous, vexatious or for review applications; repetitious.
- The Licensing team would have provided written notice to all parties in advance of the hearing and would have responded to any request relating to personal details being removed from the agenda.

If you do not believe this to have happened, please contact the Licensing Service on 020 8356 4970 or email [licensing@hackney.gov.uk](mailto:licensing@hackney.gov.uk) as soon as possible. For further information on the application process, please see the guidance notes at [www.hackney.gov.uk/licensing](http://www.hackney.gov.uk/licensing).

## **Making decisions on the items being heard:**

Hearings will normally be held in public unless the Sub-Committee believe it not to be in the public interest to do so. Although the Chair will try to make the proceedings as informal as possible, these hearings are of a quasi-judicial nature, and the rules of natural justice shall apply.

Only those Responsible Authorities and Other Persons who have made a relevant representation in writing at the consultation stage **can register to speak at a subsequent hearing**. Applicants, Other Persons and Responsible Authorities will all be given a fair opportunity to put their case and the Sub-Committee will take these representations into account when making their decision. The Sub-Committee may still make a decision on any matter even if any party fails to attend the hearing. However, in these circumstances, it will only be that party's written representation that may be taken into account.

For new applications relating to Premises Licences and Club Premises Certificates, Members can grant with additional conditions attached to the licence, exclude any licensable activities, refuse a Designated Premises Supervisor (DPS) if appropriate or reject the application.

Members when making decisions on variation applications regarding a Premises Licence or Club Premises Certificate, can modify (add, delete or amend) conditions on the licence or reject the application in whole or part. Members will be considering the request for a variation and the impact that this may have. Therefore, representations should be focused on the impact of the variation, although concerns relating to the existing terms of the licence may be relevant in considering the track record of the applicant. However, Members may consider other issues which relate to the promotion of the licensing objectives, although only if it is reasonable and proportionate to do so.

For Provisional Statements, Members can consider any steps that are necessary having regard to the representations made in order to ensure the licensing objectives are not undermined.

Members when deciding a Review application can modify (add, delete or amend) the conditions of the licence, exclude any licensable activities, remove a DPS if appropriate, suspend the licence/certificate for up to 3 months or revoke the licence/certificate completely.

For transfer of Premises Licences, interim authority requests and Personal Licence applications Members can only refuse or grant the application.

Members when deciding on an objection made against a Temporary Event Notice (TEN) will determine whether or not to issue a Counter Notice, which if issued will prevent the proposed event from proceeding. If a TEN has been given for a premises that already has a licence/certificate, Members may impose any of those conditions from the existing licence/certificate to the TEN.

### **Before the meeting starts:**

The Sub-Committee Members are requested to report for business no more than half an hour before the meeting starts to deal with any administrative/procedural issues. This will allow Members to consider;

- the appointment for any substitutes if required
- the appointment of the chair
- any procedural issues
- obtain the list of attendees
- late documents delivered prior to the meeting and to ensure all the paperwork is in order

The Sub-Committee will not be considering any of the actual points raised within the Report itself and no Responsible Authority or Other Person/s shall be present when the Sub-Committee deal with the above issues.

### **Attending the hearing that concerns you:**

All Applicants, Other Persons and Responsible Authorities involved will be informed in writing of the date and time that their application will be considered by the Licensing Sub-Committee. Please contact the Licensing Service on 020 8356 4970 or email [licensing@hackney.gov.uk](mailto:licensing@hackney.gov.uk) to confirm whether you wish to attend and/or register to speak at the Sub-Committee hearing or if you wish for someone else to speak on your behalf. If you are unable to attend, the application may be heard in your absence.

All parties should arrive promptly at the outset of the scheduled meeting regardless of when the item is listed to be heard on the agenda.

Please contact the Licensing Service for advice within 4 working days from the date on the notice letter if any of the following apply;

- you have special requirements to help make your representation, because of a disability or you need a translator for example
- you wish to supply additional [documentary] information such as photographs and videos/DVDs

Please note that if you wish to provide additional relevant information, this should be given at least **5 working days** before the hearing. Any additional information provided once the hearing has started will only be accepted if all parties agree. Please note that the use of videos/DVDs is at the Sub-Committee's discretion – requests to show these should be made in advance to the Committee Officer.

### **Timings**

In most cases the application will last no longer than 1 hour, and the times to be allocated to each section are shown on the relevant hearing procedure. If you think that your evidence is likely to exceed this time period, please let the Licensing Service know **within 4 working days of the date on the notice letter** and the Sub-

Committee will be advised. If your request is agreed, all parties will also be granted the same extension of time.

### **Rights of Press and Public to Report on Meetings**

Where a meeting of the Council and its committees are open to the public, the press and public are welcome to report on meetings of the Council and its committees, through any audio, visual or written methods and may use digital and social media providing they do not disturb the conduct of the meeting and providing that the person reporting or providing the commentary is present at the meeting.

Those wishing to film, photograph or audio record a meeting are asked to notify the Council's Monitoring Officer by noon on the day of the meeting, if possible, or any time prior to the start of the meeting or notify the Chair at the start of the meeting.

The Monitoring Officer, or the Chair of the meeting, may designate a set area from which all recording must take place at a meeting.

The Council will endeavour to provide reasonable space and seating to view, hear and record the meeting. If those intending to record a meeting require any other reasonable facilities, notice should be given to the Monitoring Officer in advance of the meeting and will only be provided if practicable to do so.

The Chair shall have discretion to regulate the behaviour of all those present recording a meeting in the interests of the efficient conduct of the meeting. Anyone acting in a disruptive manner may be required by the Chair to cease recording or may be excluded from the meeting. Disruptive behaviour may include: moving from any designated recording area; causing excessive noise; intrusive lighting; interrupting the meeting; or filming members of the public who have asked not to be filmed.

All those visually recording a meeting are requested to only focus on recording councillors, officers and the public who are directly involved in the conduct of the meeting. The Chair of the meeting will ask any members of the public present if they have objections to being visually recorded. Those visually recording a meeting are asked to respect the wishes of those who do not wish to be filmed or photographed. Failure by someone recording a meeting to respect the wishes of those who do not wish to be filmed and photographed may result in the Chair instructing them to cease recording or in their exclusion from the meeting.

If a meeting passes a motion to exclude the press and public then in order to consider confidential or exempt information, all recording must cease and all recording equipment must be removed from the meeting room. The press and public are not permitted to use any means which might enable them to see or hear the proceedings whilst they are excluded from a meeting and confidential or exempt information is under consideration.

Providing oral commentary during a meeting is not permitted.

### **Lobbying of Councillors**

If a person or an organisation wants to make a representation to the Licensing Sub-Committee, they must **NOT** contact Sub-Committee Members directly. Licensing Sub-Committee Members have to retain an open mind on any application and determine it on its merits. Members can not be in anyway biased towards a party. Therefore, if a Member of the Sub-Committee has had any prior involvement they must ensure that they come to the hearing with an open mind.

Local ward councillors may be able to speak on behalf of objectors if requested to do so, provided that if they have a disclosable pecuniary interest (further information provided below) they leave the meeting room when the application is being considered unless they have been granted dispensation.

## **Reports**

Agendas and Reports for Licensing Sub-Committees are published on the Council's website ([www.hackney.gov.uk](http://www.hackney.gov.uk)) 5 working days before the hearing takes place. Copies are also available by contacting Governance Services on 0208 356 3578 or email [governance@hackney.gov.uk](mailto:governance@hackney.gov.uk). Copies of applications together with the detail of any objections will be included in the report.

## **Appeals**

Applicants or any party to the hearing can appeal against the decision made by the Sub-Committee. The appeal to the Thames Magistrates Court must be made within 21 days of the decision being sent formally in writing. However, TEN's have the added restriction that no appeals can be made later than 5 working days before the event is scheduled to take place.

## **Withdrawal of an Item or Cancellation of a Hearing**

An item may be withdrawn from the agenda of a Licensing Sub-Committee meeting at short notice due to the withdrawal or resolution of the representations or objections to an application or notice. A hearing by the Licensing Sub-Committee may therefore be cancelled at short notice if there are no substantive items remaining on the agenda.

As much advance notice as is practicable of the withdrawal of an item on the agenda or cancellation of a meeting of the Licensing Sub-Committee will be provided on the Council's website but please note that this might be as little as a few hours before the hearing if the applicant chooses to leave it that late to satisfactorily address any representation or objection giving rise to the need for a hearing.

## **Contacts**

If you have a query about Licensing Sub-Committee procedures and protocols then please contact Governance Services: [governance@hackney.gov.uk](mailto:governance@hackney.gov.uk)

.If your query relates general licensing matters or to specific applications then you are advised to speak to the Licensing Service. They can be contacted at:

Telephone: 020 8356 4970

E-mail: [licensing@hackney.gov.uk](mailto:licensing@hackney.gov.uk)



## Advice to Members on Declaring Interests

If you require advice on declarations of interests, this can be obtained from:

- The Monitoring Officer;
- The Deputy Monitoring Officer; or
- The legal adviser to the meeting.

It is recommended that any advice be sought in advance of, rather than at, the meeting.

### Disclosable Pecuniary Interests (DPIs)

You will have a Disclosable Pecuniary Interest (\*DPI) if it:

- Relates to your employment, sponsorship, contracts as well as wider financial interests and assets including land, property, licenses and corporate tenancies.
- Relates to an interest which you have registered in that part of the Register of Interests form relating to DPIs as being an interest of you, your spouse or civil partner, or anyone living with you as if they were your spouse or civil partner.
- Relates to an interest which should be registered in that part of the Register of Interests form relating to DPIs, but you have not yet done so.

If you are present at any meeting of the Council and you have a DPI relating to any business that will be considered at the meeting, you **must**:

- Not seek to improperly influence decision-making on that matter;
- Make a verbal declaration of the existence and nature of the DPI at or before the consideration of the item of business or as soon as the interest becomes apparent; and
- Leave the room whilst the matter is under consideration

You **must not**:

- Participate in any discussion of the business at the meeting, or if you become aware of your Disclosable Pecuniary Interest during the meeting, participate further in any discussion of the business; or
- Participate in any vote or further vote taken on the matter at the meeting.

If you have obtained a dispensation from the Monitoring Officer or Standards Committee prior to the matter being considered, then you should make a verbal declaration of the existence and nature of the DPI and that you have obtained a dispensation. The dispensation granted will explain the extent to which you are able to participate.

### Other Registrable Interests

You will have an 'Other Registrable Interest' (ORI) in a matter if it



- Relates to appointments made by the authority to any outside bodies, membership of: charities, trade unions,, lobbying or campaign groups, voluntary organisations in the borough or governorships at any educational institution within the borough.
- Relates to an interest which you have registered in that part of the Register of Interests form relating to ORIs as being an interest of you, your spouse or civil partner, or anyone living with you as if they were your spouse or civil partner; or
- Relates to an interest which should be registered in that part of the Register of Interests form relating to ORIs, but you have not yet done so.

Where a matter arises at any meeting of the Council which affects a body or organisation you have named in that part of the Register of Interests Form relating to ORIs, **you must** make a verbal declaration of the existence and nature of the DPI at or before the consideration of the item of business or as soon as the interest becomes apparent. **You may** speak on the matter only if members of the public are also allowed to speak at the meeting but otherwise must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation.

### **Disclosure of Other Interests**

Where a matter arises at any meeting of the Council which **directly relates** to your financial interest or well-being or a financial interest or well-being of a relative or close associate, you **must** disclose the interest. **You may** speak on the matter only if members of the public are also allowed to speak at the meeting. Otherwise you must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation.

Where a matter arises at any meeting of the Council which **affects** your financial interest or well-being, or a financial interest or well-being of a relative or close associate to a greater extent than it affects the financial interest or wellbeing of the majority of inhabitants of the ward affected by the decision and a reasonable member of the public knowing all the facts would believe that it would affect your view of the wider public interest, you **must** declare the interest. You **may** only speak on the matter if members of the public are able to speak. Otherwise you must not take part in any discussion or voting on the matter and must not remain in the room unless you have been granted a dispensation.

In all cases, where the Monitoring Officer has agreed that the interest in question is a **sensitive interest**, you do not have to disclose the nature of the interest itself.

This page is intentionally left blank



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

TUESDAY, 13 DECEMBER 2022 AT 7:00PM

The live stream can be viewed here:

[https://youtu.be/9\\_zf7VMvK6Q](https://youtu.be/9_zf7VMvK6Q)

<b>Councillors Present:</b>	<b>Cllr Gilbert Smyth in the Chair and Cllr Sharon Patrick</b>
<b>Officers in Attendance</b>	<b>Amanda Nauth - Licensing and Corporate Lawyer Channing Riviere - Principal Licensing Officer Suba Sriramana – Principal Licensing Officer Natalie Williams - Senior Governance Officer</b>
<b>Also in Attendance:</b>	<b><u>Agenda item 6: Balls Shoreditch</u>  Graham Hopkins - Licensing Agent Eric and Vicky - Applicants</b>

### 1 Election of Chair

1.1 Cllr Gilbert Smyth was duly elected as Chair of the meeting.

### 2 Apologies for Absence

2.1 There were no apologies for absence.

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

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 hearing procedure was noted by all present.

### 6. Premises Licence Variation: Balls Shoreditch, 333 Old Street

6.1 The sub-committee heard from the Principal Licensing Officer, the Licensing Agent and the Licensing Authority representative. Submissions made by the police were considered in their absence. The additional information (food menu) submitted by the applicant was noted. During the course of submissions and a discussion of the application, the sub-committee noted the following:

- The application sought to licence the basement, outside (table and chairs to be removed by 10pm) and ground floor areas. In addition, the amendment of conditions was requested to enable 'toughened glass' to be taken outside. No increase in hours was sought
- The business was described as a family entertainment centre offering crazy golf, food and drink.
- The basement was currently empty and not in use.
- The premises had operated two Temporary Event Notices in recent months without issue.
- The basement had a capacity of 60 (40 seated, 20 standing) and would be used for seated events (magic shows, stand up comedy and acoustic gigs).
- The ground floor had a capacity of 120. No seating was available.
- The applicant had met with the police and Licensing Authority prior to the hearing.
- Should the licence be granted, the dispersal policy and the role of security staff would be updated.
- A table and chairs licence was already in place. This area was sectioned off and could accommodate 8 people seated at two tables.
- After 10pm a maximum of 8 smokers were allowed outside.
- The main concerns of the Licensing Authority related to the location of the premises within the Special Policy Area (SPA). Following a meeting with the applicant and police, it was confirmed that there were no significant concerns regarding adding to the cumulative impact or the undermining of the licensing objectives. It was felt that use of the basement would be sufficiently regulated.
- Approximately two pre-planned events per week would be held in the basement area.
- Background music was played throughout the premises with a DJ playing at the weekend.
- Online bookings could be made. Patrons' spent approximately 2 hours at the venue.
- Toughened glass was described to be glass that did not shatter into large sharp pieces and therefore could not cause injury or harm.
- The applicant was amenable to an additional condition stipulating the requirement of security staff to monitor all licensable areas of the premises, including the outside areas.
- Condition 4 stipulated that no children or young person under 18 was permitted on the premises beyond 8pm.
- Conditions 12, 17(d) and 28 were noted to be the same. The applicant was in agreement with the deletion of duplicate conditions 12 and 17(d). Condition 28 was to be amended to include non single use, reusable vessels to be taken outside.
- The applicant was not receptive to operating the basement on a solely ticketed system. The police and Licensing Authority did not feel it necessary to impose this.

**RESOLVED:**

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,

the application to vary 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:

- Remove conditions 12 and 17(d) from the licence which are a duplication of condition 28
- Condition 28 shall be amended and read as follows:

“No open bottles or glasses shall be permitted to be taken outside the premises at any time. Only plastic reusable glasses/vessels or recyclable cardboard glasses/vessels for drinks shall be taken outside the premises for use in the designated external area, and toughened glass shall not be used”.

And the following additional condition:

- The maximum number of persons allowed in the basement of the premises at any one time shall not exceed 60 persons limited to the following:
  - i) Basement                    40 persons seated (excluding staff)
  - ii) Basement                    20 persons standing (excluding staff)
- During events in the basement a member of staff shall be on duty to monitor customers.
- Customers shall not be permitted to use the external area on the ground floor after 22:00.

**Reasons for the decision**

The Application to vary this premises licence has been approved, because members of the Licensing Sub-committee were satisfied that the licensing objectives would not be undermined within the Shoreditch Special Policy Area (Shoreditch SPA).

The Sub-committee took into consideration representations received from the Responsible Authorities. The Metropolitan Police (“the Police”) made representations on the grounds of the prevention of crime and disorder and prevention of public

nuisance. The Licensing Authority made representations on the grounds of public nuisance. It was noted that no representations were made by local residents.

The Sub-committee took into consideration that the premises is located in the Shoreditch SPA and therefore it is subject to policy LP10.

The Police were unable to attend the hearing, however, the Sub-committee took into account their written representations that the Police had concerns about the extension of the licence to include the basement. This would increase the capacity of the venue which could have a negative impact on the Shoreditch SPA. The Police made representations that they had few concerns relating to the outside seating area of the premises. The Police together with the Licensing Authority proposed conditions to ensure the basement and the outside area operate responsibly to help allay their concerns.

The Licensing Authority contended that although premises are in the Shoreditch SPA they were satisfied with the capacity condition, and given the overall track record of the premises licence holder they have no concerns. The Sub-committee heard that the licence holder worked with both the Licensing Authority, and the Police to overcome their concerns before the hearing.

The Sub-committee heard submissions from the premises licence holder and their representative that they wanted to use the basement for family entertainment such as 30 minute magic shows from time to time. They have plenty of staff to monitor customers on the premises. The Sub-committee heard that the premises had operated Temporary Events without incident.

The Sub-committee heard submissions from the premises licence holder and their representative that the premises has a tables and chairs licence for the external area that has 2 tables with 8 chairs and they are sectioned off in the external area. The premises licence holder and their representative contended that the turnaround of customers was quick, and the SIA door security will monitor customers and smokers in the outside area. The Sub-committee heard that the ground floor is the entrance to the external area, and the external area is set out in sections

The Sub-committee after hearing from the premises licence holder and their representative, the Police and the Licensing Authority the Sub-committee were satisfied that the premises would not add to the cumulative impact in the area, and would not threaten the licensing objectives in the Shoreditch SPA. The sub-committee took into consideration the nature and size of the business.

The Sub-committee took into consideration that the premises has a good track record as a well run family entertainment centre. The Sub-committee also took into account that the premises licence holder is an experienced operator, and the Police and Licensing Authority concerns were overcome.

The Sub-committee also took into account the conditions agreed by the premises licence holder with the Responsible Authorities that would help overcome any negative impact in the Shoreditch SPA.

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

**Public Informative**

The premises licence holder is advised to avoid single use plastics.

**7 Temporary Event Notices - Standing Item**

7.1 There were no Temporary Event Notices for consideration.

<b>Duration of the meeting:7.00-7.56pm</b>
--



This page is intentionally left blank



<b>For Consideration By</b>	Licensing Sub-Committee
<b>Meeting Date</b>	24 January 2023
<b>Type of Notice</b>	<b>TEMPORARY EVENT NOTICE – COUNTER NOTICE</b>
<b>Address of Premises</b>	The Baths, 80 Eastway, London E9 5JH
<b>Classification</b>	Decision
<b>Ward(s) Affected</b>	Hackney Wick
<b>Director</b>	Rickardo Hyatt

1. **Summary**

- 1.1. The Environmental Protection have given the Licensing Authority and the premises user notice of objection to Temporary Event Notice for an event to be held on **29/01/2023** from **00:00** finishing on **29/01/2023** at **05:00am** 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 granted at the Licensing Sub-Committee hearing on 17 November 2022 and the decision is attached as Appendix C.

3. **TEMPORARY EVENT NOTICE FOR EVENT TO BE HELD 29/01/2023 - 29/01/2023**

- 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 Environmental Protection have objected to the TEN on the grounds of 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 **29/01/2023** from **00:00** finishing on **29/01/2023** at **05:00am** at location **above**.

**Appendices:**

Appendix A – Temporary Event Notice

Appendix B – Objection from the Responsible Authority

Appendix C – Premises Licence Decision

Appendix D – Location Map

<b>Report Author</b>	Name: Suba Sriramana Title: Principal Licensing Officer Email: Subangini.Sriramana@hackney.gov.uk Tel: 020 8356 4915
----------------------	---

## 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.

<b>1. The personal details of premises user (Please read note 1)</b>			
1. Your name			
Title	Mr x Mrs <input type="checkbox"/> Miss <input type="checkbox"/> Ms <input type="checkbox"/> Other (please state)		
Surname	McDonald		
Forenames	Neil		
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 x Mrs <input type="checkbox"/> Miss <input type="checkbox"/> Ms <input type="checkbox"/> Other (please state)		
Surname	[REDACTED]		
Forenames	[REDACTED]		
3. Your date of birth	[REDACTED]	[REDACTED]	[REDACTED]
4. Your place of birth	[REDACTED]		
5. National Insurance Number	[REDACTED]		
6. Your current address (We will use this address to correspond with you unless you complete the separate correspondence box below)			
[REDACTED]			
Post town	[REDACTED]	Postcode	[REDACTED]
7. Other contact details			
Telephone numbers Daytime	[REDACTED]		
Evening (optional)			
Mobile (optional)			
Fax number (optional)			

E-Mail address (if available)	[REDACTED]	
8. Alternative address for correspondence (If you complete the details below, we will use this address to correspond with you)		
The Baths, 80 Eastway		
Post town	London	Postcode E9 5JH
9. Alternative contact details (if applicable)		
Telephone numbers: Daytime		
Evening (optional)		
Mobile (optional)		
Fax number (optional)		
E-Mail address (if available)		

<b>2. The premises</b>	
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)	
The Baths, 80 Eastway, London E9 5JH	
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	
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)	
The entire premises will be used and managed in accordance with this license	
Please describe the nature of the premises below. (Please read note 4)	
Arts and community centre, event space, affordable workspace, education space	

Please describe the nature of the event below. (Please read note 5)

*Beauty and the Beat is a regular, DJ-focussed dance night that has taken place at various venues, almost all in Hackney, since 2005. These events have never generated problems for police or the local authority. The music played is a mixture of jazz, house, reggae and disco along with various international genres that generally receive little exposure elsewhere, and the events are known for attracting a calm, mutually-respectful and socially diverse crowd, with a median age in the early 30s. These events use a unique combination of very high quality audio components to provide attendees with a relaxed experience, and the night has a notable reputation as a safe space for women to dance socially without fear of harassment. In 2022 Beauty and the Beat held several successful events at the Baths with licensed 5:00am finishing times.*

### 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 checked="" type="checkbox"/>	
The provision of late night refreshment	<input checked="" type="checkbox"/>	
Are you giving a late temporary event notice? (Please read note 8)		
Please state the dates on which you intend to use these premises for licensable activities. (Please read note 9)	<input checked="" type="checkbox"/>	
29.01.2023		
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)		
Sunday 24:00 - 05:00		
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)	350	
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"/>



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)

The Licensable activity will include the provision of entertainment in the form of live performance of music, recorded music. No performance if nudity will be provided.

**4. Personal licence holders (Please read note 14)**

Do you currently hold a valid personal licence? (Please tick)		<input checked="" type="checkbox"/>	<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)**

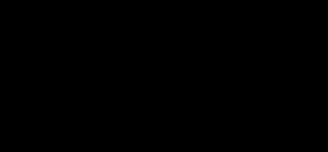
Have you previously given a temporary event notice in respect of any premises for events falling in the same calendar year as the event for which you are now giving this temporary event notice?	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
<b>If answering yes, please state the number of temporary event notices (including the number of late temporary event notices, if any) you have given for events in that same calendar year</b>	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 x	No
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.	1	
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 x
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 x
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

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	<input type="checkbox"/>
If the premises are situated in one or more police areas, sent a copy of this notice to each additional chief officer of police	<input type="checkbox"/>
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	<input type="checkbox"/>
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	13/01/2023
Name of Person signing	Neil McDonald

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	



---

**Re: Tens application - 29.01.2022 - BATB - TEN/290123/80EAST**

1 message

**Gurch Patti** <gurch.patti@hackney.gov.uk>

19 January 2023 at 17:02

To: "Licensing (Shared Mailbox)" &lt;licensing@hackney.gov.uk&gt;

Cc: HackneyLicensingUnit-GN@met.police.uk, Subangini Sriramana &lt;Subangini.Sriramana@hackney.gov.uk&gt;, Olalekan Olaosebikan &lt;Olalekan.Olaosebikan@hackney.gov.uk&gt;, Ashraful Haque &lt;ashraful.haque@hackney.gov.uk&gt;

**TEN - OBJECTION**

Dear Licensing Team,

Please see comments from the Environmental Protection Team below.

In respect to the temporary event notice scheduled for:

**Start Date : 29-01-2023      End Date : 29-01-2023****Start time: 00:00              End Time: 05:00**The Environmental Protection Team **objects** to the above Temporary Event Notice.**Grounds of Objection**The Prevention of Public Nuisance:

Environmental Protection has received complaints from nearby residents alleging disturbances from music and patrons during dispersal. The most recent complaint was during a TEN on 02/01/2023. Environmental Protection (EP) have concerns with the addition of regulated entertainment this event could amount to a statutory noise nuisance hence undermining the licensing objective (Public Nuisance). Environmental Protection would like to see evidence of a noise management plan and dispersal plan for this TEN.

Kind regards,

Gurch

On Mon, 16 Jan 2023 at 12:27, Licensing (Shared Mailbox) &lt;licensing@hackney.gov.uk&gt; wrote:

Attached TEN for your comments.

Kind Regards,

Licensing Service  
London Borough of Hackney  
Tel: 020 8356 2431

## Application for a Premises Licence – The Baths, 80 Eastway, Hackney, London E9 5JH - Approved

### The decision of 17th November 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
- 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, with the following amendments:

The opening hours and the hours for licensable activity are:

#### Opening Hours:

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

#### Plays:

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

#### Films:

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

#### Indoor Sporting Events:

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

Live Music:

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

Recorded Music:

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

Performance of Dance:

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

Anything of similar description:

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

Late Night Refreshment:

Friday and Saturday	23:00 – 00:00
---------------------	---------------

Supply of Alcohol (on the premises):

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

- Remove Boxing from the licence.
- Remove off-sales from the licence.
- Remove non-standard hours from the licence.
- The licensee shall provide a detailed acoustic report that shall be carried out by a competent person and should be submitted to the Licensing Authority within two months (23 January 2023). Recommendations in the report should be approved by the Environmental Protection Team.
- The licensee shall provide information on the mobile saunas used at the premises to confirm if a licence is required.

- The licensee shall submit to the Licensing Authority a clear revised site plan of the licenced area.
- The licensee shall provide the Licensing Authority with a copy of their Risk Assessment.

And the following additional conditions:

- The maximum number of persons permitted on the premises at any one time shall not exceed 350 persons.
- No smokers shall be permitted at the front of the premises at any time.
- No more than 20 persons will be permitted in the designated smoking area at the back of the premises after 22:00.
- All external doors at the premises shall be kept closed after 22:00, other than for access and egress, when regulated entertainment is taking place.
- Use of the outdoor area (shown on the plan) shall cease at 22:00 and any tables and chairs to be rendered unusable.
- The licensee shall display a contact number or email address of the Designated Premises Supervisor (DPS) or a person responsible for the operation of the premises, for use by any Responsible Authority or any person who may wish to make a complaint during the operation of the licence. This contact number will be in a prominent location so as to be visible externally at the premises as well as being easily accessible to the public. The licensee's contact number will also be provided upon request.
- The Licensee shall hold and publicise liaison meetings with local residents every 4 months to attempt to address any concerns or complaints.
- A written Dispersal Policy shall be submitted to and approved by the Licensing Authority and the Police, and a copy shall be kept on the premises and made available to the Police or other authorised officers upon request.
- The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of a Metropolitan Police Crime Prevention Officer. All public areas and each entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Recordings



shall be made available immediately upon the request of the Police or authorised officer.

- There shall be a staff member from the premises who is conversant with the operation of the CCTV system on the premises at all times when the premises are open to the public. This staff member must be able to show a Police or authorised council officer recent data or footage when requested.
- Signs will be prominently displayed at all entrance and exit points reminding customers to leave quietly and respect local residents.
- 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.
  - g. Any refusal of the sale of alcohol.
  - h. Any visit by a relevant authority or emergency service.
- Premises to operate zero tolerance policy to drugs and comply with Hackney Police Drugs and Weapons policy where appropriate.
- All instances of crime and disorder to be reported by the Designated Premises Supervisor or responsible member of staff to an agreed police contact point, as agreed with the police.
- Patrons shall not be permitted to take glass drinks or open containers off the premises and into external areas of the premises at any time.
- A Challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as driving licence or passport.
- All staff engaged in the sale of alcohol shall be fully trained and made aware of the legal requirements relating to underage sales and other legal requirements relating to the sale and supply of alcohol. Such training must take place on a 12 monthly basis and written records of the training must be maintained on the premises for inspection by the

Police or Authorities. This training is to include WAVE (Welfare And Vulnerability Engagement) training.

- SIA door supervisors shall be employed on an operational risk assessment basis whenever licensable activity is taking place and always when licensable activity is to finish after 0000hrs.
- All door supervisors shall enter their full details in the premises daily register at the commencement of their work. They shall record their full name, home address and contact telephone number, their SIA registration number and the times they commence and conclude working. If the door supervisor is provided by an agency, the name, registered business address and contact telephone number will also be recorded. This register will be made available to the Police or other authorised officer upon request.
- All door supervisors and other members of staff shall verbally request customers as they exit the premises to leave quietly and respect local residential neighbours.

### **Reasons for the decision**

The Application for a premises licence has been approved with the above amendments because members of the Licensing Sub-committee were satisfied that the licensing objectives would not be undermined.

The Sub-committee took into consideration that the Environmental Enforcement Team had withdrawn their representations, and agreed conditions with the Applicant in advance of the hearing. The Sub-committee noted that the Applicant also agreed to conditions with the Metropolitan Police Service (“the Police”).

The Sub-committee heard representations from the Licensing Authority and the Metropolitan Police Service who objected to this application following noise complaints received from local residents, the excessive hours until 05:00, no agreed dispersal policy with the Responsible Authorities, and the capacity of the premises also being excessive. After hearing from the Applicant that they agreed to the above amendments to their application and the additional conditions that they agreed to this has alleviated their concerns about the premises. The Sub-committee took into account that the Police had recently visited the premises and discussed the application with the Applicant.

The Sub-committee took into account that Other Persons (a local resident) objected to the Application due to concerns about public nuisance, public safety, and the impact this premises will have on the area. The Sub-committee heard the Applicant’s submission that the six noise complaints

were made following events that were not late at night and they were not weekly events.

The Sub-committee heard representations from the Council's Property Services who the Applicant is currently negotiating a new lease to replace the existing lease for this Council property.

The Sub-committee heard submissions from the Applicant that they have been at the premises for some time and it was a non-profit organisation. The Applicant made submissions that they have operated a number of venues in the London area, and they provide creative projects and affordable workspaces. The Sub-committee heard that the Applicant had previously used Temporary Events to test their process and procedures for late night events which is part of their Partner companies brand, and the Applicant had used all of the Temporary Event Notices available to them this year.

The Sub-committee heard that the sale of alcohol on the premises is supplemental to the yoga and health treatments that the premises offers. The Sub-committee took into consideration that the Applicant agreed to remove off-sales and boxing from their Application.

The Sub-committee took into account that the Applicant did communicate with local residents prior to the hearing. The Sub-committee felt that the Applicant's business is trying to provide a community service for the area, and they wanted to facilitate that as much as possible, however, not to inconvenience local residents in the area.

The Sub-committee felt that the conditions agreed with the Responsible Authorities would help the premises operate responsibly, and to prevent public nuisance in the area late at night.

The Sub-committee felt that the Applicant demonstrated that he was an experienced operator of other premises over a number of years and that he could operate the premises responsibly. The Sub-committee felt that the Applicant demonstrated that he was willing to work with local residents and the Responsible Authorities to prevent public nuisance.

The Sub-committee were reassured to hear that the Applicant agreed to reduce the hours to core hours. The Sub-committee felt that the Applicant needed to demonstrate over a period of time that they can operate the premises responsibly within core hours under Policy LP3 and not cause nuisance or disturbance to local residents. The Sub-committee felt that they could not grant a 05:00 licence in a residential area.

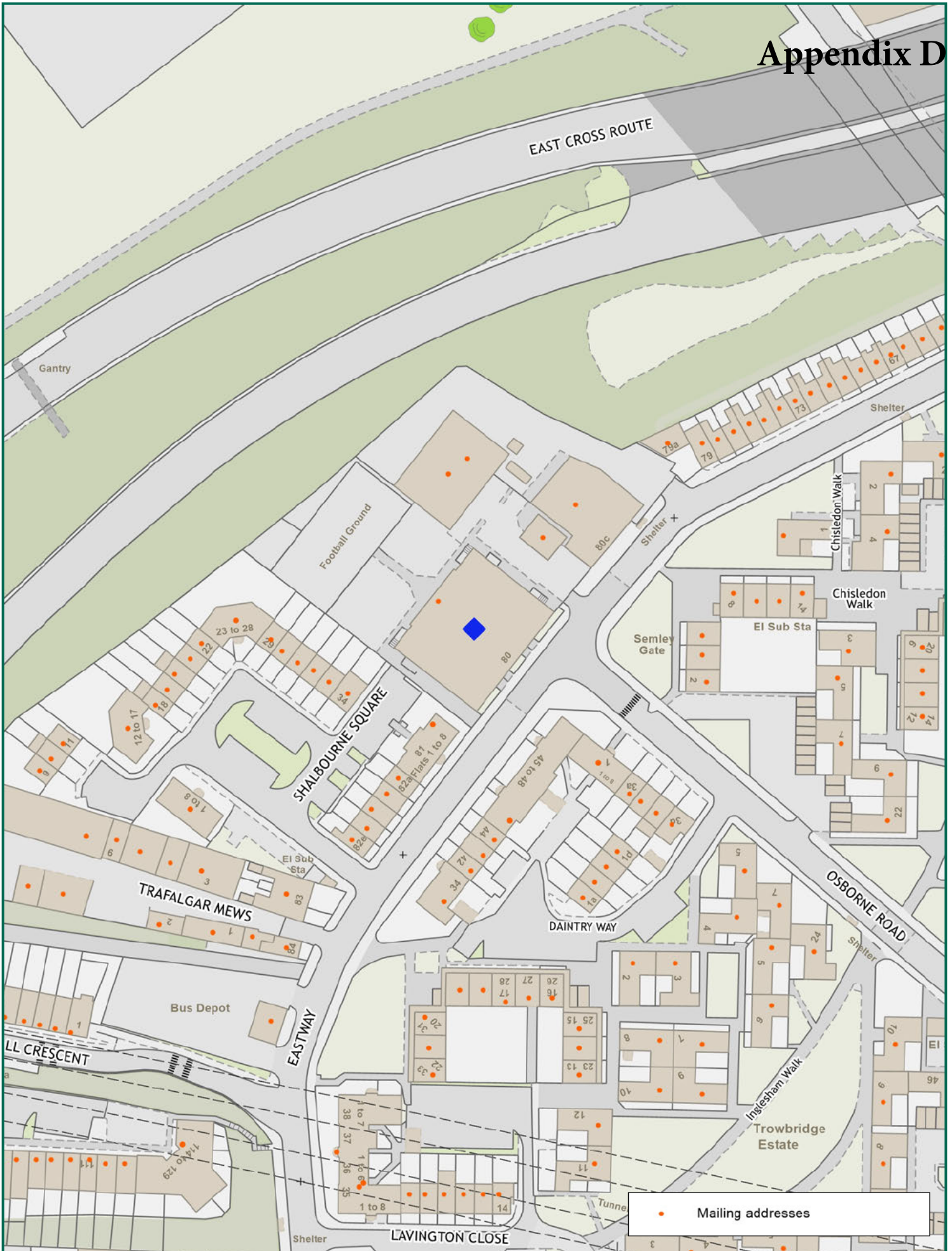
Having taken all of the above factors into consideration the Sub-committee was satisfied that by granting this premises licence with significantly reduced hours, and robust conditions, that the licensing objectives would not be undermined.

**Public Informative**

The Applicant is encouraged to continue working with local residents and Responsible Authorities to prevent any public nuisance or negative impact in the area.

**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.**



• Mailing addresses

**NORTH**

Scale: 1:1250 at A4

**Hackney**

**80 Eastway, London E9 5JH**

Page 34

Thursday, January 12, 2023

From: [unspecified] please specify copyright statement

email: