



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

Thursday, 8 February 2024 at 7.00 pm

S U P P L E M E N T A R Y P A P E R S

Additional information

Published on: 1 February 2024

Licensing Sub Committee A

Thursday, 8 February 2024

Order of Business

4 Minutes of the Previous Meeting

To consider and approve the previous minutes of the meetings:

- 25 September 2023
- 7 December 2023

6 Premises Licence: Mondrian Hotel, Private Club and Rooftop, Level-3 (Part of) Level -2, (Part of) Ground Floor & Roof Terrace, 45 Curtain Road, EC2A 3PT (Pages 9 - 20)

7 Premises Licence: Ennismore Hotel, (part of) Level-2, Level-1, (Part of) Ground Floor & First to Fifth Floors (Hotel Bedrooms), Mondrian Hotel, 45 Curtain Road, London, EC2A 3PT

- Additional information – Letter to Local Residents from Mondrian Shoreditch
- Additional Representation from Other Person B4 (Revised)

Republished on: 6 February 2024

MINUTES OF A MEETING OF THE LICENSING SUB COMMITTEE B

MONDAY 25 SEPTEMBER 2023

Councillors Present: Cllr Richard Lufkin in the Chair
Cllr Christopher Kennedy and Cllr Yvonne Maxwell

Apologies: Cllr Midnight Ross and Cllr Penny Wrout

Officers in Attendance: Amanda Nauth, Licensing Lawyer
Suba Sriramana, Principal Licensing Officer
(acting)
Gareth Sykes, Governance Officer

Also in Attendance: Item 6 Application for a premises licence: Abney Chapel, Abney Park, 215 Stoke Newington High Street, London, N16 0LH

Attendees:

Applicant

Behalf of London Borough of Hackney, Kimberley Jacobs

Responsible Authorities

David Tuitt, Licensing Authority

Other Persons

C1 - Dr Lucy Wedderburn
C28 - Tom Walker

1 Election of Chair

1.1 Cllr Richard Lufkin was duly elected as the Sub-Committee Chair.

2 Apologies for Absence

2.1 Apologies for absence were received from Cllr Midnight Ross and Cllr Penny Wrout.

3 Declarations of Interest - Members to declare as appropriate

3.1 None were declared.

4 Minutes of the Previous Meeting

4.1 None were submitted for approval.

5 Licensing Sub-Committee Hearing Procedure

5.1 The meeting participants noted the hearing procedure for the meeting (hearing procedure type A).

6 Application for a Premises Licence: Abney Chapel, Abney Park, 215 Stoke Newington High Street, London, N16 0LH

6.1 The Licensing Sub-Committee heard from Hackney Council's Principal Licensing Officer (Acting), a representative for the applicant, responsible authorities (in this case the Licensing Authority) and other persons. The application was for a premises licence to allow authorisation for the provision of late night refreshment, regulated entertainment and the sale of alcohol on Monday to Sunday. The Licensing Authority had made a representation on the grounds of the prevention of public nuisance and it was noted that the proposed hours of activity are to 00:00 daily which are in excess of the hours set out in LP3 (Core Hours). Various other persons had made representations on the grounds of the prevention of crime and disorder, public safety, prevention of public nuisance and the protection of children from harm. The Sub-Committee noted that the applicant, the London Borough of Hackney, was happy to go along with, in a published letter to the Council's Licensing Authority, a suggestion from them to scale back the hours to LP3 Core Hours.

6.2 Following submissions from the various parties there was a discussion where a number of points were raised including the following:

- Responding to a question about how the applicant would manage the dispersal of patrons, specifically if they wandered off and cause potential noise, nuisance and damage to the immediate area, the applicant replied that in their experience in managing similar events at their other sites not all of the events that they hosted would include alcohol. The applicant gave a brief summary of the types of events that they held at their Clissold Park venue which included wedding ceremonies, National Health Service (NHS) staff away days and antenatal classes. The security arrangements that they had in place their other venues would also be applied to the Abney Chapel;
- The Sub-Committee noted that, under their terms and conditions, at Abney Chapel any events that were above 40 people, involve alcohol consumption or pose a higher risk will require security via Council contracted supplier CIS and clear terms and conditions were lined out for each event;
- Replying to a suggestion that limiting the days of operation to initially three days to see how the business would manage and to allay local residents' concerns, the applicant replied that from their

other venues they had shown that there had been a lot of demand and they wanted to make the Abney Chapel inclusive;

- The Applicant confirmed that during the summer Abney Park was open up to 9:00pm and in the winter up to 4:00pm. It was understood that the nearest local residencies were approximately 100 metres away from the venue;
- Replying to a question about noise, the applicant responded that the noise level was set to 93 decibels, which related to the inside the venue where all events would be held. They added that all windows and doors would be closed from 9pm onwards. There would also be an insulated roof to mitigate against noise breakout. They added that they would not operate outside of the venue and in the park at all and all activity taking place is strictly inside. In relation to the impact of the proposals on the local nocturnal wildlife e.g. bats and Owls, the applicant explained that an ecological survey had been undertaken and concerns were not raised and advice had been considered from ecological consultants;
- The Sub-Committee noted that the Stoke Newington High Street was a direct street to access through the graveyard. Responding to a suggestion from the other persons that Church Street could be used as an alternative access route to and from the venue, the applicant replied that it was not safe. It was poorly lit and was not paved and therefore was unsuitable for customers particularly late at night;
- Replying to concern raised about the difficulty of managing any additional litter occurring, as a possible consequence of events held at the venue, the applicant replied people should not be dropping litter outside the venue as all events would be held inside, however, it was recognized that in hot weather customers would be given the option to step outside;
- The Licensing Authority stated that their concerns about the application had now been allayed that the licensable hours had been scaled back to core hours;
- The applicant confirmed that they did have planning permission;
- The other persons were receptive to the suggestion put forward by the Sub-Committee that the applicant should consider limiting their hours of operation to initially three days a week in any one week;
- The applicant stated that limiting their days of operation to three days a week would mean that they would not be inclusive;
- The Chair of the Committee on the suggestion that that applicant consider opening three days a week that would be three of the applicant's choosing;
- Responding to a question from the other persons about a more collaborative approach between the applicant and the Council's Parks and Leisure team, the Applicant replied that they did work closely with the Parks and Leisure team regarding their application. They reiterated that the types of events that they would be hosting would be inside the chapel only;
- Some of the Sub-Committee suggested that three days of licensable activities would be considered a good compromise for the use of the site to preserve nature and wildlife;

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- Responding to question about whether the venue had held in Temporary Event Notices (TENs), the applicant replied no TENs had been operated because the building was not yet ready, as it was currently being refurbished;
- The Sub-Committee briefly debated if they should put in a condition for the venue to be open three days a week, the Legal Officer responded that they could. The Licensing Authority concurred adding that any condition that they imposed, relating to three days of operation, was less than the application currently before the Sub-Committee for consideration;
- Some of the Sub-Committee members suggested an informative stating that the Premises Licence holder is advised to work with local residents and the Abney Park Trust to prevent noise, nuisance and disturbance to local residents;
- Responding to a question from the Other Person's, the Chair of the Committee replied that they consider four rather than three days a week to the applicant, that way any issues between the applicant and concerned local residents could be worked out and then a variation could be applied for at a later date;
- The Other Persons supported the compromise suggested by the Sub-Committee in particular any steps for further consultation with local residents.

6.3 In their closing remarks the Licensing Authority were satisfied with that they had heard at the hearing and welcomed the news that the applicant had agreed to scale back their hours to core hours.

6.4 In their closing remarks the other persons thanked the Sub-Committee giving them an opportunity to raise their concerns about the Abney Chapel Licensing application. They also welcomed the efforts to reach a compromise among the various interested parties.

6.5 In their closing remarks the applicant agreed with the Sub-Committee that they should work together with the local residents and the Abney Chapel Trust to find the best way forward.

The decision

The Licensing Sub-Committee in considering this decision from the information presented to it within the report and at the hearing of Monday 25 September 2023 has determined that having regard to the promotion of all the licensing objectives:

- The prevention of crime and disorder;
- Public safety;
- Prevention of public nuisance; and
- The protection of children from harm,

the application for a premises licence has been approved in accordance with the Council's Statement of Licensing Policy and the proposed conditions set out in paragraph 8.1 of the report as applied for with the following amendments agreed with the Applicant.

- The hours for licensable activities, shall be, as agreed:

Plays

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

Films

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

Live Music

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

Recorded Music

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

Performance of Dance

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

Anything of a similar description

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

Late Night Refreshment:

Friday to Saturday	23:00 - 00:00
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Supply of Alcohol (on and off sales)

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

Opening hours

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

The Applicant to provide a revised plan to show the extent of the premises and the red edged area.

And an additional condition:

The premises licence shall be limited to three days a week in any 7 day week.

Reasons for the decision

The application for a premises licence has been approved because the Licensing Sub-Committee was satisfied that the licensing objectives would not be undermined.

The Sub-Committee took into account that the Licensing Authority made representations on the grounds of Public Nuisance and raised concerns that the original proposed hours of activity were in excess of LP3 Core Hours. The Sub-Committee noted that the Applicant, the London Borough of Hackney, had agreed to reduce the proposed hours of activity to LP3 Core Hours. The Sub-Committee also took into consideration that these reduced hours to Core Hours allayed the Licensing Authority's concerns about the application, and they were clearer on what was now required by the Applicant for pre-booked events.

The Sub-Committee took into account that 28 Other Persons, nearby local residents, had made representations both at the hearing and through several written submissions on the grounds of the four licensing objectives: Prevention of Crime and Disorder, Public Safety, Prevention of Public Nuisance and the Protection of Children from Harm.

The Sub-Committee also took into account that the local residents raised concerns about the impact of the proposals on the natural habitat in the immediate area and the close proximity of the venue to local residencies, and that the Applicant was keen to work with both local residents and the local Abney Park Trust to reach a compromise.

The Sub-Committee heard that all the Applicant's venues in Hackney are the same and the decibels are set the same for each venue. In addition all windows and doors are closed at 21:00. The Sub-Committee took into consideration that the designated area outside of the chapel is where guests can have a drink. The Sub-Committee noted that the Applicant did submit a dispersal policy specific to Abney Chapel, and that the music and events will end 30 minutes before the premises close

The Sub-Committee heard the Applicant's representations that they are pleased to be able to refurbish this Grade Two listed building to bring it back into use in the area. The Applicant confirmed that they do not want to restrict people from walking around the chapel and the park area.

The Sub-Committee heard from the Applicant that not all events are alcohol related or have alcohol served. The Applicant explained to the Sub-Committee that there is a minimum of two security staff on the premises at any one time, and an example of the events that will take place at Abney Chapel will be weddings, NHS awaydays, Jewish celebrations and celebration of life and similar events.

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The Sub-Committee took into consideration that the security staff at the premises would be assessed for each event that is booked. The Sub-Committee noted that the Applicant was seeking to operate the premises with a licence seven days a week which was considered excessive, given the nature and the impact on the area. The Applicant contended that it is difficult to assess what days people want events and what will be included in those events. The Sub-Committee noted that no temporary events had been operated because the building was not yet ready; it was still being refurbished.

The Sub-Committee noted that the park opening hours are until 22:00 each day and the noise limit is 93 decibels. The Sub-Committee heard that bats in the nature reserve are a protected species and would be affected by the use of the premises 7 days a week.

The Sub-Committee heard the Applicant's representations that an ecological survey had been undertaken and no concerns were raised. The Sub-Committee noted that the Applicant had received and considered advice from ecological consultants.

The Sub-Committee heard that the Stoke Newington High Street is a direct street to access from the cemetery. The Sub-Committee noted Church Street is not safe and it is not paved. Therefore, it is not suitable for guests to be going through late at night.

The Sub-Committee heard representations from the local resident that she had lived in the area for 30 years and was very familiar with how the Abney Chapel area operated, and that the local residents were delighted that money was being obtained to refurbish Abney Chapel to bring it back into use. The Sub-Committee heard from the local resident that the core hours are a small change and do not cover the noise issues late at night, resulting in crime and disorder.

The Sub-Committee noted that there were concerns about how 70 people in hot weather would manage at the premises until midnight on weekdays, weekends, and the impact on local residents' sleep. The Sub-Committee took into account the local resident's representation that it would be better to have the premises operate three days a week, taking into consideration the impact on local residents and to help preserve the Wildlife in the area.

The Sub-Committee heard from the Abney Parks Trust that there were concerns about how the building was going to be used for the various events. The Sub-Committee noted that Abney Parks Trust supported the application to operate the premises more than three days a week if possible, however, they felt it could be managed better, and in a more considered way addressing the public nuisance issue.

The Sub-Committee took into consideration the local residents' representations that they were concerned that the cemetery could be potentially damaged by the continual events taking place every day seven days a week. The Sub-Committee took into account that the Applicant acknowledged that Abney Chapel is different to other sites in the borough. The Applicant confirmed that Abney Chapel has no kitchen or facilities for food preparation for a full wedding reception. Therefore, they would not have wedding reception events with food catered. The Sub-Committee also considered that litter clearance will be difficult to control on this site.

The Sub-Committee felt that the Applicant needed to either use Temporary Events for a period or to generally operate the premises and prove themselves over a period of time that they can operate for example, 3 days a week without causing noise, nuisance or public nuisance and then consider if appropriate to extend the premises licence. The Sub-Committee felt that the Applicant needed to work with local residents given the unique setting and nature of Abney Chapel, and having a licensed venue used for events in the middle of a cemetery.

The Sub-Committee heard from the local resident that there was a need to allow the area to be dark and quiet to preserve the nature reserve. The Sub-Committee heard that the local residents supported a limited number of days, and they would be happy for a compromise to be reached. The Sub-Committee noted that three days of licensable activities would be considered a gentle approach to the use of the site to preserve nature and wildlife. It was also noted that the Abney Parks Trust agreed with the representations made by the local resident.

The Sub-Committee was pleased with the Applicant's positive engagement with the Abney Park Trust. The Sub-Committee felt that due to the area and nature reserve, it is necessary to keep the licensable activities limited to a specific number of days. The Sub-Committee took into consideration that there would be no alcohol taken off the premises site, and alcohol would only be consumed on the premises, in the hall of the premises, and in the designated area immediately outside of the chapel.

Having taken all of the above factors into consideration the Licensing Sub-Committee was satisfied that this application could be approved without the licensing objectives being undermined.

Public Informative:

The Premises Licence holder is advised to work with local residents and the Abney Park Trust to prevent noise, nuisance and disturbance to local residents.

Your right to appeal

If you are aggrieved by any term, condition or restriction attached to this decision, you have the right to appeal to the Thames Magistrates Court, 58 Bow Road, London E3 4DJ within 21 days of the date you receive this written decision.

7 Temporary Event Notices - Standing Item

7.1 No Temporary Event Notices (TENs) were scheduled for consideration at the meeting.

Duration of the meeting: 7.00pm - 8.19pm

END OF MEETING

CLlr Richard Lufkin
Chair of the meeting

Contact:

Monday 25 September 2023

Gareth Sykes, Governance Officer
Email: governance@hackney.gov.uk

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MINUTES OF A MEETING OF THE LICENSING SUB COMMITTEE D

THURSDAY 7 DECEMBER 2023

Councillors Present:	Cllr Joe Walker in the Chair
	Cllr Zoe Garbett and Cllr Gilbert Smyth
Apologies:	None
Officers in Attendance:	Omur Izzet, Senior Lawyer (observing) Amanda Nauth, Licensing Lawyer Suba Sriramana, Principal Licensing Officer (acting) Gareth Sykes, Governance Officer
Also in Attendance:	<p><u>Item 6 Application for a Premises Licence: Basement , 8 Stoke Newington Road, London, N16</u></p> <p><u>Applicant</u></p> <p>Domani Peireis Roger Williams</p> <p><u>Responsible Authorities</u></p> <p>Police Constable Amanda Griggs (licensing unit)</p> <p><u>Other persons</u></p> <p>C2 (had requested to remain anonymous during the hearing)</p>

1 Election of Chair

1.1 Cllr Joe Walker was duly elected as Chair.

2 Apologies for Absence

2.1 There were no apologies received.

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 included for consideration and approval.

5 Licensing Sub-Committee Hearing Procedure

5.1 The Chair outlined the hearing procedure to be followed.

6 Premises Licence: Basement , 8 Stoke Newington Road, London, N16

6.1 The Sub-Committee heard from the Acting Principal Licensing Officer, the Applicant, Responsible Authorities (the Police) and one Other Person in objection. The application was for a premises licence to allow authorisation for recorded music, anything of a similar description, provision of late night refreshment and supply of alcohol on Monday to Sunday. The Police had made representation on the grounds of the Prevention of Crime and Disorder and Prevention of Public Nuisance. Other Persons had made representation on the grounds of the Prevention of Crime and Disorder, Public Safety, Prevention of Public Nuisance and the Protection of Children from Harm. The Sub-Committee noted that additional information had been circulated from the Police to members proposing a number of conditions as well as proposing that the hours on a Friday and Saturday are reduced to licensable activity ceasing at 01:30 hours as per the old licence that lapsed.

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

- The Applicant explained that the type of venue that they were was a deaf and hearing Social Club that would cater for deaf, hearing and Lesbian, gay, bisexual, transgender, intersex, queer/questioning, asexual (LGBTIQA+) patrons on regular weekly days. The venue would also be used for special functions with the deaf and hearing community;
- The Applicant acknowledged the previous history of the venue and confirmed that they would be running the venue differently;
- The Applicant explained that on karaoke nights there was an expected number of 55-70 people;
- The capacity for the venue was 75;
- The Applicant confirmed that they would not be rent out the venue and that the clientele for the venue was a niche one;
- There would be some late night refreshment which will include beverages such as coffee, tea, bottled water, juice, and soda, and food items such as pastries, fruits, cookies, and cakes;
- On a risk assessment for the venue the Applicant confirmed that apart from discussions with the Police the venue was currently empty;
- The Applicant confirmed that they would update their venue's floor plan and that no tables would be placed on site and that a wine bar would be located upstairs at the venue;
- The Applicant added that they wanted the basement area available to them as an option when running the venue;
- The Sub-Committee member stressed to the Applicant the need for them to provide a written dispersal policy;
- The Applicant explained that five to six smokers would be allowed in the smoking area and that the risk assessments that they had made so far had been based on their conversations with the Police;
- The Sub-Committee noted that the Applicant had installed a sound limiter and that they were removing one of the base units;

- The Police confirmed that they had visited the premises and seen that the layout was the same as it was previously with removable table, chairs and the bar was in the same position;
- The Police added that the temporary events that had been operated had been fine and they had no issues with them. They add that it had taken a great deal of work to get to the point of the premises licence being granted previously and they want to continue that work. The Police highlighted that the Applicant, by operating under similar terms as the previous licence that had lapsed, would be able to build up a track record to show that they were able to comply with the terms and conditions of their licence;
- The Applicant agreed to work with the Police to confirm the appropriate access to the premises either through the front or back doors;
- The Other Persons retained their objections to the application.

In their closing remarks the Applicant reiterated the type of the venue they were hoping to run and the niche clientele they were hoping to appeal to. The Applicant briefly addressed the objections that had been raised highlighting that in their view that they appeared to be more about the wider area rather than their specific venue.

The Other Persons in their closing remarks maintained their view, as set out in their submission in the published application report. They felt that the premises remained a personal nuisance with noise breakout and they expressed their concerns, should the application be approved, of its impact on Hackney Council's licensing objectives and policy and the Special Policy Area (SPA). They added that there was no attempt to address the licensing objectives. There were also concerns expressed about the lack of a written dispersal policy from the Applicant.

On a point of clarification the Council's Legal Officer confirmed that there were no SPAs in operation in the borough whilst a review of the licensing policy was currently under way.

The Responsible Authorities, the Police, in their closing remarks reiterated that they wished to see the Applicant operating under similar terms as the previous licence that had lapsed. That way they felt that the Applicant would be able to build up a track record to show that they were able to comply with the terms and conditions of their licence.

On a point of clarification the Applicant confirmed that they did not have facilities to sell hot and cold food. They were working on arrangements with local restaurants to provide such options for their patrons.

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,

the application for a premises licence has been approved in accordance with the Council's Statement of Licensing Policy and the proposed conditions set out in paragraph 8.1 of the report, with the following amendments:

Recorded Music:

Monday to Thursday	12:00 - 23:00
Friday to Saturday	12:00 - 01:30
Sunday	12:00 - 22:30

Anything of a similar description:

Monday to Thursday	12:00 - 23:00
Friday to Saturday	12:00 - 01:30
Sunday	12:00 - 22:30

Late Night Refreshment

Friday to Saturday	23:00 - 01:30
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Supply of Alcohol (on sales)

Monday to Wednesday	12:00 - 23:00
Thursday	12:00 - 00:00
Friday to Saturday	12:00 - 01:30
Sunday	12:00 - 22:30

Opening hours

Monday to Wednesday	12:00 - 23:30
Thursday	12:00 - 00:30
Friday to Saturday	12:00 - 02:00
Sunday	12:00 - 23:00

- Remove Non-standard hours from the Application.
- Amend condition 19 as follows:

“All doors (including the front door at street level) shall be kept closed when regulated entertainment is in operation, except for the immediate ingress and egress of patrons. Also customers are not permitted to use Miller Terrace beyond core hours under Policy LP3”

And the following conditions to the Premises Licence: :

- The Premises Licence holder shall provide a risk assessment to the Licensing Authority to determine the capacity for the premises.
- There shall be a written dispersal policy submitted to and approved by the Licensing Authority and the Police. The approved dispersal policy shall be implemented at the premises. All staff shall be briefed on this dispersal policy. A

copy of the policy shall be kept on the premises and shall be produced to a Police officer or other authorised officer upon request.

- The Premises Licence holder shall work with the Police to confirm the appropriate access to the premises either through the front or back doors.
 - The Premises Licence holder has agreed the following 11 conditions proposed by the Police that will be added to the premises licence:
- 1) A minimum of 1 SIA door supervisor shall be employed on a Friday and Saturday after 20:00 (and additional SIA on a risk assessment basis on Fridays and Saturdays) and at other times on a risk assessment basis. When employed, all SIA staff shall wear a high visibility armband or vest to be easily identifiable. They shall enter their name, address, SIA number and times they begin and finish their shift in a daily register. If employed by an agency all agency contact details shall be recorded also.
 - 2) The premises shall maintain a comprehensive CCTV system as per the minimum requirements of a Metropolitan Police Crime Prevention Officer. All public areas, 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.
 - 3) A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises are open to the public. This staff member shall be able to show Police or an authorised officer of Hackney Borough Council recent data or footage with the absolute minimum of delay when requested.
 - 4) An incident log shall be kept at the premises, and made available immediately to an authorised officer of the Hackney Borough Council or the Police, which will record the following:
 - all crimes reported to the venue
 - any complaints received
 - any incidents of disorder
 - any faults in the CCTV system
 - any refusal of the sale of alcohol
 - any visit by a relevant authority or emergency service.
 - 5) There shall be clear and prominent signage asking all customers to leave quietly and respect local residents.
 - 6) All instances of crime or 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.
 - 7) Where the sale or supply of alcohol is taking place employees of the premises must request sight of evidence of the age of any person appearing to be under 25 years of age (Challenge 25). Such evidence may include a driving licence or passport.

- 8) The premises will display and maintain appropriate signage advising customers of the contact details of the Designated Premises Supervisor.
- 9) All staff will be given refresher training every six months on the legislation relating to the sales of alcohol to underage persons and drunken persons. Written records of this training shall be kept on the premises and produced to Police or other authorised officer upon request
- 10) The number of smokers outside will be limited to no more than 6 at any one time.
- 11) No drinks are to be taken outside.

Reasons for the decision

The application for a premises licence has been approved because the Licensing Sub-committee was satisfied that the licensing objectives would not be undermined.

The Sub-committee took into consideration that the Environmental Protection Team agreed conditions in advance of the hearing with the Applicant and withdrew their representation.

The Sub-committee took into consideration the representations made by the Metropolitan Police Service ("the Police") and two local residents (Other Persons) objecting to this application, and their concerns about the operation of the premises late at night.

The Sub-committee took into account that this was an application for a premises licence, following the lapse of the previous premises licence, which was not transferred within 28 days.

The Sub-committee took into consideration that the Police had concerns about the later hours, and that they preferred the hours that were as previously given on the premises licence. The Police made representations that the non-standard hours proposed were acceptable and that they had no concerns following the temporary events that were held at the premises. The Sub-committee noted that the premises are proposing to have events for the community to build up the night time economy. The Police made representations that they would prefer the entrance and exit to be at the front to prevent local residents being disturbed.

The Sub-committee took into account that the Police visited the premises, the layout was the same as it was previously with removable tables and chairs, and the bar was in the same position. The Sub-committee noted that previously it had taken a great deal of work to get to the point of the premises licence being granted and that the Police wanted to continue that work. The Police made representations that by the Applicant operating under similar terms as the previous licence that lapsed, the Applicant would be able to build up a track record to show that they were able to comply with the terms and conditions of their licence.

The Sub-committee took into consideration the written representations made by 2 local residents and the representations that were made during the hearing by the local resident that attended. The Sub-committee took into consideration that the local resident, who attended, did not believe that the Applicant had any experience in operating a premises licence, and that they were encouraging customers to loiter

around the premises, late at night, causing a disturbance to local residents. The Sub-committee noted that the local resident did not feel that the Applicant had made their case. In addition, the local resident made representations that there was no dispersal policy and that the noise was much louder than ambient noise.

The Sub-committee took into consideration that the local resident, who attended, was not persuaded by any of the representations made by the Applicant, and that they had not discharged their burden of proof to show how they would operate the premises. In addition the Sub-committee noted the local resident felt that the Applicant did not demonstrate that they would not operate beyond their hours or that they would not add to the cumulative impact.

The Sub-committee heard representations from the Applicant that they were seeking an alcohol licence until 02:30 because there were other local establishments with similar hours in the area. The Applicant contended that they were looking to provide events to the LGBT customers who asked for later hours, and this prompted them to apply for later hours. The Sub-committee took into account that the Applicant did not envisage opening until 02:30 or 03:00 regularly; they were just seeking the hours so that the customers would have the option to run their events to a later time if they wanted to.

The Sub-committee took into consideration representations from the Applicant that the back door was not kept open and that they have barriers in place to prevent the noise escaping through the back door. The Applicant confirmed that they operated successful temporary events. The Applicant made representations that they were not intending to operate the premises as it had been operated previously, and they intended to have functions for local artists, the LGBT community and the deaf community. They were not proposing to have a nightclub. They just wanted to have a small wine bar. The Applicant confirmed that they held karaoke nights which had gone well, and that the clients they were looking to attract would be those for exhibitions and customers from the deaf community to hear music through vibration of headphones. The Applicant made representations that the deaf customers wanted a place where they could go and have their celebrations.

The Sub-committee took into account that the Applicant will not provide food at the premises, and the expectation was that customers would either eat before or after they came to the events. The Sub-committee noted the capacity of the premises is 75 however they were not expecting to have the maximum number of customers at any one time.

The Sub-committee took into consideration that the Applicant had CCTV operating at the premises, and that they have done a great deal of work to improve the premises. The Sub-committee took into account that they were only seeking to have the additional hours for small extended functions up to 02:30 am and just in case the event wanted to continue later. The Applicant confirmed that they have two sets of doors at the front of the premises one is the security door that would prevent noise breakout or local residents being disturbed. The Sub-committee took into consideration that the premises are situated on a main road. Therefore there is no drop-off and picking up points from the premises. The Applicant agreed that there would be no more than six smokers at any one time outside of the premises.

The Sub-committee took into consideration that the Police were satisfied with the hours and conditions agreed by the Applicant while the Applicant builds up a track record to demonstrate that they are a responsible operator.

The Sub-committee took into consideration mitigating factors that the Applicant had been working with their neighbours and they had used a sound limiter to prevent noise nuisance. The Sub-committee felt that the Applicant had addressed the concerns raised by local residents.

The Sub-committee took into consideration each application on its own merits, and they did not take into consideration economic factors.

Having taken all of the above factors into consideration, the Licensing Sub-committee was satisfied, when granting this application for a premises licence, that the Applicant had offered adequate conditions, reduced hours, and the licensing objectives would be promoted.

7 Temporary Event Notices - Standing Item

7.1 There were no Temporary Event Notices for consideration.

Close of meeting.

Duration of the meeting: 2.00pm - 3.27pm

Chair of the Licensing Sub-Committee Hearing - Cllr Joe Walker

Contact:

Gareth Sykes

Governance Officer

Email: governance@hackney.gov.uk



31 January 2024

Dear [INSERT OBJECTOR NAME]

Mondrian Hotel Premises Licence Applications

We hope that this letter finds you well after a restful festive break.

The Hackney Licensing Authority has sent us a copy of your representation in respect of our premises licence applications. Thank you for taking the time to comment on our proposals. We would be grateful for your consideration of this letter, which we hope will help to clarify the extent of our proposals and address some of the concerns that you have raised.

Background

The applications are simply to divide the existing licence into two, on the same terms. The Hotel currently benefits from a premises licence that authorises licensable activities in accordance with the hours below:

Activities	Hours
Sale of Alcohol (on sales)	<p>Level -3, Level -2, Level -1, Ground Floor Monday to Sunday: 07:00 to 03:00</p> <p>First to Fifth Floors (Hotel Bedrooms) Monday to Sunday: 00:00 to 00:00 for residents and their guests</p> <p>6th Floor Roof Terrace Monday to Sunday: 09:00 to 00:00</p>
Late Night Refreshment	Monday to Sunday: 23:00 to 03:00
Plays	<p>Sunday to Thursday: 07:00 to 02:00</p> <p>Friday to Saturday: 07:00 to 03:00</p>
<p>Films</p> <p>Live Music</p> <p>Recorded Music</p> <p>Performance of Dance</p>	Monday to Sunday: 07:00 to 03:00
Opening Hours	Hotel is open 24 Hours

The hotel was previously entirely operated by Ennismore, a hotel operator, but now part of the premises, namely **Level -3, (Part of) Level -2, (Part of) Ground Floor, and the 6th Floor Roof Terrace**, has been leased to a new tenant, who are a reputable food & beverage operator with international experience.

To ensure clarity in terms of who is responsible for the operation of each part of the hotel, two new premises licence applications have been submitted. The hours, activities and conditions have remained unchanged for the relevant areas. We have appended summaries of the proposed hours and conditions for each application for your reference.

Concerns Raised

In terms of the objections raised by local residents, we hope the below addresses your concerns:

Complaint / Concern	Response
Location of staff smoking, particularly standing in close proximity to residents' windows	<p>The hotel is continuously monitoring this situation. The dedicated staff smoking area is located at Mark Street Square. Non-compliance by staff is a disciplinary offence.</p> <p>A copy of the Smoking Policy is attached.</p> <p>It has been suggested the smoking area be moved to the opposite side of Curtain Road, however we are unfortunately unable to implement this as it poses a security risk to staff as they would need to exit the hotel through the loading bay.</p>
Concerns raised in relation to the rooftop having a closing time of 3am	<p>The rooftop area cannot be used for licensable activities after midnight and cannot be accessed after 00:30.</p> <p>The use of the rooftop is conditioned as follows:</p> <ol style="list-style-type: none"> 1. After 6pm Alcohol shall not be sold for consumption on the drawing title 'Licensing G06 (Rooftop)' other than to persons who are taking a substantial meal from the menu and shall be supplied by a waiter or waitress. 2. The rooftop area at the premises shown on drawing title 'Licensing G06' shall only be used between the hours of 07:00 to midnight. 3. No person shall have access to the rooftop area of the premises after 00:30 hours. 4. No music to be played in the external areas of the rooftop terrace after 22:00 hours

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	<p>5. The glass rooftop to the restaurant on the rooftop floor will be physically closed by 22:00 hours.</p> <p>6. There will be no music on the rooftop area in respect of that part not covered by the glass enclosure between 22:00 and 07:00 hours.</p> <p>These conditions are replicated in their entirety in the applicant's Proposed Conditions.</p>
Reference is made to a person threatening to slap someone	The hotel manager has investigated this allegation and can confirm that the individual identified was not a member of staff but was a member of the public.
Photographic evidence was provided of a single wine glass on the street, just by the hotel entrance	The glass photographed is not one that is used at the hotel and is likely to have been removed from another premises.
Noise nuisance from an 'event truck'	We understand that this was a press stunt by a record label who drove around the area playing loud music, promoting a new album and was not connected to the hotel in any way.

The applications seek to mirror the existing premises licence on identical terms. There are no changes to the hours or activities permitted under the existing licence or the conditions that control them.

Thank you for your consideration of this letter. We hope that it has helped to address the concerns that you have raised. We are keen to establish and maintain a cordial relationship with our neighbours and are always pleased to hear from you in respect of any comments or queries you have about our operation.

In the meantime, please do not hesitate to contact us if you would like to discuss our proposals or any other concerns you may have further.

Yours sincerely

David Lockhart

General Manager/ Mondrian Shoreditch

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On 31 Jan 2024, at 23:16, [REDACTED] wrote:

Re my objection on the “hotel to club” point in my objection below there is now clear evidence that the applicants have an intention to run / are running an actual nightclub on the premises (see last paragraph below: re that proof).

It defies belief this was not mentioned at all in the application, nor in the applicant’s subsequent letter in response to objections. Failure to disclose this true intention (and in fact give a contrary intention) is clearly a very serious matter - the Committee should be very wary here. I would go so far to say this failure to disclose / what appears to be a misrepresentation of relevant facts merits not only rejection of current application but grounds for revoking / re-considering all aspects of the existing licence.

There is obviously a clear difference between a quiet hotel bar/restaurant and a nightclub- and I strongly object to the latter for all the obvious public nuisance it can cause.

I will send under separate e mail 2 weblinks as proof of the nightclub intention . Tomorrow I will send further e mail with photos of hoardings on the premises. again as form of this proof.

Thank you for considering this objection.

[REDACTED]
(Address as per below)

Re: LICENSE APPLICATIONS - OBJECTION

1 message

To: licensing@hackney.gov.uk
Cc: Sanaria Hussain <sanaria.hussain@hackney.gov.uk>

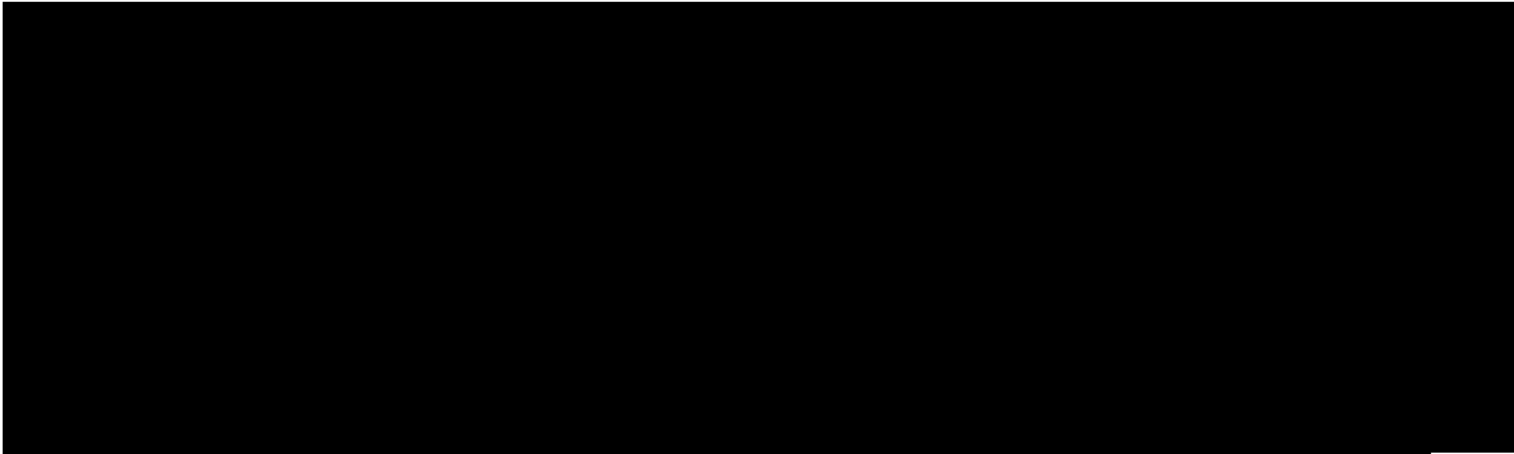
2 Weblinks as per prior e mail

In first link please note in particular section re "The Club"

Private Members' Club
bluemarinibiza.london



This Famous Ibiza Beach Club Is Opening A
Members' Club In London
countryandtownhouse.com



This is Photo 1 taken on 1 feb

I am sending 4 other pictures also taken today next











