

London Borough of Hackney – Decisions taken by the Licensing Sub Committee C on Tuesday 22 March 2022

Agenda Item No	Topic	Decision
7	Application for a Personal Licence:	RESOLVED: That the Press and Public be excluded from the meeting during the consideration of agenda item 6 due to the disclosure of exempt information as defined under paragraph 1, Part 1, Schedule 12A of the Local Government Act 1972.
8	Application for a Review of Premises Licence: Off Broadway, 63-65 Broadway Market E8 4PH	<p>RESOLVED: 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">• the prevention of crime and disorder;• public safety;• prevention of public nuisance; and• the protection of children from harm, <p>that the premises licence for Off Broadway, 63-65 Broadway Market be revoked.</p> <p>The Reasons for the Decision:</p> <p>The Licensing Sub-committee carefully considered the application for a review of the premises licence from the Licensing Authority supported by the Metropolitan Police Service (“the police”), and 93 Other Persons (local residents). They also carefully considered the representations from the licence holder’s representative and the licence holder, and the supporting evidence presented by them. The Sub-committee decided that revocation of the premises licence was an appropriate and necessary course of action, given the repeated failures to comply with the terms and conditions of the premises licence.</p> <p>The Sub-committee also considered the other options available to them, as detailed in the report. They were satisfied that none of these would adequately address the likelihood of public nuisance reoccurring. They felt that revocation of the licence was necessary to prevent the</p>

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		<p>licensing objectives being undermined in the future.</p> <p>The Sub-committee considered the evidence that led to the review being called by the Licensing Authority. They took into consideration the following specific evidence:</p> <p>The Sub-committee had no confidence that the licence holder would make the necessary changes to improve the operation of the premises so that it would not have a negative impact on the local residents that live near to the premises.</p> <p>The local residents made representations to the effect that, if the Sub-committee was not minded to revoke the licence, it should prohibit off-sales, outside drinking and vertical drinking, all of which led to complaints about noise nuisance, albeit residents were not satisfied that such additional conditions would either address their concerns or be complied with. The Sub-committee heard from local residents that over 25 complaints of noise nuisance and other complaints about the premises had been made to the Licensing Authority. It was noted that a large number of the local residents had lived in the area for 40 years and continue to have disturbed sleep late at night due to the noise coming from the premises. The Chair of the Sub-committee expressed disappointment that the licensee failed to engage with the local residents to try and resolve the issues prior to the hearing.</p> <p>The Sub-committee heard evidence from local residents that alcohol has been sold outside permitted hours under Planning Permission.</p> <p>The licence holder was not in agreement with the original, proposed conditions discussed with the police and the Licensing Authority.</p> <p>The Sub-committee were disappointed that the licence holder did not take the opportunity presented by the meeting's adjournment to negotiate or mediate with local residents to</p>

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		<p>overcome and address their concerns about the premises. This was the purpose of the adjournment. It was clear to the Sub-committee that the licence holder showed no consideration about how the noise nuisance affected local residents.</p> <p>The Sub-committee took into account that the licence holder did not engage with local residents, despite claiming to have offered mediation, and was not proactive in trying to resolve the recent noise nuisance. The Sub-committee took into consideration that the local residents did not have sight of the draft conditions to comment on until just before the resumption of the Licensing Sub-committee hearing on 22 March. This gave the local residents no time to properly consider and comment on the draft conditions, as the parties had agreed when adjourning the hearing on 25 January. This demonstrated a lamentable lack of commitment to working with residents and the Responsible Authorities to find an agreed resolution.</p> <p>The Sub-committee heard from local residents that there continued to be recent complaints of noise nuisance in February from the premises to which the licence holder did not respond.</p> <p>The local residents had told the Sub-committee that they are exhausted with the licence holder failing to comply with the conditions on their licence, and they have no confidence that the licence holder would comply with the new draft conditions.</p> <p>The Sub-committee heard from local residents that the premises had various planning issues that needed to be resolved including applying for Planning Permission for permitted hours to operate the premises which has been outstanding for some time. The Sub-committee noted that the licence holder was informed on 11 June 2015 that it was not compliant with its planning consent. Although there were no representations from the Planning Service in relation to the planning issues, the Sub-committee felt the licence holder could have avoided this, however, there was no attempt previously by the licence holder to resolve the situation.</p>

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		<p>The Sub-committee heard evidence that the premises had been operating without the required Designated Premises Supervisor (DPS) since 2020 which is a requirement to operate the premises. The Sub-Committee heard from the Licensing Authority that the licence holder had not submitted an application for a new Designated Premises Supervisor until very recently. The Licensing Authority received an invalid application to change the DPS on 17 March 2022. The Licensing Authority requested further information for the licence holder to provide his consent to act as the DPS (a necessary component of a valid DPS application). The Sub-committee heard from the police that as an experienced licence holder he should have known the process and procedures to apply for a new DPS.</p> <p>The impact that the premises are having on local residents due to the public nuisance issues is evident from the numerous complaints which the Licensing Authority has received from local residents.</p> <p>The Sub-committee took into consideration that the extent of these issues is symptomatic of the way in which the premises are managed.</p> <p>The Sub-committee felt that the way the premises were operating was unacceptable and could not continue. There were very serious concerns about the ability of the licence holder to uphold the licensing objectives following these repeated failings. The premises lacked good management, adequate supervision, and responsible staff.</p> <p>The Sub-committee took into consideration that 4 representations were received from and on behalf of local residents in support of the review application and 82 representations were received opposing the review . The Sub-committee also heard that local residents experienced noise disturbance from patrons leaving the premises.</p> <p>The Sub-committee when making their decision took into consideration the lack of confidence</p>

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		<p>in the licence holder and the management of the premises. The Sub-committee was not confident, given the serious issues raised in relation to public nuisance, that the current management in charge of the premises and the licence holder are capable of upholding or promoting the licensing objectives.</p> <p>.</p>