



London Borough of Hackney – Decisions taken by the Licensing Sub Committee D on Thursday 3 March 2022

Agenda Item No	Topic	Decision
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**Part A – Items considered in public**

6	Application to review premises licence: British Express, 329 Old Street, EC1V 9LE	<p>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:</p> <ul style="list-style-type: none"><li>• The prevention of crime and disorder</li><li>• Public safety</li><li>• Prevention of public nuisance</li><li>• The protection of children from harm,</li></ul> <p>that the premises licence for British Express, 329 Old Street, London EC1V 9LE be revoked.</p> <p><b>The Reasons for the Decision:</b></p> <p>The Licensing Sub-Committee felt after carefully considering the application and representations from the Metropolitan Police Service (the police), also considering representations from the Licensing Authority and Environmental Enforcement, and the representations from the Licensee’s representative, and the supporting evidence decided that revocation of the licence was appropriate, and a necessary course of action, given the repeated failures to comply with the terms and conditions of the premises licence.</p> <p>The Sub-Committee also considered the other options available to them, as detailed in the report. The Sub-Committee was satisfied that none of these would adequately address the likelihood of crime and disorder re-occurring. The Sub-Committee felt that revocation of the licence was necessary to prevent the licensing objectives being undermined in the future. . The Sub-Committee considered the evidence relating to the site visits that led to the Review being called by the Metropolitan Police Service, and the following failings which undermined</p>
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		<p>the licensing objectives:</p> <p>i) The sale of alcohol outside of the hours authorised by the premises licence in November and December 2021.</p> <p>ii) The sale of alcohol to persons under the age of 18. The police issued a Closure Notice in 2019 for persistent under age sales in 2019. There was again an underage sale in December 2021.</p> <p>iii) Disorder, anti-social behaviour and one violent incident relating to the premises.</p> <p>iv) There were issues with the CCTV and breaches of the licence conditions over a protracted period of time. In spite of the interaction with the police the licensing objectives continued to be undermined by the management of the premises and they failed to comply with the conditions on the licence.</p> <p>v) The police have regularly visited the premises relating to incidents of robbery, anti-social behaviour and other crimes. The premises is located in the Shoreditch Special Policy Area which suffers from problems generated by cumulative impact of licensed premises in the area. The police carried out 3 licensing visits, sent 2 warning letters and a number of emails to the licensee regarding the repeated breaches of the conditions on their licence. In addition the police had 5 meetings at the venue with the licensee and management to try and resolve the issues. However, the licence conditions continued to be breached.</p> <p>vi) With regard to the recent change in Designated Premises Supervisor the police did not object to this transfer, but the premises is still being operated by the same manager who was aware of the previous and ongoing breaches of the premises licence. Therefore, there is no</p>

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		<p>confidence that the premises would now operate responsibly.</p> <p>vii) Condition 4 was not complied with until after staff training was provided. Staff training did not commence until 14 days after the breach of conditions. There was a subsequent breach of conditions after the staff training session.</p> <p>The Sub-Committee felt that the way the premises were operating was completely unacceptable, and the licensee failed to engage with the police to resolve the breaches of the licence conditions. There were very serious concerns about the ability of the licensee to uphold the licensing objectives following these breaches. The premises lacked supervision and staff trained on the licensing regime to operate the premises responsibly.</p> <p>The Sub-Committee, having heard the evidence from the licensee’s representative, the Metropolitan Police Service, and the Responsible Authorities (the Licensing Authority and Environmental Enforcement) felt that the police presented credible evidence in support of the Review application.</p> <p>The Sub-Committee took into consideration the evidence submitted by the Responsible Authorities in support of the Review application and the representations made by the police.</p> <p>The Sub-Committee took into account that the licensee offered reduced operating hours to 23:00 and a change of the Designated Premises Supervisor, however, this did not allay their concerns about the operation of the premises. The Sub-Committee felt that the reasons given for non-compliance of the licence conditions and the repeated failings of the premises were not convincing.</p> <p>The Sub-Committee when making their decision took into consideration the lack of confidence in the management. They were not confident, given the serious issues raised in relation to crime and disorder, public nuisance, and public safety, that the current management of the</p>

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		<p>premises and the licensee are capable of upholding or promoting the licensing objectives.</p> <p>Your right to appeal</p> <p>If you are aggrieved by any term, condition or restriction attached to this decision, you have the right to appeal to Thames Magistrates at Thames Magistrates Court, 58 Bow Road, London E3 4DJ within 21 days of the date of this decision.</p>
7	<p>Application for a premises licence: The Kings Land, 267 Kingsland Road, London,E2 8AS</p>	<p>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:</p> <ul style="list-style-type: none"> <li>• The prevention of crime and disorder;</li> <li>• Public safety;</li> <li>• Prevention of public nuisance;</li> <li>• The protection of children from harm;</li> </ul> <p>the application for a premises licence has been refused in accordance with Licensing Policies LP1, LP2, LP3 and LP11 within the Council’s Statement of Licensing Policy.</p> <p>The Licensing Sub-committee, having heard from the Responsible Authorities (the Metropolitan Police Service and the Licensing Authority) and Other Persons believed that granting the application for a premises licence would be likely to result in the licensing objectives being undermined, and would have a negative impact on the residential area.</p>

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		<p>The Sub-Committee took into consideration the representations of the Metropolitan Police Service (“the police”) and their objection to this application because the applicant is a Designated Premises Supervisor (DPS) at a premises that has continued to breach conditions on the premises licence which is a concern. The police made submissions that there was no trust or confidence in the applicant and the police felt that if a premises licence was granted that the licensing objectives would be undermined. The police were disappointed that the applicant only made contact with the police two days before the Licence Sub-Committee hearing. The police welcomed a reduction in the hours as discussed with the applicant, however, this did not allay their concerns.</p> <p>The Sub-Committee heard the police submissions that each application is considered on its own merits, however, when there is a link to other premises that are breaching the conditions of their licence it raises concerns about how this premises, the Kings Land will operate. The police concluded that they do not have enough trust and confidence in the applicant and they maintained their objection to the application. The Sub-Committee noted the Licensing Authority supported the representations made by the police.</p> <p>The Sub-Committee also heard from the Licensing Authority who made submissions that the applicant is the Designated Premises Supervisor for two other premises in the area which have experienced complaints from local residents about breaches of the premises licence such as failing to provide CCTV recordings when requested.</p> <p>The Licensing Authority contended that the applicant was the DPS of two other premises, and the Responsible Authorities consider the applicant is a point of contact</p>

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		<p>to operate those premises responsibly without breaches of the licence conditions. The Sub-Committee noted that the applicant has not provided the Responsible Authorities with a draft dispersal policy and a staff training program for the Kings Land.</p> <p>The Sub-Committee took into account the representations made by the Other Persons (local residents). It was noted that there were 13 objections received from the local residents objecting to the application. The local residents had concerns about the impact of the premises in a residential area and creep? in recent years in the area.</p> <p>The Sub-Committee carefully considered the representations made by the applicant, the applicant's representative together with those of the Metropolitan Police Service, the Licensing Authority and Other Persons (local residents). However the Sub-Committee were not convinced that the applicant would be able to operate the premises responsibly and maintain the licensing objectives. The Sub-Committee had concerns that the applicant did not understand the licensing conditions and what is required to operate the premises responsibly.</p> <p>The Sub-Committee took into account that the premises are located in a difficult area that is likely to have an impact on local residents in the area.</p> <p>The Sub-Committee noted that the applicant did not engage with the Responsible Authorities at an early stage just two days before the hearing, and that there was no dispersal policy and training. The Sub-Committee took into consideration that the Responsible Authorities did not support the application.</p> <p>The Sub-Committee took into consideration when refusing this application that each</p>

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		<p>case is considered on its merits. The Sub-Committee believed that the licensing objectives could not be promoted by granting this application, and as such believed it was appropriate to refuse the application in its entirety.</p> <p>Your right to appeal</p> <p>If you are aggrieved by any term, condition or restriction attached to this decision, you have the right to appeal to Thames Magistrates at Thames Magistrates Court, 58 Bow Road, London E3 4DJ within 21 days of this date.</p>
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