



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

Tuesday, 22 March 2022  
at 7.00 pm

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

The live stream can be viewed here:

<https://youtu.be/PIBkFehv-uM>

Back up link:

[https://youtu.be/g552\\_NqWy24](https://youtu.be/g552_NqWy24)

## **Members of the Committee:**

Cllr Susan Fajana-Thomas, Cllr James Peters  
Cllr Penny Wrout

**Mark Carroll**  
Chief Executive  
14 March 2022

Contact: Natalie Williams  
Governance Officer  
[governance@hackney.gov.uk](mailto:governance@hackney.gov.uk)

## **Licensing Sub-Committee C**

**Tuesday, 22 March 2022**

### **Agenda**

- 1 Election of Chair**
- 2 Declarations of Interest - Members to declare as appropriate**
- 3 Apologies for Absence**
- 4 Minutes of the Previous Meeting**
- 5 Licensing Sub-Committee Hearing Procedure (Pages 9 - 12)**
- 5a Licensing Sub-Committee Hearings General Information (Pages 13 - 22)**
- 6 Application for a Personal Licence: TO FOLLOW**
- 7 Application for a Review of Premises Licence: Off Broadway, 63-65 Broadway Market E8 4PH (Pages 23 - 210)**
- 7a Additional Information: Off Broadway - Submitted by Other Persons (Pages 211 - 220)**
- 8 Temporary Event Notices - Standing Item**



## ADVICE TO MEMBERS ON DECLARING INTERESTS

Hackney Council's Code of Conduct applies to all Members of the Council, the Mayor and co-opted Members.

This note is intended to provide general guidance for Members on declaring interests. However, you may need to obtain specific advice on whether you have an interest in a particular matter. If you need advice, you can contact:

- Director of Legal and Governance Services
- the Legal Adviser to the committee; or
- Governance Services.

If at all possible, you should try to identify any potential interest you may have before the meeting so that you and the person you ask for advice can fully consider all the circumstances before reaching a conclusion on what action you should take.

You will have a disclosable pecuniary interest in a matter if it:

- relates to an interest that you have already registered in Parts A and C of the Register of Pecuniary Interests of you or your spouse/civil partner, or anyone living with you as if they were your spouse/civil partner;
- relates to an interest that should be registered in Parts A and C of the Register of Pecuniary Interests of your spouse/civil partner, or anyone living with you as if they were your spouse/civil partner, but you have not yet done so; or
- affects your well-being or financial position or that of your spouse/civil partner, or anyone living with you as if they were your spouse/civil partner.

If you have a disclosable pecuniary interest in an item on the agenda you must:

- Declare the existence and nature of the interest (in relation to the relevant agenda item) as soon as it becomes apparent to you (subject to the rules regarding sensitive interests).
- You must leave the meeting when the item in which you have an interest is being discussed. You cannot stay in the meeting whilst discussion of the item takes place and you cannot vote on the matter. In addition, you must not seek to improperly influence the decision.
- If you have, however, obtained dispensation from the Monitoring Officer or Standards Committee you may remain in the meeting and participate in the meeting. If dispensation has been granted it will stipulate the extent of your involvement, such as whether you can only be present to make representations, provide evidence or whether you are able to fully participate and vote on the matter in which you have a pecuniary interest.

Do you have any other non-pecuniary interest on any matter on the agenda which is being considered at the meeting?

You will have 'other non-pecuniary interest' in a matter if:

- i. It relates to an external body that you have been appointed to as a Member or in another capacity; or
- ii. It relates to an organisation or individual which you have actively engaged in supporting.

If you have other non-pecuniary interest in an item on the agenda you must:

- i. Declare the existence and nature of the interest (in relation to the relevant agenda item) as soon as it becomes apparent to you.
- ii. You may remain in the meeting, participate in any discussion or vote provided that contractual, financial, consent, permission or licence matters are not under consideration relating to the item in which you have an interest.
- iii. If you have an interest in a contractual, financial, consent, permission or licence matter under consideration, you must leave the meeting unless you have obtained a dispensation from the Monitoring Officer or Standards Committee. You cannot stay in the meeting whilst discussion of the item takes place and you cannot vote on the matter. In addition, you must not seek to improperly influence the decision. Where members of the public are allowed to make representations, or to give evidence or answer questions about the matter you may, with the permission of the meeting, speak on a matter then leave the meeting. Once you have finished making your representation, you must leave the meeting whilst the matter is being discussed.
- iv. If you have been granted dispensation, in accordance with the Council's dispensation procedure you may remain in the meeting. If dispensation has been granted it will stipulate the extent of your involvement, such as whether you can only be present to make representations, provide evidence or whether you are able to fully participate and vote on the matter in which you have a non pecuniary interest.

#### Further Information

Advice can be obtained from Dawn Carter-McDonald, Director of Legal, Democratic and Electoral Services via email [dawn.carter-mcdonald@hackney.gov.uk](mailto:dawn.carter-mcdonald@hackney.gov.uk)

# Agenda Item 5

## Licensing Sub-Committee hearings, under the Licensing Act 2003 – Type X

[Where the Authority has become aware that the holder of a personal licence has been convicted of a relevant or foreign offence or foreign offence or has been required to pay an immigration penalty]

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

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

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**Licensing Sub-Committee hearings, under the Licensing Act 2003 – Type C  
[Re; Review of a Premises Licence or Club Premises Certificate]**

|   |  |                               |
|---|--|-------------------------------|
| <p><b>Step 1<br/>Appointment of<br/>Chair and<br/>introduction</b></p>      | <p>The Sub-Committee will appoint a Chair.</p> <p>The Chair will introduce the Sub-Committee, announce the item, and establish the identity of those taking part.</p> <p>The Sub-Committee will consider any requests to depart from normal procedure, such as holding a private session if it is considered to be in the public interest to do so or if a deferral/adjournment is requested for the item.</p> <p>The Chair (or Legal Adviser if asked by the Chair) will briefly outline how the hearing will proceed. However, Members may seek clarification on any issue raised during the hearing if required and if requested.</p> | <p>5 minutes</p>              |
| <p><b>Step 2<br/>Licensing Officer</b></p>                                  | <p>The Licensing Officer will outline the report.</p>  | <p>5 minutes</p>              |
| <p><b>Step 3<br/>Applicant's Case</b></p>                                   | <p>The applicant will present their case in support of their application for calling a Review.</p>   | <p>5 minutes</p>              |
| <p><b>Step 4<br/>Responsible<br/>Authorities' Case</b></p>                  | <p>The Chair will invite the relevant Responsible Authorities in attendance to highlight their reasons for making a representation in relation to the Review called.</p>   | <p>5<br/>minutes<br/>each</p> |
| <p><b>Step 5<br/>Other Persons'<br/>Case</b></p>                            | <p>The Chair will invite the Other Persons in attendance to present their case and highlight their reasons for making a representation in relation to the Review called.</p>   | <p>5<br/>minutes<br/>each</p> |
| <p><b>Step 6 -<br/>Premises<br/>Licence/Club<br/>Certificate Holder</b></p> | <p>The Premises Licence/Club Certificate Holder will respond to the issues raised.</p>   | <p>5 minutes</p>              |
| <p><b>Step 7<br/>Discussion</b></p>   | <p>The Chair will structure and lead a discussion on the information presented and give Sub-Committee Members an opportunity to seek clarification on any points raised and ask questions, if necessary.</p>   | <p>15 minutes</p>             |
| <p><b>Step 8<br/>Closing remarks</b></p>                                    | <p>The Chair will ask all parties if they have any final comments to make. These comments can <u>only</u> be in relation to issues raised during the discussion. These remarks should be brief.</p>  | <p>10 minutes</p>             |

|   |  |            |
|---|--|------------|
| <b>Step 9 - Final clarification</b>         | Licensing Sub-Committee Members will have a final opportunity to seek clarification on any points raised, following which the Chair will conclude the discussion.  | 5 minutes  |
| <b>Step 10 Consideration</b>                | <p>The Sub-Committee will normally withdraw to consider the evidence that has been presented to them with the Committee Officer and Legal Adviser in order that the Sub-Committee can reach a decision and obtain legal advice if required.</p> <p>The Legal Adviser will repeat any legal advice given to Members upon returning to the public hearing.</p> <p>In simple cases the Sub-Committee may not consider it necessary to retire.</p> | 10 minutes |
| <b>Step 11 Chair announces the decision</b> | <p>The Sub-Committee will return and the Chair will announce the decision. Reasons for their decision will be given, if appropriate.</p> <p>The Licensing Officer will draw attention to any restrictions which will affect the running of the premises and provide a written record of the decision, which will be sent to the applicant.</p>   | 5 minutes  |

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

## **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.

### **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 deals 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 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 details 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.

## **Facilities**

There are public toilets available, with wheelchair access, on the ground floor of the Town Hall. Induction loop facilities are available in the Assembly Halls, rooms 101, 102 & 103 and the Council Chamber. Access for people with mobility difficulties can be obtained through the ramp on the side to the main Town Hall entrance.

## **Contacts**

If you have a query about Licensing Sub-Committee procedures and protocols then please contact Governance Services –

Governance Services  
2<sup>nd</sup> Floor Room 118  
Hackney Town Hall  
Mare Street E8 1EA  
Telephone: 020 8356 1266  
Email: [governance@hackney.gov.uk](mailto:governance@hackney.gov.uk)

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

Licensing Service  
Hackney Service Centre  
1 Hillman Street London  
E8 1DY

Telephone: 020 8356 4970  
Fax: 020 8356 4974 E-mail: [licensing@hackney.gov.uk](mailto:licensing@hackney.gov.uk)

## **Relevant Extracts from Hackney's Statement of Licensing Policy**

Please find below relevant extracts from the Statement of Licensing Policy 2018.

### **LP1 General Principles**

The Council expects applicants to demonstrate:

- (a) That they have an understanding of the nature of the locality in which the premises are located and that this has been taken into consideration whilst preparing the operating schedule.
  
- (b) Where the application is for evening and night-time activity, that the proposal reflects the Council's aspiration to diversify the offer, whilst at the same time promoting the licensing objectives.

### **LP2 Licensing Objectives**

**Prevention of Crime and Disorder** Whether the proposal includes satisfactory measures to mitigate any risk of the proposed operation making an unacceptable contribution to levels of crime and disorder in the locality.

#### **Public Safety**

Whether the necessary and satisfactory risk assessments have been undertaken, the management procedures put in place and the relevant certification produced to demonstrate that the public will be kept safe both within and in close proximity to the premises.

#### **Prevention of Public Nuisance**

Whether the applicant has addressed the potential for nuisance arising from the characteristics and style of the proposed activity and identified the appropriate steps to reduce the risk of public nuisance occurring.

#### **Protection of Children from Harm**

Whether the applicant has identified and addressed any risks with the aim of

protecting children from harm when on the premises or in close proximity to the premises.

### **LP3 Core Hours**

Hours for licensable activity will generally be authorised, subject to demonstrating LP 1 and LP2, as follows:

- Monday to Thursday 08:00 to 23:00
- Friday and Saturday 08:00 to 00:00
- Sunday 10:00 to 22:30

Hours may be more restrictive dependent on the character of the area and if the individual circumstances require it.

Later hours may be considered where the applicant has identified any risk that may undermine the promotion of the licensing objectives and has put in place robust measures to mitigate those risks. *It should be noted that this policy does not apply to those who are making an application within a special policy area (see section 3) unless they have been able to demonstrate that the proposed activity or operation of the premises will not add to the cumulative impact that is already being experienced.*

### **LP4 Off' Sales of Alcohol**

Hours for the supply of alcohol will generally be restricted to between 08:00 and 23:00.

### **LP5 Planning Status**

Licence applications should normally be from premises where:

- (a) The activity to be authorised by the licence is a lawful planning use or is a deemed permitted development pursuant to the General Permitted Development Order (1995) as amended.
- (b) The hours sought do not exceed those authorised by any planning permission.

The Licensing Authority may take into account the lack of planning permission or an established lawful use in deciding whether there is likely to be any harm to the licensing objectives.

### **LP6 External Areas and Outdoor Events**

The Licensing Authority will normally restrict external areas and outdoor activity to



between 08:00 and 22:00 unless the applicant can demonstrate that comprehensive control measures have been implemented that ensure the promotion of the licensing objectives, in particular the public nuisance objective. Notwithstanding any proposed control measures, the Licensing Authority may restrict the hours and/or activity even further.

### **LP7 Minor Variations**

The Council expects applications to be made in the following circumstances only:

- Small changes in the layout/structure of the premises
- The addition of voluntary/agreed conditions
- Removal of conditions that are dated and have no impact on the operation of the premises
- Reduction of hours for any licensable activity

### **LP8 Temporary Event Notices**

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
- Consider any other control measures proposed to mitigate the objection

### **LP9 Personal Licences**

(a) The Council will consider whether a refusal of the licence is appropriate for the promotion of the crime prevention objective and will consider the:

- (i) Seriousness and relevance of any conviction(s)
- (ii) The period that has elapsed since committing the offence(s)
- (iii) Any mitigating circumstances that assist in demonstrating that the crime prevention objective will not be undermined.

### **LP10 Special Policy Areas – Dalston and Shoreditch**

It is the Council's policy that where a relevant representation is made to any application within the area of the Dalston SPA or Shoreditch SPA, the applicant will need to demonstrate that the proposed activity and the operation of the premises will

not add to the cumulative impact that is currently being experienced in these areas. This policy is to be strictly applied.

It should also be noted that the;

- quality and track record of the management;
- good character of the applicant; and
- extent of any variation sought

May not be in itself sufficient. *It should be noted that if an applicant can demonstrate that they will not add to the cumulative impact in their operating schedule and at any hearing, then the Core Hours Policy within LP3 will apply.*

### **LP11 Cumulative Impact – General**

The Council will give due regard to any relevant representations received where concerns are raised and supported around the negative cumulative impact the proposed application has on one or more of the licensing objectives.



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|---|--|-----------|
| <b>REPORT OF THE GROUP DIRECTOR, NEIGHBOURHOODS AND HOUSING</b>                                       |  |           |
| <b>LICENSING SUB-COMMITTEE:</b><br><b>22/03/2022</b>  | <b>Classification</b><br><b>DECISION</b>     | Enclosure |
| <b>Application for Review of Premises Licence:</b><br><br>Off Broadway, 63-65 Broadway Market, E8 4PH | <b>Ward(s) affected</b><br><br>London Fields |           |

## 1. SUMMARY

|   |   |
|---|---|
| <b>Applicant:</b><br>Robert Gardner (on behalf of the Licensing Authority)  | <b>In SPA:</b><br>Not Applicable  |
| <b>Date of Application</b><br>22nd October 2021   |   |
| <b>The Grounds for Review:</b> <ul style="list-style-type: none"> <li>The prevention of public nuisance</li> </ul>  |   |
| <b>Current Premises Licence Details:</b><br>Premises Licence permitting <ol style="list-style-type: none"> <li>Plays</li> <li>Films</li> <li>Recorded Music</li> <li>Supply of Alcohol</li> </ol> <b>See Appendix D</b> |   |
| Current Capacity  | Unknown   |
| Policies Applicable   | LP1 (General Principles), LP2 (Licensing Objectives), LP3 (Core Hours), LP5(Planning Status), LP6 (External Areas and Outdoor Events)and LP11(Cumulative Impact – General)  |
| List of Appendices  | Appendix A– Application requesting the review of the premises licence and supporting documents ( Exhibit RG/1 to RG/33 )<br>Appendix B – Representations from responsible authorities<br>Appendix C – Representations from other persons<br>Appendix D – Current Licence<br>Appendix E – Location map |
| Relevant Representations  | <ul style="list-style-type: none"> <li>Metropolitan Police Authority</li> <li>Other Persons</li> </ul>  |

## 2. APPLICATION FOR REVIEW OF PREMISES LICENCE

- 2.1 Robert Gardner (on behalf of the Licensing Authority) under the Licensing Act 2003, have applied for the review of the premises licences granted for the premises known as **“Off-Broadway” 63-65 Broadway Market, E8 4PH** on the grounds of prevention of public nuisance.
- 2.2 Representations supporting the review have been received from the Metropolitan

Police Authority (see Appendix B) and from the local residents (see Appendix C).

### 3. CURRENT POSITION/ HISTORY

- 3.1 The premises have been in possession of a Premises Licence since November 2008. The premises licence holder(s) are Mr Stephen Selby and Mr Rupert Selby. The designated premises supervisor is Mr Byron Knight.
- 3.2 The current premises licence is attached as Appendix D.
- 3.3 No TENs have been submitted in respect of the premises in this calendar year.

### 4. REPRESENTATIONS: RESPONSIBLE AUTHORITIES

| From   | Relevant Representations details  |
|--|---|
| Environmental Health Authority (Environmental Protection)  | No representation received  |
| Environmental Health Authority (Environmental Enforcement) | Have confirmed no representation on this application  |
| Environmental Health Authority (Health & Safety)           | Have confirmed no representation on this application  |
| Weights and Measures (Trading Standards)                   | No representation received  |
| Planning Authority   | No representation received  |
| Area Child Protection Officer                              | No representation received  |
| Fire Authority   | No representation received  |
| Police<br>Appendix B                                       | Representation received on the grounds of Prevention of Crime and Disorder, The Prevention of Public Nuisance and Public Safety |
| Licensing Authority  | N/A   |
| Health Authority   | No representation received  |

### 5. REPRESENTATIONS: INTERESTED PARTIES

| From  | Details  |
|---|--|
| A total of 91 Representations have been received from and on behalf of local residents including 2 video clips as follows:<br>Appendix C1 to C4 are in support of the review and;<br>Appendix C5 to C87 are Opposing the review | Representation received on the grounds of Prevention of Crime and Disorder, The Prevention of Public Nuisance and Public Safety<br><br>Page 20 |

## **6. REPRESENTATIONS: LICENSEE**

- 6.1 A letter on behalf of the Landlord including copies of the freehold title have been received (See Appendix D)

## **7. POLICY CONSIDERATIONS**

- 7.1 The Licensing Sub-Committee is required to have regard to the Hackney Statement of Licensing Policy (“the Policy”) adopted by the Licensing Authority.
- 7.2 Extracts from Licensing Policies are reproduced at the front of the agenda for this meeting.
- 7.3 The Policy applies to applications where relevant representations have been made. With regard to this application, policies, LP1 (General Principles) and LP2 (Licensing Objectives), LP3 (Core Hours), LP5 (Planning Status), LP6 ((External Areas and Outdoor Events) and LP11(Cumulative Impact – General) are relevant.

## **8. GUIDANCE CONSIDERATIONS**

- 8.1 The Licensing Authority is required to have regard to any guidance issued by the Secretary of State under the Licensing Act 2003.

## **9. OFFICER OBSERVATIONS**

- 9.1 The applicant is seeking revocation of the Premises Licence.

## **10. REASONS FOR OFFICER OBSERVATIONS**

- 10.1 N/A

## **11. LEGAL IMPLICATIONS**

- 11.1 A legal representative will be in attendance to advise Members.

## **12. LEGAL COMMENTS**

- 12.1 The Council has a duty as a Licensing Authority under the Licensing Act 2003 to carry out its functions with a view to promoting the following 4 licensing objectives;

- The Prevention of crime and disorder
- Public Safety
- Prevention of public nuisance
- The protection of children from harm

- 12.2 It should be noted that each of the licensing objectives have equal importance and are the only grounds upon which a relevant representation can be made and for which an application can be refused or terms and conditions attached to a licence.

## **12.3 HUMAN RIGHTS ACT 1998 IMPLICATIONS**

There are implications on Article 6, Article 8, Article 14 and the First Protocol of Article 1.

### 13. MEMBERS DECISION MAKING

13.1 Members must, having regard to the application and any relevant representations, take such steps (if any) as it considers necessary for the promotion of the licensing objectives.

#### 13.2 The steps are:

- A. **Option 1**  
Take no action
- B. **Option 2**  
Modify the conditions of the premises licence.
- C. **Option 3**  
Exclude a licensable activity from the scope of the premises licence.
- D. **Option 4**  
Remove the designated premises supervisor.
- E. **Option 5**  
Suspend the premises licence for a period not exceeding three months.
- F. **Option 6**  
Revoke the licence.

### 14. CONCLUSION

14.1 That Members decide on the application for review of the premises licence.

|   |   |
|---|---|
| <b>GROUP DIRECTOR,<br/>NEIGHBOURHOODS AND HOUSING</b> | Ajman Ali   |
| <b>Lead Officer (holder of original copy):</b>        | Sanaria Hussain<br>Senior Licensing Officer<br>Licensing Service<br>1 Hillman Street E8 1DY<br>Telephone: 020 8356 4972 |

#### LIST OF BACKGROUND PAPERS RELATING TO THIS REPORT

The following document(s) has been relied upon in the preparation of the report.

| Description of document  | Location   |
|--|--|
| <b>Office File:</b><br>"Off-Broadway" 63-65 Broadway<br>Market, E8 4PH | Licensing Service<br>1 Hillman Street<br>London E8 1DY |

**Printed matter**  
Licensing Act 2003  
LBH Statement of Licensing Policy



**Application for the review of a premises licence or club premises certificate under the  
Licensing Act 2003**

**PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST**

Before completing this form please read the guidance notes at the end of the form.  
If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary. You may wish to keep a copy of the completed form for your records.

**I** Robert Gardner (on behalf of the Licensing Authority) -----

*(Insert name of applicant)*

**apply for the review of a premises licence under section 51 / apply for the review of a club premises certificate under section 87 of the Licensing Act 2003 for the premises described in Part 1 below (delete as applicable)**

**Part 1 – Premises or club premises details**

|  |                                       |
|--|---------------------------------------|
| <b>Postal address of premises or, if none, ordnance survey map reference or description</b><br>"Off-Broadway"<br>63-65 Broadway Market |                                       |
| <b>Post town</b><br>London   | <b>Post code (if known)</b><br>E8 4PH |

|   |
|---|
| <b>Name of premises licence holder or club holding club premises certificate (if known)</b><br>Mr Rupert Selby and Mr Stephen Selby |
|---|

|   |
|---|
| <b>Number of premises licence or club premises certificate (if known)</b><br>LBH-PRE-T-0979 |
|---|

**Part 2 - Applicant details**

I am

Please tick ✓ yes

1) an individual, body or business which is not a responsible authority (please read guidance note 1, and complete (A) or (B) below)

2) a responsible authority (please complete (C) below)

**X**

3) a member of the club to which this application relates

(please complete (A) below)

**(A) DETAILS OF INDIVIDUAL APPLICANT** (fill in as applicable)

Please tick ✓ yes

Mr            Mrs            Miss            Ms            Other title  
(for example, Rev)

**Surname**

**First names**

Please tick ✓ yes

**I am 18 years old or over**

**Current postal  
address if  
different from  
premises  
address**

**Post town**

**Post Code**

**Daytime contact telephone number**

**E-mail address  
(optional)**

**(B) DETAILS OF OTHER APPLICANT**

Name and address

Telephone number (if any)

E-mail address (optional)

**(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT**

|  |
|--|
| Name and address<br>Robert Gardner<br>Enforcement and Business Regulation Manager<br>Community Safety, Enforcement and Business Regulation Service<br>Hackney Service Centre<br>1 Hillman Street<br>London<br>E8 1DY |
| Telephone number (if any)<br>020 8356 8567   |
| E-mail address (optional)<br>robert.gardner@hackney.gov.uk   |

**This application to review relates to the following licensing objective(s)**

- Please tick one or more boxes ✓
- |   |          |
|---|----------|
| 1) the prevention of crime and disorder |          |
| 2) public safety                        |          |
| 3) the prevention of public nuisance    | <b>X</b> |
| 4) the protection of children from harm |          |

**Please state the ground(s) for review** (please read guidance note 2)

The application is made on the grounds of the prevention of public nuisance.

**Please provide as much information as possible to support the application** (please read guidance note 3)

This application is being made due to ongoing concerns amongst authorities and persistent complaints from local residents.

The Licensing Service received 5 complaints from local residents between 4 July 2020 and 7 August 2020. The complaints are in relation to anti-social behaviour, noise and nuisance and are attached as exhibits RG/1 to RG/5.

A further complaint received on 6 April 2021 is attached as exhibit RG/6 and another complaint received 10 April 2021 is attached as exhibit RG/7. The complaint received 10 April 2021 is the first to make reference to an outdoor area created at the rear of the site.

Following the premises being permitted to reopen indoors on 12 April 2021, Licensing Officer David TUITT visited the site on 20 April 2021 to liaise with the licensees in relation to the complaints being received and to the use of the outdoor space located to the rear of the site. Rupert SELBY contacted David TUITT by telephone on 21 April 2021.

The Licensing Service noted an increase in the number of complaints being received, with emails being received on 22 April 2021, 23 April 2021, two on 30 April 2021 and two on 7 May 2021. These are attached as exhibits RG/8, RG/9, RG/10, RG/11, RG/12 and RG/13 respectively.

David TUITT sent a letter to the licensee by email on 10 May 2021. A copy of this is at exhibit RG/14

Further complaints received on 11 May 2021 is attached as exhibit RG/15

The response to this received on 12 May 2021 from Rupert SELBY via email is at exhibit RG/16

On 12 May 2021, David TUITT visited the premises and served a closure notice under Section 19 of the Criminal Justice and Police Act 2001. A photograph of the notice as left at the premises is at exhibit RG/17.

A further complaint received on 15 May 2021 is attached as exhibit RG/18

An additional complaint received on 15 May 2021 is attached as exhibit RG/19

A further complaint received on 16 May 2021 is attached as exhibit RG/20

A further complaint received on 18 May 2021 is attached as exhibit RG/21

A further complaint received on 19 May 2021 is attached as exhibit RG/22

On 25 May 2021 Metropolitan Police Officer PC Sian GILES supplied David TUITT with a copy of a warning letter addressed to the premises. A copy of this is at exhibit RG/23

A further complaint received on 29 May 2021 is attached as exhibit RG/24

An additional complaint received on 29 May 2021 is attached as exhibit RG/25

A further complaint received on 1 June 2021 is attached as exhibit RG/26

An additional complaint received on 1 June 2021 is attached as exhibit RG/27

A further complaint received on 3 June 2021 is attached as exhibit RG/28

A further complaint received on 10 June 2021 is attached as exhibit RG/29

An additional complaint received on 10 June 2021 is attached as exhibit RG/30

A further complaint received on 14 June 2021 is attached as exhibit RG/31

A further complaint received on 20 June is attached as exhibit RG/32

An additional complaint received on 20 June is attached as exhibit RG/33

Despite the interventions detailed above, problems have persisted and further complaints have been received. The persistent negative impact, evidence of non-compliance and complaints from local residents suggest that the premises are a blight on the local area. This has led to the conclusion that the prevention of public nuisance is being undermined. Furthermore, paragraph 11.10 of the Guidance issued by the Home Office under s182 of the Licensing Act 2003 states: "*Where authorised persons and responsible authorities have concerns about problems identified at premises, it is good practice for them to give licence holders early warning of their concerns and the need for improvement, and where possible they should advise the licence or certificate holder of the steps they need to take to address those concerns. A failure by the holder to respond to such warnings is expected to lead to a decision to apply for a review. Co-operation at a local level in promoting the licensing objectives should be encouraged and reviews should not be used to undermine this cooperation.*"

The licensee has not demonstrated an appetite to change behaviour despite authority engagement and continues to demonstrate poor character. I therefore have no confidence in the licensee and feel that the Licensing Sub-Committee will have no choice but to revoke the premises licence in the first instance.

**Please tick ✓ yes**

Have you made an application for review relating to the premises before

No

If yes please state the date of that application

| Day                  | Month                | Year                 |
|----------------------|----------------------|----------------------|
| <input type="text"/> | <input type="text"/> | <input type="text"/> |

**If you have made representations before relating to the premises please state what they were and when you made them**

N/A



Please tick ✓ yes

- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate Yes
- I understand that if I do not comply with the above requirements my application will be rejected Yes

**IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.**

**Part 3 – Signatures** (please read guidance note 4)

**Signature of applicant or applicant’s solicitor or other duly authorised agent** (please read guidance note 5). **If signing on behalf of the applicant please state in what capacity.**

Signature



Date: 05/07/2021

Capacity: on behalf of the Licensing Authority

**Contact name (where not previously given) and postal address for correspondence associated with this application** (please read guidance note 6)

Robert Gardner  
Enforcement and Business Regulation Manager  
Community Safety, Enforcement and Business Regulation Service  
Hackney Service Centre  
1 Hillman Street

**Post town**  
London

**Post Code**  
E8 1DY

**Telephone number (if any)** 020 8356 8567

**If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)**

**Notes for Guidance**

1. A responsible authority includes the local police, fire and rescue authority and other statutory bodies which exercise specific functions in the local area.
2. The ground(s) for review must be based on one of the licensing objectives.
3. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
4. The application form must be signed.
5. An applicant’s agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
6. This is the address which we shall use to correspond with you about this application.



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

---

**Off Broadway**

---

4 July 2020 at 21:52

To: licensing@hackney.gov.uk

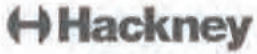
Hello,

Hope you are well.

To inform you of Completely unregulated drinking at Off Broadway today (bar on Broadway market)- no social distancing, benches obstructing the entire pavement, mass grounds drinking in the street in large groups all day and night and noise disturbing all street residents.

The bars are not regulating their clients and the entire street has turned into a drinking strip, rather than a residential market street.

Best wishes,



Licensing (Shared Mailbox) <licensing@hackney.gov.uk>

---

**Off Broadway, Broadway Market**

---

[Redacted]  
To: licensing@hackney.gov.uk

4 July 2020 at 18:43

Dear Licensing Team

I am aware that restrictions regarding licensing has been relaxed, however I fear that the crowds around this establishment are always too large and rowdy, which is making the noise unbearable in our place of residence.

Please clarify what the situation is with drinking on the street outside the establishment. The whole pavement is also obstructed with their seating.

Best wishes

[Redacted]

Best wishes,

[Redacted]

[Redacted]



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

---

**Off Broadway**

---

10 July 2020 at 22:12

To: licensing@hackney.gov.uk

Hello,

Again, tonight, Off Broadway bar has large crowds drinking, sprawled all over the street.

Drinkers have spread down the pavement under nearby flats, with the noise implications for residents after 10pm.

Many thanks,

A black rectangular redaction box covering the sender's name and signature.

16/06/2021

London Borough of Hackney Mail - Off broadw



Licensing (Shared Mailbox) <licensing@hackney.gov.uk>

Off Broadway

[Redacted]

19 July 2020 at 22:51

To: licensing@hackney.gov.uk

Hello,

Yet again, Off Broadway have large crowds drinking outside, making lots of late night noise.

Is their license for only 4 people outside, as it reads online?

Best wishes,

[Redacted]



Licensing (Shared Mailbox) <licensing@hackney.gov.uk>

**Complaint: "Off BroadwayLtd"**

7 August 2020 at 14:33

To: "Licensing (Shared Mailbox)" <licensing@hackney.gov.uk>

Cc: David Tuitt <david.tuitt@hackney.gov.uk>

Good afternoon

I am writing to complain about the Bar Off Broadway Ltd (63-65 Broadway Market E8 4PH)

I note that at present they have tables blocking the entire width of the pavement. This creates an obstruction forcing pedestrians in to the road. While the street is closed to through traffic it is not traffic free and this obstruction is a breach of trading regulations.

At present they do not have a street-traders permit displayed – they may have one but it is not on display so the allowed space permitted, if any is unclear.





Further this outside space is being used for the consumption of alcohol sold from their premises.



I don't see a reference in their license to their being external space allowed for consumption of alcohol. Condition 20 of their license says that there should be a defined space in order to allow no more than 4 patrons to smoke. I don't see from their license that they have an outside seating area and no reference is made in the licence to one. I see no variations added or pending that would permit this external seating area.

I would ask therefore that a complaint be logged against Off Broadway, that the pavement obstructions are removed and that action is taken in relation to the breach of license recorded on this occasion.

Many thanks

[Redacted signature]

[Redacted address]





Licensing (Shared Mailbox) <licensing@hackney.gov.uk>

### Problem Report: Alcohol queue in residential street

1 message

6 April 2021 at 04:57

To: Hackney Council <licensing@hackney.gov.uk>

A new problem in your area has been reported by a Report A Problem user.

## New problem in your area

A user of Report A Problem has submitted the following report of a local problem that they believe might require your attention.

[Show full report](#)

### Reported by:

**Name** [Redacted]  
**Email** [Redacted]

Replies to this message will go directly to [Redacted] the user who reported the problem.



### Alcohol queue in residential street



**Category:** Alcohol

Off Broadway bar will be opening for take away open-top alcohol sales again from 12th April. When they last did this prior to the most recent lockdown, they had no regard for local residents and had customers queuing in front of our houses on residential [Redacted] making it difficult for us to leave our homes in a COVID-safe manner. They only addressed this when we raised it with them - their first response being to tell customers to actually wait in the middle of the road, regardless of the cars coming through. They have updated their website today - photo attached - to tell people once again to queue into [Redacted]

There are also numerous other licensing issues being reported about Off Broadway Ltd which directly impact residential

[REDACTED] ut these are reported separately.

**Location:**



Powered by FixMyStreet



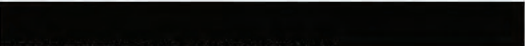
Licensing (Shared Mailbox) &lt;licensing@hackney.gov.uk&gt;

---

**Off Broadway, Broadway Market**

1 message

10 April 2021 at 22:56

  
To: licensing@hackney.gov.uk

Dear Hackney Licensing

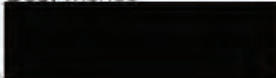
This licensed business has created an extension at the rear of their property, on which a first floor veranda with outdoor seating has been erected - for the purpose of having customers consume alcohol. An outdoor bar has also been created at the rear of the property.

Their existing licence is only for a handful of customers to be standing at the **front** of the property, on Broadway market itself. The licence is explicit that there must be no activity at the rear of the property that may disturb neighbouring private residents.

Would you be able to advise me whether it is within this business' alcohol licence to sell and serve alcohol to customers at the private rear of the property? My concern is that the sale and consumption of alcohol in an area facing residential properties is explicitly prohibited in the existing licence and will cause really significant disruption to residents.

I am most grateful for your response.

Best wishes





RG/

**EXHIBIT RG/8**



Licensing (Shared Mailbox) <licensing@hackney.gov.uk>

**Further Issues: Noise Report 2676833 - Off Broadway, E8 4PH - LIC-ENF-2021-0007**

1 message

22 April 2021 at 16:34

[Redacted]

Hello,

Further to my complaint on Saturday night, I unfortunately need to raise a further noise issue with Off Broadway.

They have created a beer garden at the rear of their premises, on the residential [Redacted] side. We are not aware that they have permission to do this.

The area has 10 garden tables (not socially distanced) and comes right up to my garden fence. The responsible licensee, Rupert Selby (Off Broadway Ltd), wants there to be 40-60 covers total in the area.

Currently 3 of 10 tables are occupied with patrons (less than 10 people total). Mr Selby himself is at another table with 3 team members.

It is a cold, but sunny afternoon. I would expect higher capacity when the weather is better.

The noise is coming directly into my home [Redacted] both the general talking noise, as well as the sounds such as a glass breaking, etc.

This is disruptive to the general quiet enjoyment that I should be able to have at home on a quiet residential street on weekday afternoon.

Additionally, it is also disrupting my ability to conduct professional calls as I am currently working from home.

Having a window slightly open for ventilation on warmer days will not be an option, unless I wish to let even more noise into the home.

(Note: The issue not only impacts myself, but also [Redacted] Broadway Market who rely on the quiet at the rear of their homes where their bedrooms are.)

I really don't want to be using up your time have a running series of noise complaints against Off Broadway and their patron's use of the [Redacted] side - both on the pavement and in the beer garden. (They have also made other changes, such as moving their ice machine from lower ground to ground level so that the hum when it is in operation is now audible in my home.)

Please advise if there is a way to gather issues together, or if it is best that they are logged individually.

Thanks,

[Redacted]

[Redacted]

Begin forwarded message:

From: [redacted]  
Subject: Your report has been logged: [redacted]  
Date: 17 April 2021 22:51:00 BST  
[redacted]

Thanks for logging your report

## Your report has been logged

Your report to Hackney Council has been logged on Report A Problem.

It has been marked as private and will not be visible to the general public; you may view it using the link below, or if you sign in using the email address associated with the report.

The report's reference number is [redacted]. Please quote this if you need to contact the council about this report.

[View my report](#)



[redacted]

Reporter address: [redacted]

Reporter availability: Weekday or weekend or evening, by email

Kind of noise: Noise on the road  
Noise details: The Off Broadway Bar is not controlling the patrons at all and there is a lot of shouting.

Where is the noise coming from? A shop, bar, nightclub, building site or other commercial premises

Noise source: (51.537327, -0.061449), Medium (200yd / 180m)

Is the noise happening now? Yes  
Does the time of the noise follow a pattern? No  
When has the noise occurred? Off Broadway Bar have the fire door open.





Licensing (Shared Mailbox) <licensing@hackney.gov.uk>

**LIC-ENF-2021-0007**

1 message

23 April 2021 at 13:00

[Redacted]

[Redacted]

Dear Sir/Madam,

This tweet is currently on Off Broadway's Twitter feed:

'Off Broadway (@baroffbroadway) Tweeted: We lost the licence application. But revenge is never far away...

Don't worry, we'd never do that.

<https://twitter.com/baroffbroadway/status/609116732704329729?s=20>

This threatening tweet, in response to the rejection to Off Broadway's application to extend its licence in 2015, could not be further from the licensing objectives and the way in which a licensed premises is required to engage with local residents. It demonstrates the attitude of Off Broadway towards residents and local councillors, and I read it as a threat.

Best wishes,

[Redacted]

RG/10



Licensing (Shared Mailbox) <licensing@hackney.gov.uk>

### Problem Report: Off Broadway allowing people to drink not seated in groups of greater than 6 on there premises

1 message



30 April 2021 at 19:17

To: Hackney Council <licensing@hackney.gov.uk>

A new problem in your area has been reported by a Report A Problem user.

## New problem in your area

A user of Report A Problem has submitted the following report of a local problem that they believe might require your attention.

Show full report

### Reported by:

Name [Redacted]  
Email [Redacted]

Replies to this message will go directly to Anonymous user, the user who reported the problem.



### Off Broadway allowing people to drink not seated in groups of greater than 6 on there premises

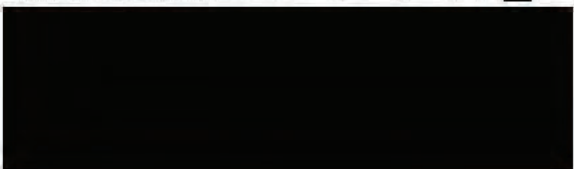
Category: Alcohol

Breach of coronavirus regulations

Location:

Easting/Northing: 534546/183832  
(51.537364, -0.061426)

Nearest road to the pin placed on the map (automatically generated by Bing Maps): [Redacted]







Licensing (Shared Mailbox) <licensing@hackney.gov.uk>

**LIC-ENF-2021-007**

1 message

30 April 2021 at 16:35



Dear Sir/Madam,

Off Broadway does not respect the terms of its individual licence or The Licensing Act 2003. It is illegal to dispense alcohol directly into the mouth, but Off Broadway is confident enough to glamorise this in its promotional Instagram account, and calls it 'spectacular'. Off Broadway's customers cause a public nuisance for nearby residents, and Off Broadway is responsible for their behaviour.

Best wishes,







Licensing (Shared Mailbox) <licensing@hackney.gov.uk>

**Off Broadway (REF: LIC-ENF-2021-007) - Photos**

1 message

7 May 2021 at 14:47

To: licensing@hackney.gov.uk

Dear Sir/Madam,

Further to my recent email, please see attached video and photographic evidence of a few of the problems caused by Off Broadway's use of the pavement on Dericote St.

Video 1: A drunken customer of Off Broadway using the new entrance on Dericote St and knocking into someone passing by. People might reasonably expect this on Broadway Market, but not on a residential street.

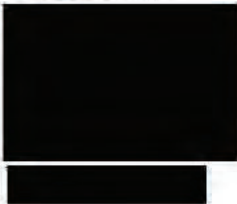
Photo 1: The new entrance on Dericote St and the commercial bins on the pavement of Dericote St.

Photo 2: Sick on the pavement in the area that Off Broadway's customers now use on Dericote St. This had been left on the pavement for 4 days when the photo was taken.

Photo 3: Grease spilling out from Off Broadway's unauthorised beer garden onto Dericote St.

Photo 4: Bin and stain left on the pavement on Dericote St next to the new doorway.

Best wishes,



5 attachments

**Photo 1.jpeg**  
129K



**Photo 2.jpeg**  
119K



**Photo 3.jpeg**  
132K



**Photo 4.jpeg**  
91K

 **Video 1.mp4**  
1105K





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

**Off Broadway (REF: LIC-ENF-2021-007)**

1 message

7 May 2021 at 14:46

To: licensing@hackney.gov.uk

Dear Sir/Madam,

**REF: LIC-ENF-2021-007**

Please see the email below about the public nuisance being caused by Off Broadway's use of the rear garden of 63-65 Broadway Market as a beer garden, and the creation of a new entrance on a residential street.

Off Broadway have created a new entrance on a residential street by using the fire exit on Dericote St as the only entrance to Off Broadway. This fire door was previously kept closed.

Off Broadway have made a major change to the layout of the bar area. This change comprises:

- (i) The entrance has changed from the normal entrance on Broadway Market to the fire door on a residential street (Dericote St).
- (ii) A new doorway has been created in the wall at the back of Off Broadway, leading to the garden.
- (iii) A new bar has been built in the outside space.
- (iv) An ice machine has been moved and is now audible inside neighbouring properties.

I understand that these changes to the layout require an application for a full variation of the premises licence. Can you please confirm that Off Broadway made this application please?

I understand that the Business and Planning Act 2020 makes provision for the consumption of alcohol in outside areas. It does not seem to include any provision to create a new entranceway on a residential street. I understand that this would still require an application for a full variation of the premises licence.

Furthermore, I understand that if any planned changes could impact on the licensing objectives, then an application for a full variation must be made.

In this case, the new use of the fire door on a residential street is indisputably causing a public nuisance, please see the below email (sent to Mr O'Sullivan at Hackney Shop Fronts) for evidence of some of the nuisance caused so far.

The use of the rear garden as a beer garden, and the use of the fire door as the entrance, are turning residential [REDACTED] into a commercial area and causing problems of public nuisance. The email below gives details and evidence of some of this public nuisance, this includes nuisance from noise, threats to community safety and litter.

Separate complaints from neighbours have also highlighted the public nuisance caused by cigarette smoke from the beer garden, which now comes in through the [REDACTED] it is well known that secondhand cigarette smoke is particularly harmful to young children. Their health should not be put at risk within their own bedrooms.

Neighbours have also witnessed customers from Off Broadway coming out of the new doorway on Dericote St and urinating on the pavement [REDACTED] This is an obvious public nuisance and leaves an unacceptable smell on the pavement of our residential street.

I understand that another licensing objective is the protection of children from harm, and that this specifically includes protecting them from early exposure to strong language and sexual expletives. It is not possible to protect the children in the neighbouring properties from hearing the strong language and sexual expletives that come from the beer garden. As the beer garden is in the middle of a residential area and adjacent to their gardens, and only a few metres from neighbouring homes, this language can now easily be heard both inside the neighbouring houses and in the neighbouring gardens. Specifically, the language can clearly be heard both inside the bedrooms and living rooms [REDACTED]

It is clear that these recent changes made by Off Broadway are impacting on at least two of the licensing objectives (the prevention of public nuisance and the protection of children from harm), and would therefore require an application for a full variation.

In order for Off Broadway to comply with the licensing objectives Off Broadway need to:

- (i) Stop using the fire exit on Dericote St as an entrance to Off Broadway.
- (ii) Stop using the rear garden of 63-65 Broadway Market as a beer garden.
- (ii) Prevent customers of Off Broadway from drinking on Dericote St.

This would still allow Off Broadway plenty of opportunity to thrive as a business, but just on Broadway Market, where it is licensed to be, instead of in a residential area.

Off Broadway have frontage on Broadway Market, this is the only place their customers should be. This would allow Dericote St to retain its character as a quiet residential street much loved by its residents.

Many of the neighbours have repeatedly tried to appeal to the owner of Off Broadway, and have pointed out the public nuisance that his recent changes have caused. He appears indifferent to our concerns, and has refused to limit his trading to Broadway Market, and continues to use the new entrance on Dericote St.

If Off Broadway have not yet made an application for a full variation of their premises licence then whose responsibility is it to stop them from acting in breach of their existing licence please?

If Off Broadway should choose, in the future, to apply for a full variation of their premises licence to allow them to create a new entrance on Dericote St, then at least everyone who is detrimentally impacted by the change would have an opportunity to make a representation.

I have included below the email to Mr. O'Sullivan at Shop Fronts, as it includes specific details of some of the public nuisance being caused by Off Broadway's recent changes.

I will send a separate email with the photos.

Thank you for your help,



Begin forwarded message:



**Subject: Off Broadway (LICENSING REF: LIC-ENF-2021-007)**

**Date:** 6 May 2021 at 16:24:39 BST

**To:** daniel.o'sullivan@hackney.gov.uk

Dear Mr. O'Sullivan,

Off Broadway has recently made a number of changes to its commercial operations, this is negatively impacting the residents of Dericote St. I would like to check the details of their shop front trading licence please.

There is no shop front trading licence displayed in its window, and I haven't been able to find it on-line anywhere.

I would like to check the details of any current licence they hold, so that I can see if they have permission for their new commercial activity on Dericote St.

I know that they applied, and were rejected, for 2 pavement licences in 2020.

Off Broadway have created a new entrance to their premises on residential Dericote St. This door was previously a fire door, and was kept closed. They have removed the "fire door / keep closed" sign from the door, and now leave it propped open. This is used as the only entrance to their new unauthorised 60 capacity beer garden which they are now operating in direct breach of their planning conditions.

A planning enforcement case file has been opened concerning the unauthorised use of the garden as a beer garden. I would like to check whether their commercial use of the pavement on Dericote St is also a breach of any current licence they hold please.



Previously, customers used the normal entrance on Broadway Market to enter Off Broadway and to access the toilets. Reverting to that original entrance, and closing the fire door, would help to reduce the disturbance on Dericote St.

Drinkers from Off Broadway now congregate on Dericote St outside the new entrance. This spread of the drinking area from Broadway Market to Dericote St is causing a change to the character of our quiet and residential street.

On 17th April 2021 the police were called to Off Broadway as customers and staff from Off Broadway were causing an unacceptable disturbance by congregating on the pavement by the new entrance on Dericote St, and were playing amplified music in the street.

When Off Broadway's application for a pavement licence was refused in September 2020, the following reasons were given:

"Objections raised from local residents, Met Police, Licensing and Street Scene in relation to the impact and conduct during the pandemic of the premises on the public highway in relation to social-gathering and social distancing leading to anti-social behaviour."

This new commercial use of the pavement outside Off Broadway on Dericote St is causing a great disturbance to the families who live nearby and will result in a permanent change to the character of this residential street within a conservation area.

Can I please check if Off Broadway are permitted to have a new entrance on this residential street please? Also, are they permitted to carry out this commercial activity of letting their customers consume take away drinks on the pavement adjacent to the premises? Could you please confirm whether any licence that Off Broadway currently holds permits them to allow their customers to drink just on the Broadway Market side, or if it also permits drinking on the pavement of Dericote St too please?

I would be very grateful if you could let me know the exact details of what their current shop front licence allows, and what precise area it covers please.

If Off Broadway do not have a shop front licence for Dericote St, then what is the procedure for stopping them from carrying out their commercial activity on Dericote St please?

Dericote St is a quiet residential street with many young families. Previously, families walking home from London Fields Primary School would carefully shepherd their children through Broadway Market, and then let them freely run or scoot along the pavement on Dericote St to their homes. Now that Off Broadway have commercialised part of Dericote St with their new entrance and crowds of customers on the pavement, the children are no longer free to safely enjoy their own street.

If Off Broadway do not have a shop front licence for Dericote St, then I am concerned that they may not have public liability insurance cover. Whilst walking my own children home from school I have previously had a very near miss when my child was nearly burnt by the cigarette of one of Off Broadway's customers on the pavement on the Broadway Market side. It is easy to imagine that this could also happen on Dericote St now.

Since Off Broadway have started to use the area to the rear as an unauthorised beer garden, they have been keeping their commercial bins on Dericote St. Is this commercial use of the pavement of Dericote St permitted under their current licence please?

Off Broadway have not been clearing up after themselves or their customers on Dericote St. The attached photographs show grease which leaked from the rear garden of 63-65 Broadway Market on to the pavement of Dericote St and vomit and urine and dirt. When these photographs were taken, the pavements had been left in this state for four days. Please can you advise whose responsibility this now is.

If you could confirm whether or not Off Broadway have the appropriate permission to carry out this commercial activity on residential Dericote St, then that would be greatly appreciated.

As I'm sure you can imagine, Off Broadway's current usage is causing a great disturbance to everyone who lives nearby, and to everyone who wants to enjoy the peace, quiet and safety of, ordinarily residential, Dericote St.

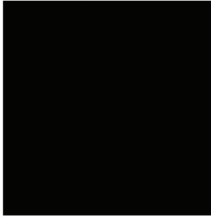
I will send a separate email with the photos.

16/06/2021

London Borough of Hackney Mail - Off Broadway (REF: LIC-ENF-2021-007)

Thank you very much for your help.

Best Wishes,



**Licensing Service**  
Hackney Service Centre  
1 Reading Lane  
London  
E8 1DY

Mr Rupert Selby/Mr Stephen Selby  
C/O "Off Broadway"  
63-65 Broadway Market  
London  
E8 4PH

020 8356 4942  
david.tuitt@hackney.gov.uk

10 May 2021

Dear Sirs,

Ref: LIC/ENF/2021/0007

**Licensing Act 2003 s136 - Alleged unauthorised licensable activity  
"Off Broadway", 63-65 Broadway Market, London E8 4PH**

I write further to my visit to the above site on 20 April 2021 and subsequent correspondence in relation to the creation of an external area to the rear of the above site.

I can inform you that the Licensing Service has continued to receive complaints from local residents as a result of the use of this external area. This suggests that the licensing objective of the prevention of public nuisance may be being undermined. Furthermore, as explained previously, this new area appears to have:

- Created a new customer drinking and dining area
- Extended the overall capacity of the premises
- Added a new entrance/exit leading directly to Dericote Street

This would suggest that the layout of the premises which is annexed to the premises licence (ref: LBH-PRE-T-0979) has undergone substantial alteration without a variation to the licence being granted. This may therefore result in unauthorised activity being carried on.

**Please be aware that under s136 of the Licensing Act 2003:**

**A person commits an offence if—**

- (a) he carries on or attempts to carry on a licensable activity on or from any premises otherwise than under and in accordance with an authorisation, or**
- (b) he knowingly allows a licensable activity to be so carried on.**

A person, upon conviction for an unauthorised activity, can face an unlimited fine and/or receive up to 6 months imprisonment. Therefore, please take this letter as a warning that the Licensing Service can take further action in the event of evidence of continued non-compliance.

Please also note that the complaints as a result of the use of the new external area suggest that a public nuisance is being caused. This would appear to provide sufficient grounds for an application to review the premises licence.

I would be grateful for a response with how you intend to address the matters raised above.

Yours Sincerely,



**David Tuitt**  
**Team Leader - Licensing and Technical Support**





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

## Hackney Off Broadway (LIC-ENF-2021-0007)

1 message

11 May 2021 at 10:06

To: "licensing@hackney.gov.uk" <licensing@hackney.gov.uk>, "david.tuitt@hackney.gov.uk" <david.tuitt@hackney.gov.uk>, "steven.davison@hackney.gov.uk" <steven.davison@hackney.gov.uk>, "Andy.Durrant@met.pnn.police.uk" <Andy.Durrant@met.pnn.police.uk>

To Whom It May Concern,

we heard from our neighbours that there is an open case regarding Off Broadway (63-65 Broadway Market, London E8 4PH) and would like to submit some video material and point of view from our side.

cc'd to this email and myself are the owners and residents of

Since their reopening they have had shop front/ outdoor seating and the open fire door **till midnight - every single night of the week.**

To our understanding they have a license to have shop front/ outdoor seating till 10pm.

The open fire door is used to access the toilets, which could be easily accessed though there premises as well. But now that door is wide open to a residential street every night with a music speaker mounted just above on the inside.

The newly installed gate to Broadway Market, which is right next their shop front/ outdoor seating is used by their customers as a kind of extended bar as it has a flat top to put the take away drinks on. On busy nights (Thursdays, Fridays, Saturdays and Sundays) it takes another hour for their customers to leave that gate after Off Broadway closed at midnight. Not a single night they have encourage customers to leave that gat after they closed.

This hole situation is also contributing to a massive increase of taxi pickups through the residential street of Dericote which is ongoing till 1am in the morning. Broadway Market is open for cars and customers could be picked up in front of Off Broadway instead of shifting it to the side into a residential street.

23.04. at 23:22

<https://photos.app.goo.gl/LtoEoFJsspY1H2br6>

- Customers still coming to sit down
- Wide open fire door with music

<https://photos.app.goo.gl/TAqUihHyQ3MZQxQr9>

- The usual path of customers going to the toilet – which is apparently the only reason why this door is open and we absolutely don't understand why they can't access it through their premises

21.04. at 22:34

- This is just the final scene of clearly very drunk customers spending almost an hour in front of the open fire exit

[https://mail.google.com/mail/b/ALGkd0zIbVeXQ3MQ3qRUHuSGOW45\\_GuPHh2MhWKFvX\\_8HxmDcMMN/u/0?ik=11de5240b7&view=pt&search...](https://mail.google.com/mail/b/ALGkd0zIbVeXQ3MQ3qRUHuSGOW45_GuPHh2MhWKFvX_8HxmDcMMN/u/0?ik=11de5240b7&view=pt&search...) 1/2

16/06/2021

London Borough of Hackney Mail - Hackney Off Broadway (LIC-ENF-2021-0007)

- Not a single time Off Broadway encouraged customers to go back in front and on top of that even served them out of that fire exit.

<https://photos.app.goo.gl/KRatpfnCXL8ZXWs78>

**08.05. at 00:02**

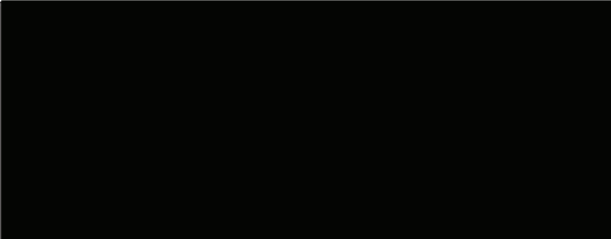
- Customers are still sitting
- The gate is used as a gathering point – the last group left at 01:30

<https://photos.app.goo.gl/aimTPbcdwEyuJjxB6>

Please let us know if you need any further supporting material.

Kind regards,







RCS/



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

## Off Broadway Ltd - use of beer garden in breach of license? (LIC-ENF-2021-0007)

1 message

11 May 2021 at 12:53

To: "david.tuitt@hackney.gov.uk" <david.tuitt@hackney.gov.uk>, "andy.durrant@met.pnn.police.uk" <andy.durrant@met.pnn.police.uk>, "licensing@hackney.gov.uk" <licensing@hackney.gov.uk>

Hello David

Hope you're all well!

I am writing to you in relation to Off Broadway Ltd's (OB) creation of a beer garden to the rear of their premises at 63-65 Broadway Market. Their existing planning approval (2007/3178) specifically prevent OB using this space for such purposes - in part as the area is effecting in residential Dericote St. I do not have access to their licensing approvals to know if the same restriction affectedly applies there.

OB currently has a planning application in to use some of the area to the rear of the property as a beer garden (2021/0563). This is currently in consultation.

The responsible licensee, Mr Rupert Selby, tells us that he is allowed to use this temporary beer garden under the COVID regulations - *Business and Planning Act 2020 (c.16)*.

To the best of our knowledge, this act refers to a "*relevant highway*" directly adjacent to the premises - not non-highway land that already has a usage restriction applied to it.

Mr Selby says that he expects to have an add 40-60 covers to his capacity via use of the beer garden - but he has not confirmed how this impacts his licensing or if he has applied for any sort of licensing extension for the increased covers/area.

We have alerted Planning to the fact that the actual area being used by OB is actually more than 50% larger than what they have included in their planning application.

Attached is a diagram I submitted with my planning objection showing the areas in question - as well as some photos of the beer garden.

The area OB are currently using as a beer garden is not just the area outlined in RED, but also the YELLOW area.

They have 10 garden tables outside - 8 of which are in the yellow area omitted from their planning application.

The beer garden area goes to literally the other side of my garden fence, and has removed the ability to have the quiet enjoyment one should be entitled to on a residential street - esp on a Sunday afternoon when the market isn't on.

To provide access to the beer garden, they are currently keeping their fire doors into Dericote St held open - effectively creating a new entrance in residential Dericote St. The beer garden is in operation from 12:00 - 18:00, but the doors are open until midnight to provide access to toilets for people drinking at their front pavement tables.

(Note: staff are not wearing masks and customers are not being requested to wear masks when they go inside to use the toilets.)

Myself and several neighbours have already raised objections in relation to the noise from the beer garden. There have also been issues in relation to people peeing in the street, general rubbish, bins left out on the street, etc.

Whilst I appreciate that most of these issues do not fall under the remit of Licensing, I'd be really grateful if you could advise if OB are actually allowed to operate the beer garden under their current license?

Additionally, does the *Business and Planning Act 2020* override the license and allow the usage?

I appreciate that it is still difficult to access some documents following last year's cyber attack, but any guidance you could provide would be much appreciated as it will help us collectively determine how best to constructively work with our neighbour.









22:29



BAROFFBROADWAY  
Posts



baroffbroadway  
Off Broadway



159 likes

baroffbroadway Last post didn't do the fact we have a brand new beautiful beer garden out the back justice! So here we are...

View all 13 comments

baroffbroadway @ellanodwell no Ella it's walk ins for now xxx

ellanodwell are you taking bookings?


See reply · See translation



baroffbroadway  
London Borough of Hackney





 2021 0563 Off Broadway - Area in Scope for Changed Usage.pdf  
3705K



----- Forwarded message -----

From: **Rupert Selby** [REDACTED]  
Date: Tue, 11 May 2021 at 16:02  
Subject: Re: Plans  
To: David Tuitt <David.Tuitt@hackney.gov.uk>

Dear Mr Tuitt

Thank-you for your email. Unfortunately some of the newer members of our community did not realise that Broadway Market is one of the busiest and loudest streets in London. Please see how Hackney Council is encouraging this (night-time) economy:

[https://consultation.hackney.gov.uk/licensing/licensing-policy-consultation/supporting\\_documents/Evening%20and%20Night%20Time%20Economy%20%20a%20Cost%20Benefit%20Analysis.pdf](https://consultation.hackney.gov.uk/licensing/licensing-policy-consultation/supporting_documents/Evening%20and%20Night%20Time%20Economy%20%20a%20Cost%20Benefit%20Analysis.pdf)

I have been here since 1974.

Please explain how I am misunderstanding the following:

Following the announcement on 25 June 2020  
(<https://www.gov.uk/government/news/government-outlines-support-for-pubs-cafes-and-restaurants>) and ratified in the Business and Planning Act 2020 on 22 July 2020, specifically:

"Pubs and restaurants will be able to use car parks and terraces as dining and drinking areas, using their existing seating licenses."

In order to answer your points:

- • Created a new customer drinking and dining area

*I am allowed to do this under the above act.*

- • Extended the overall capacity of the premises

*An obvious result of the above.*

- • Added a new entrance/exit leading directly to Dericote Street

This will be closed on 21 June. Temporary measure by agreement of nearest neighbour.

Please can you come round to the bar and see all of the measures we have put in place.

Yours sincerely

Rupert Selby  
**Managing Director**  
Off Broadway



12 May 2021 at 19:42:51  
62 Broadway Market  
London  
England  
E8 4QJ  
United Kingdom



MADE UNDER SECTION 15 OF  
CRIMINAL JUSTICE AND POLICE ACT 1997

Date and time of notice: 12.05.2021 (19:42:51) Ref No: \_\_\_\_\_  
Sale witnessed  Or within last 24 hours

Name (if applicable) and address of the affected premises:  
" OFF BROADWAY "  
63 - 65 BROADWAY MARKET  
LONDON  
E8 4PH

Alleged unauthorised use of the premises:  
SALE / SUPPLY OF ALCOHOL BEING CARRIED ON IN A MANNER THAT IS NOT IN ACCORDANCE WITH THE PREMISES LICENCE (REF: LB17-PRO-T-0979). NEWLY CREATED GARDEN WITHIN THE PERIMETER OF THE SITE, ADDITIONAL FIXED SEATING, ACCESS & EGRESS VIA ADELPH STREET.

Step which may be taken to end the alleged unauthorised use of the premises, or to prevent it from re-occurring:  
CEASE USE OF NEWLY CREATED GARDEN AREA UNTIL SUCH TIME AS LICENCE VARIATION HAS BEEN APPROVED.

Person notice served on: HAROUN THOMSON  
Position: DUTY MANAGER  
Signature: \_\_\_\_\_  
Officer name: DAVID TUIT  
Officer signature: \_\_\_\_\_



Licensing (Shared Mailbox) <licensing@hackney.gov.uk>

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## Use of Beer Garden at Off Broadway

1 message

15 May 2021 at 16:30

To: "Licensing (Shared Mailbox)" <licensing@hackney.gov.uk>  
Cc: David Tuitt <david.tuitt@hackney.gov.uk>

Dear David

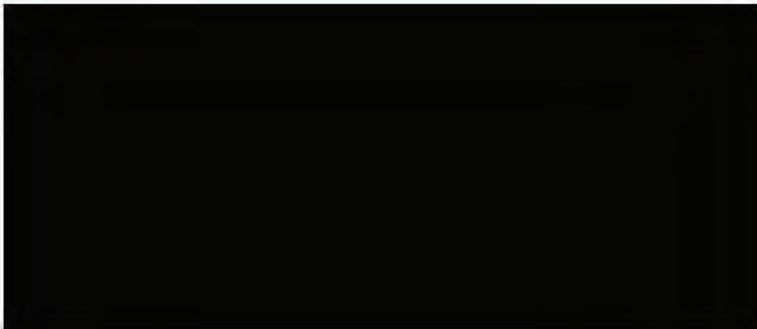
I was attending off Broadway to note evidence of their breaches of Shop Front licence.  
It appeared that there was a significant number of people in their beer garden and this was audible from the street.

To my knowledge they have not yet varied their licence and this is not covered by their off sales so this would represent a breach of their licence.

I would ask the Council to investigate this breach.

I noted this noise at 16.15 on the 15.5.21

Many thanks





RG/1



Licensing (Shared Mailbox) <licensing@hackney.gov.uk>

### Problem Report: Off Broadway take away alcohol

1 message

15 May 2021 at 21:02

To: Hackney Council <licensing@hackney.gov.uk>

A new problem in your area has been reported by a Report A Problem user.

## New problem in your area

A user of Report A Problem has submitted the following report of a local problem that they believe might require your attention.

Show full report

### Reported by:

Name [Redacted]  
Email [Redacted]

Replies to this message will go directly to [Redacted] the user who reported the problem.



### Off Broadway take away alcohol



Category: Alcohol

Customers buying take away alcohol from Off Broadway but sitting & lingering on Dericote Street

Location:

Easting/Northing: 534543/183824  
(51.537294, -0.061475)

Nearest road to the pin placed on the map (automatically generated by Bing Maps): [Redacted]





Licensing (Shared Mailbox) <licensing@hackney.gov.uk>

### Problem Report: Off Broadway encouraging street drinking

1 message

16 May 2021 at 20:00

[Redacted]

To: Hackney Council <licensing@hackney.gov.uk>

A new problem in your area has been reported by a Report A Problem user.

## New problem in your area

A user of Report A Problem has submitted the following report of a local problem that they believe might require your attention.

Show full report

### Reported by:

Name [Redacted]  
Email [Redacted]

Replies to this message will go directly to [Redacted] the user who reported the problem.



### Off Broadway encouraging street drinking



Category: Alcohol

Off Broadway canopy on Dericote Street opened up on a rainy Sunday to encourage patrons to stay dry with take away alcohol and cigarettes. The tables are positioned on Broadway Market only but this canopy actively encourages alcohol to be consumer on Dericote Street

**Location:**

Easting/Northing: 534542/183825 (51.537306, -0.061493)  
Nearest road to the pin placed on the map (automatically generated by Bing Maps): [Redacted]

[Redacted]



RG/

**EXHIBIT RG/21**



Licensing (Shared Mailbox) <licensing@hackney.gov.uk>

**Off Broadway Ltd - issues from the weekend (LIC-ENF-2021-0007)**

1 message

18 May 2021 at 22:39

To: "david.tuitt@hackney.gov.uk" <david.tuitt@hackney.gov.uk>, "andy.durrant@met.pnn.police.uk" <andy.durrant@met.pnn.police.uk>, "licensing@hackney.gov.uk" <licensing@hackney.gov.uk>

[Redacted]

Hello David and team,

Hope you're well!

Just wanted to give you an update on the weekend issues with Off Broadway Ltd (OB).

I live at [Redacted] We are very directly impacted by some of the current OB activities - even though we are living in what should be a quiet residential street.

I know some of the issues below may seem trivial, but together they demonstrate a lack of care and neighbourly behaviour by the responsible licensee of OB.

Outside of the beer garden issue, we encountered five other issues on the weekend:

1. People **peeing on the pavement** in the corner at the rear off OB - this is just next to my gate and an area I [Redacted] the responsible licensee said that he would put a sign on the wall saying that the area was under CCTV. The very temporary one he did fell off weeks ago and he has not bother to replace it. I am also waiting for confirmation that his CCTV is actually working in that area as it wasn't a few weeks back when he was first opening the beer garden.
2. People **drinking outside my home** - photos taken by a neighbour.
3. **Pavement tables out until midnight**. (Neighbours have video footage of this.)
4. Groups of **people noisily loitering on the street until 1am** on Friday and Saturday night between OB and El Ganso. Some of the people in this group had been drinking at OB. (Neighbours have video footage of this.)
5. **Broken glass** on the pavement in Dericote St.

Whilst some of the above issues may not directly be from alcoholic beverages purchased from OB, the way they allow people to purchase take away beverages and drink on the street outside the venue - effectively increasing their "pavement capacity" by 2-4 times - actively encourages other people to congregate there. Basically, it acts as an extension of their bar area.

Attached is some evidence of the drinking and broken glass outside my home.

On a plus side, the inclement weather did mean that the beer garden was quieter than on sunny days. [Redacted]

[Redacted]

If there are any more issues this week, I'll group them together on a single email again as I know you're super busy.

Thanks,

[Redacted]





















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

**Off Broadway - Enforcement LIC-ENF-2021-007**

1 message

19 May 2021 at 20:18

To: licensing@hackney.gov.uk, david.tuitt@hackney.gov.uk, Andy.durrant@met.pnn.police.uk  
Cc: Enforcementsupport@hackney.gov.uk

Dear All

I understand a Closure Notice has been issued against the bar Off Broadway, E8, in relation to the unlawful use of the newly created rear terrace (breaching the licence and planning conditions).

I attach a photo taken at 17:21 this afternoon showing the terrace is still being used by patrons today in spite of the closure notice.

I would be grateful if you could confirm receipt of the attached and share the details or the terms of the enforcement notice.

Kind regards



image0.jpeg  
199K



Off Broadway  
63-65 Broadway Market  
Hackney  
London  
E8 4PH

CE Licensing Unit  
Shoreditch Police Station  
Hackney

Telephone: 07796 183078  
Email: CE-Licensing@met.police.uk  
www.met.police.uk

25/05/2021

Dear Mr Selby

On the evening of Saturday 22 May 2021 going into the morning of Sunday 23<sup>rd</sup> May 2021 at around 00:00 hours myself and PC Leban visited your venue and observed the following-

- 1-Two customers being served at the bar; This is a breach of current covid regulations which stipulates customers, whether indoors or outdoors, should be seated at tables for the ordering and consumption of food and drink.
- 2- Poor dispersal outside, the one member of SIA was standing inside the venue holding the door to stop anyone coming in but was failing to encourage those already left to leave the area. He had to be asked to do this by us.
- 3- During the visit it was noted that your manager Mr Matteo Vaccargiu did not have an adequate understanding of the licensing act. Without this knowledge it is difficult to see how your staff are able to uphold, promote and safeguard the four licensing objectives. Please can this be looked into to ensure all staff are aware of the Licensing Act 2003.
- 4- Breach of condition 9 of your licence in relation to CCTV as no one at the venue was able to access or operate this.
- 5- Breach of condition 16 of your licence as an incident log couldn't be located
- 6- Breach of condition 11 as customers were seen wearing such items.
- 7- Your staff also failed to provide police with a full copy of your premise licence, this needs to be kept on premises as detailed in the Licensing Act 2003 Section 57 which states

*(2)The holder of the premises licence must secure that the licence or a certified copy of it and a list of any relevant mandatory conditions applicable to the licence are kept at the premises in the custody or under the control of—*

*(a)the holder of the licence, or*

*(b)a person who works at the premises and whom the holder of the licence has nominated in writing for the purposes of this subsection.*



8- Another observation is that you only have part of your licence summary displayed (see picture), this is an offence against section 57 of the Licensing Act 2003 which states

*The holder of the premises licence must secure that:*

- *the summary of the licence or a certified copy of that summary (certified by solicitor/notary), and*
- *a notice specifying the position held at the premises by any person nominated for this purpose (the notice from the company/premises licence holder giving the manager responsibility for looking after the licence).*

*Both documents must be prominently displayed in full at the premises for customers to be able to read clearly.*

These issues need to be addressed and rectified. If you have any questions or seek clarification on the issues raised do not hesitate to get in contact with us.

Yours sincerely,

CE Licensing Unit

R91



Re: Reference Service Request LIC/ENF/2021/0007 Re:Off Broadway, Broadway Market

1 message

29 May 2021

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

Dear Sanaria

I am attaching a video demonstrating the ongoing use of the rear of Off Broadway for the sale and consumption of alcohol, taken this afternoon. This is despite the warnings issued. Ple could you delineate the next steps in forcing Off Broadway to desist?

Best wishes

[Redacted]

Dear Sanaria

This really is greatly appreciated.

Best wishes

[Redacted]

On 10 May 2021, at 15:53, Sanaria Hussain <sanaria.hussain@hackney.gov.uk> wrote:

[Redacted]

I have just been informed that a final warning letter is being sent this week before escalation to formal actions.

Let me know if you have any questions.

Kind Regards  
Sanaria Hussain  
Senior Licensing Officer  
Hackney Service Centre  
1 Hillman Street  
London E8 1DY  
Direct Line:020 8356 4972  
Duty Line:020 8356 2431  
www.hackney.gov.uk/licensing



We have launched the new Hackney Nights portal for licensees. This portal will help us rebuild a safer, stronger and more connected night time economy for everyone and give access to free training and guidance on a range of key night time economy safety issues as well as provide updates from the council.  
Sign up here to receive access.

On Mon, 10 May 2021 at 13:26, Sanaria Hussain <sanaria.hussain@hackney.gov.uk> wrote:

[Redacted]

I will look into this and get back to you.

Please bear with me.

Let me know if you have any questions in the meantime.

Kind Regards  
Sanaria Hussain  
Senior Licensing Officer  
Hackney Service Centre  
1 Hillman Street  
London E8 1DY  
Direct Line:020 8356 4972  
Duty Line:020 8356 2431  
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Sign up here to receive access.

On Sun, 9 May 2021 at 21:47, [Redacted]

Dear Sanaria

Thank you for your email on 20th April. Are you able to provide me with an update? I believe they are in breach of their licence conditions and the customers at the back of the business are causing significant disruption to my daily life.

Many thanks

[Redacted]

[Redacted]

I refer to our telephone conversation yesterday in respect of your email dated 10th April 2021. Apologies for the delay in getting back to you. I can advise that a file has now been set up and a site inspection will be carried as soon as possible. We will update you in due course. In the meantime, please feel free to get in touch should you have any further queries.

Kind Regards  
Sanaria Hussain  
Senior Licensing Officer  
Hackney Service Centre  
1 Hillman Street  
London E8 1DY  
Direct Line:020 8356 4972  
Duty Line:020 8356 2431  
www.hackney.gov.uk/licensing

On 10 Apr 2021, at 22:56 [Redacted]

Dear Hackney Licensing

This licensed business has created an extension at the rear of their property, on which a first floor veranda with outdoor seating has been erected - for the purpose of having customers consume alcohol. An outdoor bar has also been created at the rear of the property.

Their existing licence is only for a handful of customers to be standing at the front of the property, on Broadway market itself. The licence is explicit that there must be no activity at the rear of the property that may disturb neighbouring private residents.

Would you be able to advise me whether it is within this business' alcohol licence to sell and serve alcohol to customers at the private rear of the property? My concern is that the sale and consumption of alcohol in an area facing residential properties is explicitly prohibited in the existing licence and will cause really significant disruption to residents.

I am most grateful for your response.

Best wishes  
[Redacted]



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**Foster for Hackney**  
Foster Care Fortnight 10-23 May 2021

Call: 0800 0730 418  
Visit: [www.hackney.gov.uk/fostering](http://www.hackney.gov.uk/fostering)  
Email: [fostering.recruitment@hackney.gov.uk](mailto:fostering.recruitment@hackney.gov.uk)



Licensing (Shared Mailbox) <licensing@hackney.gov.uk>

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## Breach of Closer Motive Off Broadway Bar

1 message

29 May 2021 at 16:24

[Redacted]

[Redacted]

Hi all,

Please see below images of this afternoon at Off Broadway Bar.

I am current not home but the residents are obviously really annoyed and frustrated as their is much noise nuisance.

I believe they have a closer Notice currently in place to not use the Outdoor area/garden due to both breaches of there planning and licensing regulations.

I have notified the Police.







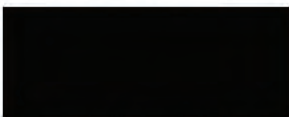






Many thanks for following this up.

Take care out there.







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

**Re: Off Broadway - Enforcement LIC-ENF-2021-007**

1 message

1 June 2021 at 12:07

To: "Licensing (Shared Mailbox)" <licensing@hackney.gov.uk>, David Tuitt <david.tuitt@hackney.gov.uk>, Andy.durrant@met.pnn.police.uk, "Enforcement Support (Shared Mailbox)" <Enforcementsupport@hackney.gov.uk>

Dear All

We were in our garden yesterday afternoon and could hear shouting including swear words (we are [REDACTED] [REDACTED] could quite clearly hear the language being used, so this is extremely uncomfortable when when it is clear that Off Broadway's use of the garden is in breach of both Planning conditions and their License.

From other neighbours I understand a closure notice was issued in regards to the new terrace but there seems to have been no change and the terrace is being used every day. Please could someone reply with an update to confirm the status of enforcement action?

Regards

[REDACTED]

On Sun, 30 May 2021 at 14:58, [REDACTED]

Hello

Further to my email below, the rear garden of Off Broadway is in use again today. I understand that police officers in the area addressed this breach yesterday.

In addition, I did not receive an acknowledgement reply or reference to my email below. Please could someone provide a response?

Many thanks

[REDACTED]

On 19 May 2021, at 20:18, [REDACTED]

Dear All

I understand a Closure Notice has been issued against the bar Off Broadway, E8, in relation to the unlawful use of the newly created rear terrace (breaching the licence and planning conditions).

I attach a photo taken at 17:21 this afternoon showing the terrace is still being used by patrons today in spite of the closure notice.

I would be grateful if you could confirm receipt of the attached and share the details or the terms of the enforcement notice.

Kind regards

[REDACTED]

&lt;image0.jpeg&gt;



Sign up here to receive access.

On Mon, 10 May 2021 at 13:26, Sanaria Hussain <sanaria.hussain@hackney.gov.uk> wrote:

I will look into this and get back to you.

Please bear with me.

Let me know if you have any questions in the meantime.

Kind Regards  
Sanaria Hussain  
Senior Licensing Officer  
Hackney Service Centre  
1 Hillman Street  
London E8 1DY  
Direct Line:020 8356 4972  
Duty Line:020 8356 2431  
www.hackney.gov.uk/licensing



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On Sun, 9 May 2021 at 21:47, [Redacted]  
Dear Sanaria

Thank you for your email on 20th April. Are you able to provide me with an update? I believe they are in breach of their licence conditions and the customers at the back of the business are causing significant disruption to my daily life.

Many thanks  
[Redacted]

On 20 Apr 2021, at 14:09, Sanaria Hussain <sanaria.hussain@hackney.gov.uk> wrote:

[Redacted]

I refer to our telephone conversation yesterday in respect of your email dated 10th April 2021. Apologies for the delay in getting back to you.

I can advise that a file has now been set up and a site inspection will be carried as soon as possible. We will update you in due course.

In the meantime, please feel free to get in touch should you have any further queries.

Kind Regards  
Sanaria Hussain  
Senior Licensing Officer  
Hackney Service Centre  
1 Hillman Street  
London E8 1DY  
Direct Line:020 8356 4972  
Duty Line:020 8356 2431  
www.hackney.gov.uk/licensing

On 10 Apr 2021, at 22:56, [Redacted]

Dear Hackney Licensing

This licensed business has created an extension at the rear of their property, on which a first floor veranda with outdoor seating has been erected - for the purpose of having customers consume alcohol. An outdoor bar has also been created at the rear of the property.

Their existing licence is only for a handful of customers to be standing at the front of the property, on Broadway market itself. The licence is explicit that there must be no activity at the rear of the property that may disturb neighbouring private residents.

Would you be able to advise me whether it is within this business' alcohol licence to sell and serve alcohol to customers at the private rear of the property? My concern is that the sale and consumption of alcohol in an area facing residential properties is explicitly prohibited in the existing licence and will cause really significant disruption to residents.

I am most grateful for your response.

Best wishes  
[Redacted]




**Re: Reference Service Request LIC/ENF/2021/0007 Re:Off Broadway, Broadway Market**

1 message

To: Sanaria Hussain <sanaria.hussain@hackney.gov.uk>  
 Cc: "Licensing (Shared Mailbox)" <licensing@hackney.gov.uk>

Dear Sanaria

This business is consistently and seriously breaking the conditions of their licence and continue to use the rear garden to serve alcohol. It continues to have a hugely detrimental impact the alcohol licence for this business be reviewed? What further action will be taken to force them to comply? This issue has now been ongoing for almost two months, and I do not consider proper to hold a alcohol licence. Is there anything us neighbours can do to help you enforce?

Best wishes

On 1 Jun 2021, at 12:19, Sanaria Hussain <sanaria.hussain@hackney.gov.uk> wrote:

We acknowledge receipt of your email and attachment.

This has been noted on our records.

Please bear with us while we are investigating this issue.

Let me know if I can be of further assistance.

Kind Regards  
 Sanaria Hussain  
 Senior Licensing Officer  
 Hackney Service Centre  
 1 Hillman Street  
 London E8 1DY  
 Direct Line:020 8356 4972  
 Duty Line:020 8356 2431  
 www.hackney.gov.uk/licensing



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 Sign up here to receive access.

On Sat, 29 May 2021 at 13:25, Oliver Tomkins <olivet.tomkins@gmail.com> wrote:  
 Dear Sanaria

I am attaching a video demonstrating the ongoing use of the rear of Off Broadway for the sale and consumption of alcohol, taken this afternoon. This is despite the warnings is: could you delineate the next steps in forcing Off Broadway to desist?

Best wishes

On 10 May 2021, at 19:38,

Dear Sanaria

This really is greatly appreciated.

Best wishes

On 10 May 2021, at 15:53, Sanaria Hussain <sanaria.hussain@hackney.gov.uk> wrote:

I have just been informed that a final warning letter is being sent this week before escalation to formal actions.

Let me know if you have any questions.

Kind Regards  
 Sanaria Hussain  
 Senior Licensing Officer  
 Hackney Service Centre  
 1 Hillman Street  
 London E8 1DY  
 Direct Line:020 8356 4972  
 Duty Line:020 8356 2431  
 www.hackney.gov.uk/licensing

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

**Off Broadway (LIC-ENF-2021-0007)**

1 message

3 June 2021 at 12:23

To: david.tuitt@hackney.gov.uk  
Cc: licensing@hackney.gov.uk

Dear David,

Thank you for all your work dealing with the problems caused by Off Broadway.

After all the warnings that this pub has received, everyone was hugely disappointed that Off Broadway chose to continue with their breach and ruin each of the three days of the bank holiday weekend.

People had been looking forward to being able to once again enjoy their own homes and gardens, this was not possible with the unlawful beer garden operating in our residential street.

This pub is causing a significant harm to nearby residents, must be a huge drain on the council's resources, and provides no public benefit. The only benefit is to the owner himself, who collects the profit from the unlawful beer garden at everyone else's expense.

When this pub first applied for planning and a licence, they strongly petitioned local residents that the premises would be an art gallery and a community hub, serving as a meeting place for the local community. The current situation could hardly be further from that. They seem determined to persistently cause a great nuisance to the local residents, and offer no benefit at all to the local community.

The customers of the unlawful beer garden are, on the whole, not local residents but people who have come into the area specifically to drink alcohol in our residential street. They are not local residents and certainly do not represent the diverse local community. To allow this to continue is to prioritise these drinkers, and the profit motive of the owner, above the wellbeing of the local people.

After these recent breaches it does seem like this pub is unwilling to be controlled by Hackney Council.

This out-of-control pub, with its unlawful beer garden, is going to be causing even greater harm as we enter the summer months.

In addition to the public nuisance being caused, this out-of-control rogue pub is setting a very bad example in the area. How can nearby competing pubs be expected to stick to their licensing terms if this rogue pub continues to operate in plain sight in this out-of-control fashion?

This pub has clearly demonstrated by its persistent and flagrant breaches of both the terms of its licence and its planning conditions, that it has no regard whatsoever for the wellbeing of its neighbours. It has been given ample opportunity to make amends and act within the law, hopefully it is possible to now put a stop to the harm it is causing.

Thank you very much for all your help with this matter.

Best wishes,





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

**Fwd: Off Broadway (LIC-ENF-2021-0007)**

1 message

10 June 2021 at 13:24

To: david.tuitt@hackney.gov.uk, licensing@hackney.gov.uk

Dear David,

Please see the email below with details and video evidence of further ongoing problems being caused by Off Broadway.

This pub is becoming a more serious problem and the neighbours are scared because these drunk and threatening customers of Off Broadway are not under control and any request (not unreasonable as it was past midnight on a Wednesday night) is met with aggressive and threatening behaviour.

Best wishes,

Begin forwarded message:

**Subject: Off Broadway (LIC-ENF-2021-0007)****Date:** 10 June 2021 at 12:32:08 BST**To:** Daniel O'Sullivan <daniel.osullivan@hackney.gov.uk>**Cc:** Derek Fergus <derek.fergus@hackney.gov.uk>

Dear Daniel,

Thank you very much for all your help.

Unfortunately Off Broadway are still causing a problem by keeping their tables and benches out past 22:00, which is leading to people loitering late into the night.

Please see the attached video taken last night at just after midnight.

This noisy disturbance has been going on for the last three nights. When a neighbour tried to ask the bar staff about it, they said that they have no control over it - which is quite worrying. When the drinkers saw the neighbour talking to the bar staff it led to abusive and intimidating behaviour with a lot of swearing from the drinkers towards the neighbour who cannot sleep through this noise.


Whilst this neighbour was brave enough to try and politely resolve the issue, there are a lot of other affected neighbours who are too scared to try and do anything about this situation that is having such a hugely detrimental impact on their lives. It's not pleasant to be faced with such threatening and abusive behaviour right outside your home - "I don't give a f\*\*k about you. And I don't give a f\*\*k about your neighbours" was repeatedly said by one of the drinkers. This confrontational and threatening behaviour is worrying enough, but the real fear is that if nothing is done about this pub then this behaviour could escalate to something much more serious.

This pub is clearly still in breach of its shop fronts licence and is clearly failing to satisfy the premises licensing objectives despite all the warnings they have had.

I hope this evidence is useful in helping to support your case.

Thank you,

---

 **VIDEO-2021-06-10-08-10-08.mp4**  
3435K





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

**Off Broadway (LIC-ENF-2021-0007)**

1 message

10 June 2021 at 15:11

To: david.tuitt@hackney.gov.uk, steven.davison@hackney.gov.uk, andy.durrant@met.pnn.police.uk  
Cc: licensing@hackney.gov.uk, Daniel O'Sullivan <daniel.osullivan@hackney.gov.uk>

Dear David and colleagues,

Following my email earlier today to licensing (below), I'd like to submit this evidence, which gives some idea of why the neighbours are so scared.

Prior to last night's complaints to the bar staff from a neighbour, Off Broadway had not posted on their Instagram account since 17th May 2021. Since the complaint, and all the threatening abuse from Off Broadway's customers, Off Broadway have decided to update their Instagram account the very next day with a post which it is hard not to see as a threat (post attached below).

To explain the context of Off Broadway's message - the Mitchell brothers were mostly known for their violent and threatening behaviour, this is the description from wikipedia:

"Of the two brothers Grant was the more volatile, but both had a sense of physical danger about them, and both displayed stereotypical masculinity, thuggish behaviour and a tendency to resolve problems through violence."

I have also included a post from the instagram account of one of these customers [REDACTED] showing him and his gang drinking on Dericote St.

Some of the neighbours have already said that they are too scared to give their names to the authorities. People are scared by the threatening behaviour, and fearful of potentially violent repercussions to them and their families.

Off Broadway have crossed over from causing a nuisance and affecting people's quality of life to a position of threatening people, and putting us all in a state of genuine worry about our properties and our safety.

Thank you,

[REDACTED]

Begin forwarded message:

[REDACTED]  
**Subject:** Fwd: Off Broadway (LIC-ENF-2021-0007)  
**Date:** 10 June 2021 at 13:24:23 BST  
**To:** david.tuitt@hackney.gov.uk, licensing@hackney.gov.uk

Dear David,

Please see the email below with details and video evidence of further ongoing problems being caused by Off Broadway.

This pub is becoming a more serious problem and the neighbours are scared because these drunk and threatening customers of Off Broadway are not under control and any request (not unreasonable as it was past midnight on a Wednesday night) is met with aggressive and threatening behaviour.

Best wishes,

Begin forwarded message:

**Subject: Off Broadway (LIC-ENF-2021-0007)**

**Date:** 10 June 2021 at 12:32:08 BST

**To:** Daniel O'Sullivan <daniel.osullivan@hackney.gov.uk>

**Cc:** Derek Fergus <derek.fergus@hackney.gov.uk>

Dear Daniel,

Thank you very much for all your help.

Unfortunately Off Broadway are still causing a problem by keeping their tables and benches out past 22:00, which is leading to people loitering late into the night.

Please see the attached video taken last night at just after midnight.

This noisy disturbance has been going on for the last three nights. When a neighbour tried to ask the bar staff about it, they said that they have no control over it - which is quite worrying. When the drinkers saw the neighbour talking to the bar staff it led to abusive and intimidating behaviour with a lot of swearing from the drinkers towards the neighbour who cannot sleep through this noise.

Whilst this neighbour was brave enough to try and politely resolve the issue, there are a lot of other affected neighbours who are too scared to try and do anything about this situation that is having such a hugely detrimental impact on their lives. It's not pleasant to be faced with such threatening and abusive behaviour right outside your home - "I don't give a f\*\*k about you. And I don't give a f\*\*k about your neighbours" was repeatedly said by one of the drinkers. This confrontational and threatening behaviour is worrying enough, but the real fear is that if nothing is done about this pub then this behaviour could escalate to something much more serious.

This pub is clearly still in breach of its shop fronts licence and is clearly failing to satisfy the premises licensing objectives despite all the warnings they have had.

I hope this evidence is useful in helping to support your case.

Thank you,

---

**3 attachments**



**Instagram 10June21.pdf**  
4558K



**Instagram 1.pdf**  
1720K



**VIDEO-2021-06-10-08-10-08.mp4**  
3435K





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

**Off Broadway (LIC-ENF-2021-0007)**

1 message

14 June 2021 at 12:50

To: Daniel O'Sullivan <daniel.osullivan@hackney.gov.uk>, david.tuitt@hackney.gov.uk  
Cc: Derek Fergus <derek.fergus@hackney.gov.uk>, licensing@hackney.gov.uk, steven.davison@hackney.gov.uk

Hi Daniel and David,

Thank you very much for all your help.

I definitely won't trouble you with daily updates, but I thought this video might be useful evidence.

It was filmed just before midnight on Friday (11th June 2021); it shows:

- Off Broadway continuing to breach their shop front licence by leaving their tables out past 22:00 and letting their customers use them.
- The problems caused by Off Broadway's off-sales.
- Off Broadway's complete (and admitted) lack of control over their customers, and no effort being made to stop them causing a public nuisance.


Off Broadway's behaviour is causing regular public disorder at the end of residential Dericote St. This happened every night last week.

Off Broadway are transforming this area, which is full of families with young children and also older people who have lived here for decades, into a notorious attraction for raucous and drunken behaviour, and whenever residents try to talk to Off Broadway's staff they admit that the situation is beyond their control and are also met with hostility and abuse from the customers.

In the end residents had no choice but to call the police, the threat of the police coming was finally enough to move them away from Dericote St.

I know you are working very hard to make things better, hopefully this evidence will help.

Thank you,

 **Video OB 11th June 21.mp4**  
5535K



**LIC-ENF-2021-0007 - Complaint about Off Broadway, 10 June 2021**

1 message

20 June 2021 at 11:12

To: "licensing@hackney.gov.uk" <licensing@hackney.gov.uk>, "david.tuitt@hackney.gov.uk" <david.tuitt@hackney.gov.uk>, "andy.durrant@met.pnn.police.uk" <andy.durrant@met.pnn.police.uk>

Dear Andy, David & other Licensing/Enforcement colleagues,

See attached latest video evidence of further breaches of licensing by Mr Selby and Off Broadway. The previous two nights it was the same issue.

Residents are having to make repeated complaints, over a period of months and years, about clear breaches of licence, noise, ASB late at night. It's taking hundreds of hours of your and our time. And it's costing us as rate payers/tax payers (while OB and other businesses have a business rates freeze due to covid).

(After this email, I will send a 2nd email/video from 2 days later, of even louder & later noise & anti-social behaviour, which went on between 11pm and 2am.)

Licensing Breaches on 10 June:

1. It is after midnight, and here is video evidence of the bar open and tables out.

2. At end of video, evidence of still serving drinks.

3. Noise/nuisance. No security during week nights, or efforts to control anti-social behaviour. Evidence of one customer playing a loud, hand-held amplified sound system. The noise was sufficient to wake me from sleep in my bedroom around 80 metres away. I got out of bed and went down the street asked the staff politely what they were doing staying open 2 hours after their license. They said "Sorry, we can't control it, we don't have any security staff and we can't get them to stop. We can't make them leave."

4. Anti-social behaviour. When I was seen talking to staff, several drink or drug-affected customers approached me. They shouted that "you shouldn't have moved in here if you didn't want this". I briefly pointed out that most of the residents on the street had lived there for many decades longer than this bar, or most of the other many licensed premises on the top part of the market). And that me and my family, and many other residents were terribly affected by this late night noise in a residential area. I explained there were numerous elderly neighbours who were badly affected. I mentioned one elderly neighbour in his 70s who had severe cancer, had recently lost his wife and was repeatedly disturbed. Another lady in her 70s with anxiety and sleeping problems whose life was a misery due to the bar. A well-spoken and well-dressed male customer shouted at me, "I don't give a f\*\*\* about you and I don't give a f\*\*\* about your neighbours...I don't give a f\*\*\* about you and I don't give a f\*\*\* about your neighbours".

It's a real community on these streets. Kind considerate neighbours who care for each other and the community. Off Broadway wants no part of this and has a proven track record of persistently breaking the terms of their license. We all like to have a good time, and sometimes make some noise, or have a party. But the issue is that this isn't once in a while - it's every week: whether it's building and operating a 'beer garden' without license or considering the extreme disruption to neighbours, getting customers paralytically drunk and vomiting/shouting/partying, permanently staining the paving on Dericote Street with heavy waste grease, loud amplified music either from within the bar or from customers on sound systems, fire door or safety exit breaches, dangerous wiring, serving and leaving out tables in breach of licence or not controlling ASB, or - above all - frequent loud noise of drink or drug affected customers partying on our street hours past closing time.

It's part of a wider issue. The Council has now issued licenses to I think around 15 premises on the top section of Broadway Market alone - it is clearly over-saturated, and the consequences in terms of late night drunk behaviour in the Market and in the London Fields park is inevitable and a persistent public nuisance, and high cost in terms of security, enforcement and policing.

The attitude of the OB management too all this, is simply rude and utterly dismissive of residents, denigrating them, denying the evidence, and just doing it again. And they - and their customers - can come in and make/spend their money, then go home - and leave us as residents with all the impacts.

Thanks for your work on this particular Off Broadway case, and the wider challenge.

Best regards,



129  
[Redacted]  
Sent from my iPhone

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 **IMG\_1050.MOV**  
1704K

**2nd complaint (this week, that is): LIC-ENF-2021-0007 - Off Broadway, 12 June 2021**

1 message

20 June 2021 at 11:20

To: "licensing@hackney.gov.uk" <licensing@hackney.gov.uk>, "david.tuitt@hackney.gov.uk" <david.tuitt@hackney.gov.uk>, "andy.durrant@met.pnn.police.uk" <andy.durrant@met.pnn.police.uk>

Dear All,

Another complaint/breach by Off Broadway, 12 June 2021.

2nd video from 0.45am from two nights after my previous email/video.

Between 11pm and 1am there was raucous, large drunken crowd and extreme noise/sound system outside Off Broadway bar.

Breach of licence hours. Breach of noise levels with no efforts by bar to control noise or disperse crowd. At the time of this video the Bar had closed its shutters but many of the crowd are its customers.

The police had been called so the party moved to London Fields where it continued after 2am (also equally disturbing in noise and ASB to local residents as we live next to both BM and LF).

Best regards,

On 20 Jun 2021, at 11:12,

Dear Andy, David &amp; other Licensing/Enforcement colleagues,

See attached latest video evidence of further breaches of licensing by Mr Selby and Off Broadway. The previous two nights it was the same issue.

Residents are having to make repeated complaints, over a period of months and years, about clear breaches of licence, noise, ASB late at night. It's taking hundreds of hours of your and our time. And it's costing us as rate payers/tax payers (while OB and other businesses have a business rates freeze due to covid).

(After this email, I will send a 2nd email/video from 2 days later, of even louder & later noise & anti-social behaviour, which went on between 11pm and 2am.)

Licensing Breaches on 10 June:

1. It is after midnight, and here is video evidence of the bar open and tables out.
2. At end of video, evidence of still serving drinks.

3. Noise/nuisance. No security during week nights, or efforts to control anti-social behaviour. Evidence of one customer playing a loud, hand-held amplified sound system. The noise was sufficient to wake me from sleep in my bedroom around 80 metres away. I got out of bed and went down the street asked the staff politely what they were doing staying open 2 hours after their license. They said "Sorry, we can't control it, we don't have any security staff and we can't get them to stop. We can't make them leave."

4. Anti-social behaviour. When i was seen talking to staff, several drink or drug-affected customers approached me. They shouted that "you shouldn't have moved in here if you didn't want this". I briefly pointed out that most of the residents on the street had lived there for many decades longer than this bar, or most of the other many licensed premises on the top part of the market). And that me and my family, and many other residents were terribly affected by this late night noise in a residential area. I explained there were numerous elderly neighbours who were badly affected. I mentioned one elderly neighbour in his 70s who had severe cancer, had recently lost his wife and was repeatedly disturbed. Another lady in her 70s with anxiety and sleeping problems whose life was a misery due to the bar. A well-spoken and well-dressed male customer shouted at me, "I don't give a f\*\*\* about you and I don't give a f\*\*\* about your neighbours...I don't give a f\*\*\* about you and I don't give a f\*\*\* about your neighbours".

It's a real community on these streets. Kind considerate neighbours who care for each other and the community. Off Broadway wants no part of this and has a proven track record of persistently breaking the terms of their license. We all like to have a good time, and sometimes make some noise, or have a party. But the issue is that this isn't once in a while - it's every week: whether it's building and operating a 'beer garden' without license or considering the extreme disruption to neighbours, getting customers paralytically drunk and vomiting/shouting/partying, permanently staining the paving on Dericote Street with heavy waste grease, loud amplified music either from within the bar or from customers on sound systems, fire door or safety exit breaches, dangerous wiring, serving and leaving out tables in breach of licence or not controlling ASB, or - above all - frequent loud noise of drink or drug affected customers partying on our street hours past closing time.

It's part of a wider issue. The Council has now issued licenses to i think around 15 premises on the top section of Broadway Market alone - it is clearly over-saturated, and the consequences in terms of late night drunk behaviour in the Market and in the London Fields park is inevitable and a persistent public nuisance, and high cost in terms of security, enforcement and policing.

The attitude of the OB management too all this, is simply rude and utterly dismissive of residents, denigrating them, denying the evidence, and just doing it again. And they - and their customers - can come in and make/spend their money, then go home - and leave us as residents with all the impacts.

Thanks for your work on this particular Off Broadway case, and the wider challenge.

Best regards,





**RESPONSIBLE AUTHORITY REPRESENTATION:  
APPLICATION UNDER THE LICENSING ACT 2003**

**RESPONSIBLE AUTHORITY DETAILS**

|                      |  |
|----------------------|--|
| NAME OF AUTHORITY    | Metropolitan Police service  |
| ADDRESS OF AUTHORITY | Licensing Unit,<br>Stoke Police Station<br>33 Stoke Newington High Street<br>London<br>N16 8DS |
| CONTACT NAME         | PC 3691CE Kerrie RYAN  |
| TELEPHONE NUMBER     | 07796 183078   |
| E-MAIL ADDRESS       | hackneylicensing@met.police.uk   |

**APPLICATION PREMISES**

|                            |   |
|----------------------------|---|
| NAME & ADDRESS OF PREMISES | <b>Off Broadway<br/>63-65 Broadway Market<br/>London<br/>E8 4PH</b> |
| NAME OF PREMISES USER      | <b>Rupert SELBY &amp; Stephen SELBY</b>                             |

**COMMENTS**

I make the following relevant representations in relation to the above application to vary the Premises Licence at the above address.

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

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

**Police make the following representations in relation to the application for a review on the Premises Licence at OFF BROADWAY, 63-65 BROADWAY MARKET, LONDON, E8 4PH for the following reason(s);**

This statement summarises numerous visits made by police to the premises over the past 9-10 months. There have been numerous other visits in between these where police have continued to engage with the staff and management over various issues, including customers drinking outside on the street and more recently social distancing and breaches of COVID legislation.

In July 2020 England saw the re-opening of pubs, bars and restaurants after the National Lockdown. During this period police observed enormous crowds in Broadway Market outside the licensed premises, but especially Off Broadway. Police licensing officers repeatedly engaged with the staff and management to request that they pro-actively encourage social distancing, but very little was done. The following months had several changes in COVID legislation, rules and restrictions, which were followed up by regular updates from police and local authority officers.

The second national lockdown ended in November 2020, after which the following visits were conducted by police;

On 25<sup>th</sup> August 2020, police submitted representations in relation to a pavement licence application submitted by the premises for an area nearby, this was on the grounds that we had regularly seen overcrowding and drinking on the streets and the granting of this licence would be likely to encourage the continuation of this behaviour.

5<sup>th</sup> November 2020 (Also the start of 2<sup>nd</sup> Lockdown) – Police licensing officers visited the venue and observed lots of customers from Off Broadway drinking in the street and a lack of social distancing.

On 20<sup>th</sup> November 2020 – Police Licensing Officers attended and issued a Prohibition Notice for the issues observed on the previous visit on 5<sup>th</sup> November and up to this date.

22<sup>nd</sup> November 2020 at 1820hrs, again Police Licensing Officers visited and observed the breaching of the Prohibition Notice. The manager was challenged on this, and he stated that he was aware, and would be putting different measures in place the following day. He told police that he didn't have sufficient staff to enforce it tonight.

On 30<sup>th</sup> November 2020 police licensing officers attended and again witnessed COVID breaches. Police engaged with the management of the premises, stating that we wished to see an improvement.

On 19<sup>th</sup> December 2020 (Tier 4 restrictions announced and coming into force on 21<sup>st</sup> December 2020) police licensing officers visited the premises and again witnessed COVID breaches in relation to social distancing, no QR codes and customers not pre-ordering alcohol, but buying direct through the window.

The following few months then saw tougher restrictions as the government brought the 4 Tier System into force.

However, on 27<sup>th</sup> March 2021, police attended the premises and discussed with the management, the need for improvement around social distancing, overcrowding outside and large queues. A request for their COVID risk assessment was also submitted.

On 17<sup>th</sup> April 2021 at approximately 1535hrs, police licensing officers visited the premises again and spoke with management. During the visit it was observed that the rear garden was being used to accommodate customers, some of which were obviously sat in groups larger than 6, contrary to COVID legislation and there was very little social distancing being practiced or enforced.

On 11<sup>th</sup> May 2021, police licensing officers received a letter of complaint from a local resident in relation to the crowds, the high noise levels and the lack of actions around dispersal from the staff and management of the premises.

On 22<sup>nd</sup> May 2021, this was observed by police licensing officers who conducted a visit and saw crowds drinking outside again – despite being told about it numerous times previously, poor dispersal and the lack of a COVID Risk Assessment on the premises.

This visit was followed up by a warning that was sent on 28<sup>th</sup> May 2021. Previous to this though, police made a telephone call to Mr Rupert SELBY to discuss the issues with him to co-ordinate a plan of action and/ or assist with matters of concern. During this phone call Mr SELBY was rude and argumentative and refused to engage with police, stating that he would just wait for the warning letter.

Police feel that every effort has been made to engage with the venue and discuss our concerns, but have seen little to no improvement. There has been constant non-compliance with COVID legislation and no action taken by the premises despite several warnings. Police feel that the operator has no regard for the promotion of the licensing objectives and the operation has had a negative impact on the local area and residents.

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

Personal Knowledge. Conducting visits at the premises.

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

Signed  
PC 3691CE RYAN  
(By E-mail)

Name (printed)



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

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## Off Broadway licence review

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19 July 2021 at 12:58

[REDACTED]  
To: "Licensing (Shared Mailbox)" <licensing@hackney.gov.uk>

Dear Licensing team,

Re: Off Broadway  
[63-65 Broadway Market](#)  
[London](#)  
[E8 4PH](#)

I am writing regarding the above premises licence review.

I support the revoking of their licence, on the grounds of public nuisance. The business has an incredibly poor compliance record under their current planning and licencing conditions and, therefore, I strongly believe that their licence needs to be revoked. Any conditions attached will simply continue not to be followed, as evidenced by their past record.

The business regularly causes a public nuisance including noise disturbance to surrounding residents, over many years, on a nearly daily basis. This includes extremely loud music from within the premises, which current rules stipulate should not be heard outside at any time. They have opened a large drinking garden, specifically against their planning permission, and have continued to operate this for 5 months, despite notice from the council to close it. This creates noise distance to many residents throughout our properties, at all times of the day.

Seating at the front, attracting large crowds and noise, continues to operate to after midnight on some occasions, again, despite shop fronts only allowing this to 10pm. This disturbs many residents in an area densely populated.

There has been the need for multiple police visits in the summer due to noise, crowds and antisocial behaviour. Multiple noise reports to the council requiring council visits and multiple reports of fly tipping around the business.

When we have contacted the owner, the owner refuses to take reasonable steps to minimise his business's public nuisance impact. This has also been reported by council officers and evidenced by his continual refusal to abide by existing rules. The business believes they have a right to operate as they like and does listen to residents or the council. Other businesses on the street are very engaging and responsive, and take reasonable steps to make it an enjoyable place for people to live and visit.

In summary, Off Broadway has blighted the street for many years, causing extreme noise disturbance to residents. It results in many episodes of antisocial behaviour surrounding the business. Despite frequent engagement by resident's, the police and the council, the business continues to break many rules attached to it and, therefore, must not be allowed to continue to operate.

Many thanks,

[REDACTED]

[REDACTED] [Broadway Market](#)  
[Hackney](#)  
[London](#)

E8 





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

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[REDACTED]  
To: licensing@hackney.gov.uk

28 July 2021 at 13:27

To whom it may concern,

The open drug use that has been seen since the recent reopening of Off Broadway is unbelievable and the rudeness of the new Canadian owner when trying to address the noise levels and antisocial congregating in the vicinity, plus the addition of the outside space in the car port that I couldn't find an alternation for on their license online – I wholeheartedly support your decision to review and potentially close this premises.

And contrary to their 'Save OB' campaign (<https://www.offbroadway.org.uk/save-ob/>), we are not NIMBY's or new residents – they have changed since lockdown, not us.

Regards,

[REDACTED]

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[REDACTED]



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

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**Licensing Review 'Off Broadway'**

1 message

28 July 2021 at 15:23

To: Licensing &lt;licensing@hackney.gov.uk&gt;

Dear Licensing

I write to request that the alcohol and premises licence for Off Broadway at [63-65 Broadway Market](#) is revoked in full in the upcoming licensing review.

I advocate that this is done on the grounds that Mr Rupert Selby has show himself to be a wholly unfit and improper person to hold a licence. He has consistently and deliberately breached the current conditions of his licence, and does not consider the consequences on the local community and public safety. He also refuses to engage genuinely with concerns of neighbours and the local community.

This is illustrated by the construction of a beer garden at the rear of the property, in direct contradiction to his existing planning and licensing conditions. This was done without any prior discussions or notifications with [REDACTED] neighbours, and when asked about the development Mr Selby refused to listen to our concerns. This beer garden was in operation for three months and caused huge distress to neighbours, because of noise and a total loss of privacy in our homes. Only when this review was announced did he desist, perhaps only temporarily, and he intended fully to make this a permanent fixture.

Off Broadway recurrently has late night openings, beyond the agreed hours, with resulting antisocial behaviour. This includes noise, patrons bringing their own amplified music equipment and has also involved open illicit drug use which I have reported to the Police. I have also previously asked staff to stop using the rear of the premises to smoking marijuana, as the smell is offensive.

There is frequently noise from live performances and recordings after the licensed hours. Music is consistently heard in surrounding private properties, including my own. This music is frequently played on the ground floor, rather than in the basement which is a current license conditions, with doors and windows open. I hear this in my [REDACTED] most evenings, and it prevents me from sleeping.

Any further licensing restrictions applied will simply not be adhered to by Mr Selby, who seems solely interested in making maximum financial gain through the sales of alcohol at the detriment of the local community and neighbours. There is a total lack of genuine engagement with neighbours and the local community, who care about Broadway Market and want to see its business flourish in a responsible manner. I do not see a situation in which Mr Selby will be capable of operating a responsible establishment, given his historical behaviour.

Other establishments, such as Cat and Mutton, are exemplary and adhere to their licensing conditions. and act responsibly to limit antisocial behaviour. To allow Off Broadway to continue to operate with a licence is unfair on other businesses who are acting responsibly.

Finally - I have raised this with Rupert Selby, who refuses to listen to my concerns. He subsequent created an online petition, shared on social media, in which he vilified and direct hatred towards neighbours for raising their concerns with him and the council. This is simply not compatible with a responsible licence holder.

**Please acknowledge receipt.**

Yours sincerely

  
[REDACTED]  
[Broadway Market](#)



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

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**Off Broadway**

1 message

16 July 2021 at 23:33

To: Shop Fronts <shopfronts@hackney.gov.uk>, licensing@hackney.gov.uk, Sanaria Hussain <sanaria.hussain@hackney.gov.uk>

Dear Shop Fronts and Licensing

Off Broadway have been keeping the tables on the pavement and serving alcohol until at least (it is still ongoing) 11.30pm tonight.


I am attaching a video demonstrating this.

Please can you both inform me whether they are allowed to do so? I have had no updates at all regarding these persistent breaches, which continue to have a massive detrimental impact on my home.

Best wishes

Broadway Market

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 **IMG\_1471.MOV**  
15672K



Licensing (Shared Mailbox) <licensing@hackney.gov.uk>

**Re: Review of Premises Licence: Off Broadway, 63 - 65 Broadway Market, E8 4PH**

4 August 2021 at 00:15

To: "Licensing (Shared Mailbox)" <licensing@hackney.gov.uk>, David Tuitt <david.tuitt@hackney.gov.uk>, Andy.Durrant@met.pnn.police.uk, Gerry McCarthy <Gerry.McCarthy@hackney.gov.uk>, stevie.bull@met.pnn.police.uk

Dear Licensing Committee,

Please now find attached video evidence as promised in respect of 'Review of Premises Licence: Off Broadway, 63 - 65 Broadway Market, Hackney, London, E8 4PH'

With regards,

[Redacted]

[Redacted]

[Redacted]

On Wed, 4 Aug 2021 at 00:10, [Redacted] wrote:

Dear Licensing Committee,

I have noticed that my email submitted in respect of 'Review of Premises Licence: Off Broadway, 63 - 65 Broadway Market, Hackney, London, E8 4PH' did not send some images embedded, or the video evidence, please now find attached a word version with all images for your convenience and I will send a further email with the video and hope this arrives.

With regards,

[Redacted]

[Redacted]

[Redacted]

On Tue, 3 Aug 2021 at 23:59, [Redacted] wrote:

Dear Licensing Committee,



Dear Licensing Committee,

**Re: Review of Premises Licence: *Off Broadway, 63 - 65 Broadway Market, Hackney, London, E8 4PH***

On behalf of many panel members and residents we wish to object to the above Premises Application. I am the Chair of London Fields Safer Neighbourhood Panel (LF SNP) and a resident on Croston Street and a regular user of Broadway Market; as such I am also directly affected by the high level of Crime, ASB and nuisance from the above premises.

We believe that a premises license review is necessary to consider restriction, suspension and or a revocation of the premises licence as the proprietor has repeatedly over many years demonstrated to promote and work against the 4 licensing objectives:

1. the prevention of crime and disorder
2. public safety
3. the prevention of public nuisance
4. the protection of children from harm.

Historically going back over many years Off Broadway has been the single most complained about business for breaches of their licence ASB, noise and nuisance from residents in the area brought before the LF SNP. This has resulted in some residents becoming so distressed and deprived of a 'quality of life' that they have given up and reluctantly moved home.

**Public Nuisance, Crime and Disorder – Impact on surrounding residents right to a privacy and a safe environment in and around their own home.**

During the Pandemic and lockdown Off Broadway promoted the sale of takeout's and encouraged large unmanaged groups to consume Alcohol not only around the Bar but on Broadway Market, London Fields Park, surrounding streets and the residential Dericote Street and at one point were the only Bar opening on the street for take outs.

This has resulted in very high levels of alcohol use and has been associated with late night noise and parties, public urination, defecation, illicit drug use, drug dealing and significant litter and generates ASB resulting on many calls to Council Services and the Police.

This has been an issue pre-Covid 19 but has increased exponentially from April-2020.

**Nuisance and Disorder and ASB Public Safety:** Street gathering, noise and pollution.

Both historical and throughout the covid Pandemic breaches Mr Rupert Selby has demonstrated his disregard for both his Licensing legislation obligations, and to promote and imply Covid-safe measures. They repeatedly been reprimanded and warned by several the Councils departments for a number of contraventions including Licensing breaches and Covid-response team for breaches of Covid-Safe regulations and legislations. They were forced to close by Police and LBH Licensing teams on several occasions -often being the only Bar open- finally resulting on a probation notice being served. They continued to be the only bar to open following closure and it was clear they were the only bar selling take outs with large crowds repeatedly returning for takeouts to stand about drinking, causing nuisance and ASB.



Police called by several residents and myself police closed OB.

Security has been poor at best and while there is often the presents of a *SIA Licensed Door Supervisors* outside the front of the Bar, he does not manage or disperse the groups who purchase repeated Drinks and off sales and then congregate in Dericote street in large numbers. Many times, residents including myself have asked supervisors to disperse noisy drunken bar drinkers outside the bar, often with little result. Off Broadway have repeatedly been visited and informed by Covid Response team, Enforcement Officers and Hackney Police that it is requirement to disperse all customers that gather especially under Covid Legislation.

Examples of breaches reported to Police:



CAD Ref: 4524 - 20/03/21 Benches put out by staff on Broadway Dericote Street during Lockdown with customers eating and drinking.

RUBBISH: has on many occasions been left outside OB's on the street and road by OB and has causes a safety issue on occasion with oil spillages all across the pavement and leaking from bins as they them about every. XXX Insert images.

Openly promoting use of Garden Area in Breach of premises licence.



Cad Ref: 4325 – 29/05/21 in Breach of licence after closer notice served for unlicensed area being used.



From Off Broadways Instagram openly promoting use of

Garden Area in Breach of premises licence.

They have lacked in any regard to public safety or wellbeing openly promoted miss use of Alcohol and have encouraged people to gather in groups outside their premises during the pandemic.



From Off Broadways Instagram April 2021

Noise has been generated by the use of the garden without a premises licence, fire door regularly left open so noise and amplified music spills on to the residential street.





during COVID restrictions, Off Broadway regularly breach their current license by having live music in their main bar and openly promoted this:



02.05.2020 This group wandered down from having purchased drinks from OB and were playing music from phone on asking them where they had brought drinks they said OB informing me that it was busy there. I asked them to leave, and witnesses them returning to OB.

Public urination and defecation on the street and outside residents' homes, has been also witnessed by myself and has seen many OB customers not only urinate on outside and on Dericote street but walk to



Croston street to both Urinate and defecate outside mine and my neighbour's home. I have either seen them coming from OB or leave drinks with friends outside OB or return to OB afterwards.



This was left outside my house by two women who were very drunk and returned to their friends at OB and take up their drinks.

Please see video evidence 1. The noise, Crowds, street drinking from OB sales, waiting taxi blocking the street.

OB has regularly causes nuisance and breaches its premises licence and shop Front Licence blocking the pavement going back many years forcing pedestrians on to the road, and regularly we have to report it to Shop front trading, Markets and Enforcement, who year on year have to visit and issues warnings before they comply.



19.07.20

I regularly advise residents and other business owners on who to contact in Hackney Council. I have had meetings and discussions with Licensing lead David Tuitt and Community Safety and Enforcement Gerry McCarthy which has resulted in me being provided with contact details so that I can call/report in issues as I witness or arise from residents to enforcement for the area. Increased enforcement patrols have also been introduced to tackle people wondering down the street from the bar to urinate.

As Chair of London Fields Safer Neighbourhood Panel, and a directly affected resident, I have not only received many complaints but have witnessed first-hand and recorded the many problems and breaches from Off Broadway.

As Chair of Hackney Safer Neighbourhood Board, I am regularly updated on the Policing issues, actions, and impact on safely trying to manage Street drinking and ASB especially during this pandemic much is originating from Off Broadway.

We do not believe that this Mr Selby has demonstrated that he can meet the licensing objectives therefore creates significant nuisance, disorder, offending and a serious Public Health risk. Residents and Council services are suffering the impact of this poorly managed premises.

With regards,

[REDACTED]

[REDACTED]

[REDACTED]

Manse Road

London

N16

22<sup>nd</sup> July 2021

To Hackney Licensing,

I'm a regular drinker at Off Broadway, and I'm surprised that any investigation would be under review. Broadway market needs a non-chain venue and has always been a warm, friendly place for friends, family, date nights. The number of outside seats is minimal compared to the Cat and Mutton, the Dove etc. and I cannot help but assume a smaller place is an easier target for such complaint. Broadway Market is fun and sociable - if that's not going to create a minimal amount of noise then it's lost its touch.

Thank you

[REDACTED] Queensbridge Rd  
E8 [REDACTED]

22/7/2021

To Hackney Licensing.

I am a regular to Broadway. I live locally  
I know both Rupert & Stephen for a few years.

Noise is no issue, its lively and fun.

Its important that there are venues like this  
I come here with my children (adults) and  
my elderly father. Support my family its  
a great venue for all generations.

Its heart is at the community.

Yours faithfully

[REDACTED]



[REDACTED] EVELYN COURT  
 EVELYN WALK  
 LONDON  
 N1 [REDACTED]

23<sup>rd</sup> July 2021

I have been coming to Off Broadway for  
 more than five years now. I love this  
 bar because of how it attracts the best of  
 east London culture and friendly clients.

The bar has an amazing team that work the  
 best for the area. This independent bar  
 will be sorely missed if made to close.  
 Off Broadway has great relationships with all  
 the surrounding businesses + traders. The other  
 Lager chain pubs like the Cat and Mutton attract  
 horrible clients and I always see fights there  
 so you should close that bar instead of  
 Off Broadway.

Do not close Off Broadway!  
 yours [REDACTED]

Date: 24 / 7 / 21

Address: [REDACTED] Otley Terrace, London, E5 [REDACTED]

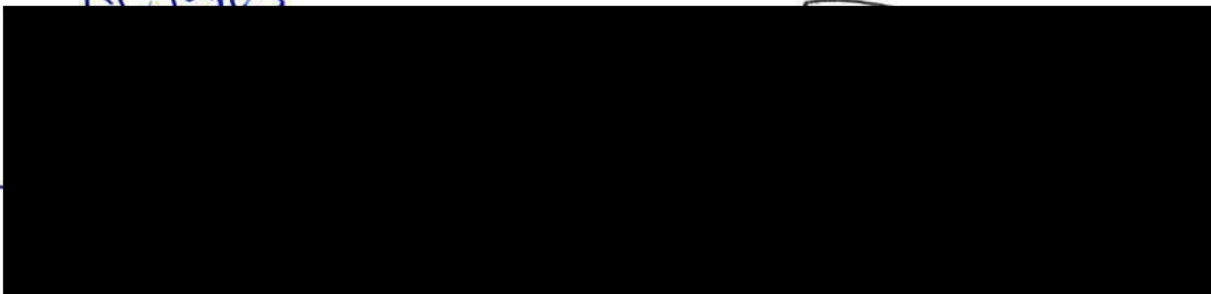
To Hackney Licensing,

I am a regular customer at off Broadway and always chose it as one of the best spots for a casual drink in the afternoon / evening.

We love to support the independent venues on the street and would hate for more chains to take over and disrupt the community feel that somewhere like off Broadway brings.

The staff are always fantastic and it is no louder / busier than any of the other pubs / bars

Regards on the street.



██████████ FOUNTAINE ROAD

LONDON

W15 ██████████

22nd July 2021

To Hackney Licensing

As well as being employed at Off Broadway, I am and have always been an occasional drinker there.

The bar is great for the local community and I don't think there is any noise issue from the pavement, considering large groups congregate all along Broadway Market drinking cans from the off licences.

Broadway Market offers me a job and Off Broadway losing its licence jeopardises my income.

Yours faithfully

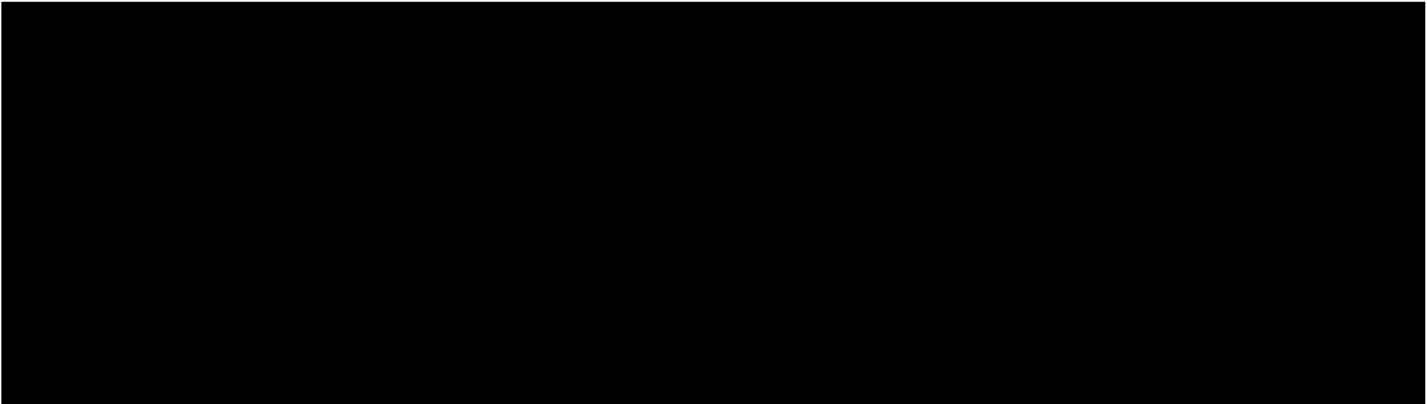
████████████████████

Date: 24 July

Address: Hackney E9 

To Hackney Licensing,

I live in the area and the bar is a hub for the local community. The noise is no issue considering the street is so busy in Hackney.





Date : 24/07/2021

Address: [REDACTED] Commercial Road, London,  
E14 [REDACTED]

TO Hackney Licensing,

I have been to Off Broadway a few times and it's a lovely place with really friendly staff, great atmosphere, been going for many years and is a great addition to the local cultural scene. Taking away its Alcohol licence will not help to reduce the noise in the street at all (as it's already a busy street with various venues) and instead will cause a huge loss of customers for the venue. Please, consider keeping the licence for Off Broadway and coming up with other measures that won't be harmful for the business.


Regards,  
[REDACTED]


Broadway Market  
E8

23.07.2021

To Hackney Licensing,

I've been living in the area for almost 4 years, of course, being a regular at Off Broadway. As an artist and also a journalist, I have to say that the venue mentioned above is one of the most important in the area. The professionalism of both the owners and the staff attracts a high range of customers, adding to the vibe of the area. Off Broadway is known for its eccentricity, and not for any problems such as noises or any official issues.



Address: E20 

Date: 24/07/21

To Hackney Council

I work just round the corner from  
Off Broadway and have only ever  
had positive experiences at and with  
Off Broadway. I have never experienced  
any noise or disruption, and all the  
staff are extremely kind and  
understanding. Please don't shut them  
down!

Regards



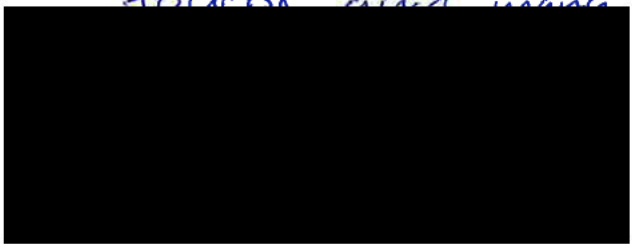
██████████ Welshpool House.

Broadway market

EX ██████████

To Hackney Licensing.

I'm a local resident for over 40 years and a regular customer at off Broadway bar since its opening. I have never had an issue with noise or any problems with local people. From my experience many residents are and find this location due to its energy and friendly locals who share the market with tourists and many visitors.



P.S. I have been made aware "visit off that my happy smiling Broadway face was viewed by a local on Instagram as intimidating. Please do view the picture for yourself for reference to make your own judgement. Please find this image as a clue to how I look." 😊

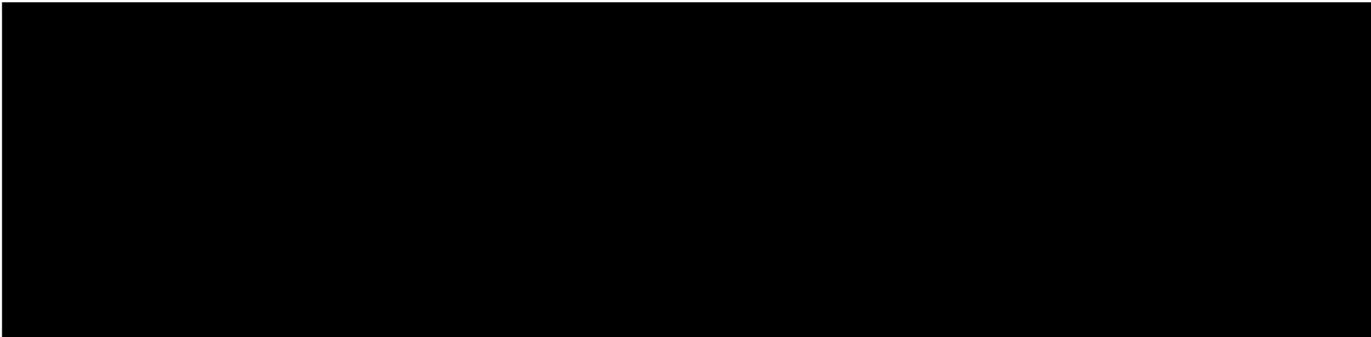


Date: 24<sup>th</sup> July 2021.

Address: E20 

To Hackney Council

Off Broadway is an essential part of the local community, it has a warm & friendly atmosphere. There seems to be no noise issue! It should stay open.



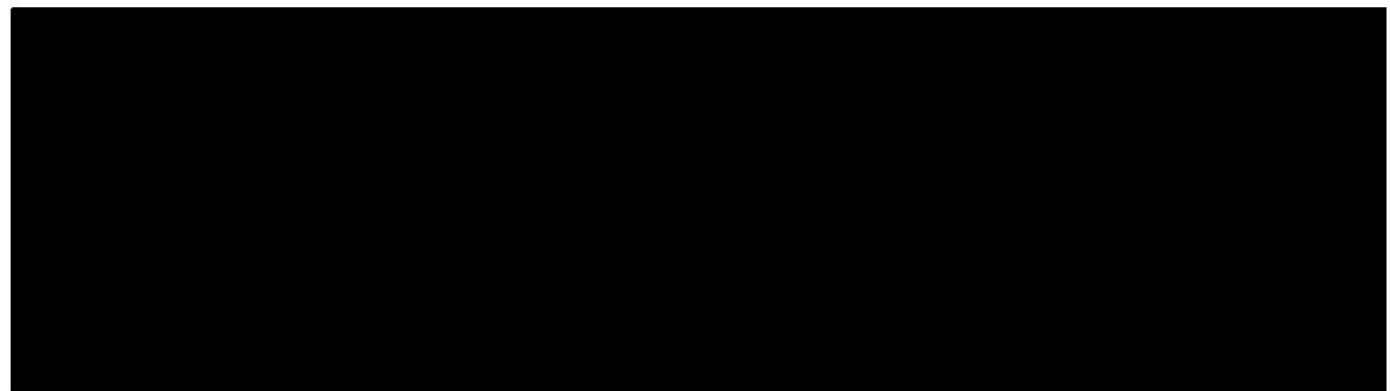
Address : [REDACTED] GWENDOLEN AVENUE  
SW 15 [REDACTED] - LONDON

Date : 26/07/2021

TO Hackney Licensing.

LOVE THAT IS ONE OF THE FEW INDEPENDENT  
PUBS IN LONDON. IT IS ON A BUSY STREET, SO  
THE NOISE CAN'T BE AN ISSUE, CONSIDERING  
THERE IS A STREET MARKET.

THE FOOD IS GOOD AND THE STAFF IS FRIENDLY,  
WOULD BE A SHAME TO SHUT IT DOWN.



Besford House, Pritchards Rd. C2

22 July 2021.

To Hackney Licensing,

We are really saddened to hear that Off Broadway are receiving complaints, from new neighbours.

We have lived in East London for years and consider this bar to be an integral part of Broadway Market's history and vibrant culture. We have spent many nights/afternoons here, soaking up the atmosphere, enjoying the loveliness of the bar staff and revelling in the fact that there is somewhere on this strip that plays beautiful music!

Taking away Off Broadway's license would be a huge blow to the culture ~~off~~ this area — which is already fighting ~~against~~ <sup>for</sup> the conservation of its retail independence.

People we know who have lived on this street haven't complained about noise, but rather felt proud about what these dedicated shop/restaurant and bar owners have provided for the local community.

Please don't remove Off Broadway's license.

Yours

Goldsmithrow

E2

27-07-2021

to: Hedingey Council Licensing

My name is [REDACTED] and I am a Regular guest at off Broadway. I am very close to Broadway market living here for 4 years.

I feel its very important for peoples mental health this bar stays open, because its about community.

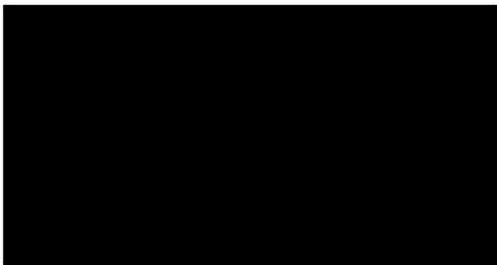
We never had any issues from people around the neighbourhood before, considering noise. The bar is always very aware of the rules and respects these rules.

I feel we would lose a very important soul if off Broadway closes. Its a really good place for meeting people. If people decide to live on Broadway market they need to realise they choose to live in a lively street with noises. I feel the people complaint are the ones who moved here during lockdown/ Covid, when everything was closed. But in normal live Broadway market is a lively street, which should stay like this. ♡





I LIVE NEARBY AND FREQUENT OFF BROADWAY ROOMART.  
IT'S A FANTASTICALLY RUN ESTABLISHMENT WITH RESPONSIBLE  
OWNERS AND OPERATORS / MANAGEMENT. THE NOISE IS NO  
ISSUE FROM THE PREMISES.



OWNER NT'S LOFT / NIGHT TALKS.

Date: 24<sup>th</sup> July 2021

Address: [REDACTED] Hardy Avenue, London, E16 [REDACTED]

To Hackney Council / Licensing,

It would be a huge shame shutting this establishment down. It's widely known and loved by everyone in the Broadway Mkt area, as well as surrounding London as a whole. I was incredibly surprised to hear noise has been an issue, as I frequent Broadway Mkt and have never heard anything that could possibly be an issue coming from here!!

[REDACTED] NORTON HOUSE, ROMAN ROAD

E1 [REDACTED]

22/07/2021

To HACKNEY LICENCING,

I RECENTLY STARTED WORKING AT BROADWAY MARKET AND HAVE DISCOVERED IT TO BE A REALLY NICE ESTABLISHMENT WITH A LOCAL, LOCAL COMMUNITY/CUSTOMER BASE.

I LIVE NOT TOO FAR AWAY IN BETHNAL GREEN AND HAVE ALWAYS HEARD OF OUR BROADWAY BEING A PLACE PEOPLE LOVE WITHIN THE COMMUNITY. I, PERSONALLY HAVE NEVER HEARD OF ANY DISRUPTION AROUND THE BAR AND AS FAR AS I CAN TELL FROM MY OWN EXPERIENCE, CUSTOMERS TEND TO BE QUIET AND RESPECTFUL.

IT WOULD BE AMAZING IF YOU COULD TAKE THESE THINGS INTO ACCOUNT REGARDING THE LICENCING SITUATION IN QUESTION.

Yours faithfully  
[REDACTED]





Date: 24/07/2021

Address:

[REDACTED]  
ST MATTHEWS ROW  
[REDACTED]

E2  
[REDACTED]

To Hackney Licensing,

I LIVE LOCALLY AND AM A REGULAR. THE BAR IS A HUB FOR THE COMMUNITY AS WELL AS HAVING ONE OF LONDON'S BEST JAZZ BARS UNDERNEATH.

NOISE IS NO ISSUE FROM THE PAVEMENT.  
PLEASE RE-CONSIDER THIS DECISION.

[REDACTED]

**From:** Off Broadway [REDACTED]  
**Subject:** [REDACTED] Forms Submission  
**Date:** 24 July 2021 at 19:23  
**To:** [REDACTED]



**First Name:** [REDACTED]  
**Last Name:** [REDACTED]  
**Address:** [REDACTED] Hackney Rd  
**Post Code:** E2 [REDACTED]  
**I would like to:** Keep my neighbourhood bar  
**Comments (Optional):** If people do not like (live) music or the sounds of people in bars, don't live next to or above one....

**From:** Off Broadway [REDACTED]  
**Subject:** [REDACTED] Forms Submission  
**Date:** 24 July 2021 at 20:25  
**To:** [REDACTED]



First  
Name: [REDACTED]

Last  
Name: [REDACTED]

Address: [REDACTED] Darcy House, London Fields East Side

Post  
Code: E8 [REDACTED]

I would  
like to: Keep my neighbourhood bar

Comments I've lived here for a few years. There's plenty of issues related to the park right now, but there's (Optional): no problem with Off Broadway. If you move next to a bar or onto Broadway Market you should expect noise.

**From:** Off Broadway [REDACTED]  
**Subject:** [REDACTED] Forms Submission  
**Date:** 24 July 2021 at 21:00  
[REDACTED]



First Name: [REDACTED]  
Last Name: [REDACTED]  
Address: [REDACTED] Broadway Market, [REDACTED]  
Post Code: E8 [REDACTED]

I would like to: Keep my neighbourhood bar

Comments (Optional): Off Broadway is an institution and part of the local community. Street noise from people having a good time is part of the charm of Broadway Market and why so many of us have chosen to live here. We should fight and support to keep independent and owner-occupied local institutions in business, not try to to shut them down because the local community is having a good time.



From: Off Broadway [REDACTED]  
Subject: [REDACTED] Forms Submission  
Date: 24 July 2021 at 13:28  
To: [REDACTED]



First Name: [REDACTED]  
Last Name: [REDACTED]  
Address: [REDACTED] Maple Court, Blenheim Road, London  
Post Code: Se20 [REDACTED]

I would like to: Keep my neighbourhood bar

Comments If you don't like noise and nightlife don't choose to move to Broadway market. Off Broadway is (Optional): an amazing bar and it would be a crime to shut it down. Stop trying to kill this city's culture! We'll end up a boring giant suburb...

**From:** Off Broadway [REDACTED]  
**Subject:** [REDACTED] Forms Submission  
**Date:** 24 July 2021 at 22:11  
**To:** [REDACTED]



First Name: [REDACTED]

Last Name: [REDACTED]

Address: 7

I would like to: Keep my neighbourhood bar

Comments Bars like this, independent with live music, are rare now. Broadway market is full of restaurants (Optional): bars and the Saturday market. You can't move there and then complain about the very nature of the street.

**From:** Off Broadway [REDACTED]  
**Subject:** [REDACTED] Forms Submission  
**Date:** 24 July 2021 at 23:38  
**To:** [REDACTED]



**First Name:** [REDACTED]

**Last Name:** [REDACTED]

**I would like to:** Keep my neighbourhood bar

**Comments (Optional):** This is a great bar with a good vibe, good people and really cool music venue downstairs. Don't see how it's any louder than the rest of all London pubs. If you live on Broadway market- you have to accept there's noise from the local bars and pubs. If you don't like the noise then don't live on Broadway market.

**From:** Off Broadway [redacted]  
**Subject:** [redacted] Forms Submission  
**Date:** 25 July 2021 at 09:35  
**To:** [redacted]



First Name: [redacted]  
Last Name: [redacted]  
Post Code: E3 [redacted]

I would like to: Keep my neighbourhood bar

Comments (Optional): Don't let people buy property near fun things and then complain about them being fun and noisy! They knew what they were buying- why should they ruin it now for everyone else.



**From:** Off Broadway [REDACTED]  
**Subject:** [REDACTED] Forms Submission  
**Date:** 24 July 2021 at 12:16  
**To:** [REDACTED] k



First Name: [REDACTED]

Last Name: [REDACTED]

I would like to: Keep my neighbourhood bar

Comments (Optional): Don't move to Broadway market if you have issues with noise.

**From:** Off Broadway [REDACTED]  
**Subject:** [REDACTED] Forms Submission  
**Date:** 25 July 2021 at 11:10  
**To:** [REDACTED]



First Name: [REDACTED]

Last Name: [REDACTED]

Address: [REDACTED] Reynolds place

Post Code: Se3 [REDACTED]

I would like to: Keep my neighbourhood bar

Comments (Optional): You choose to Live near a bar you can't complain when suddenly there is noise because it was closed through lockdown.

**From:** Off Broadway [redacted]  
**Subject:** [redacted] Forms Submission  
**Date:** 24 July 2021 at 12:36  
**To:** [redacted]



First Name: [redacted]  
Last Name: [redacted]  
Address: [redacted] Marcon Court, Amhurst Road  
Post Code: E8 [redacted]  
I would like to: Keep my neighbourhood bar

Comments (Optional): The number of times this issue comes up across the UK is immensely frustrating! Anyone who moves next to a bar regardless of being closed at the time should expect noise once it's back open. I've been to this bar a few times and I can tell you that it's not roudy and is very respectful. I also believe this bar is important to the LBGQT+ community within the area. What's next that they demand the Cat & Mutton to be closed? Which is only a stones throw away. I'll be extremely disappointed in Hackney Council if this bar is forced to shut

**From:** Off Broadway [REDACTED]  
**Subject:** [REDACTED] Forms Submission  
**Date:** 24 July 2021 at 16:59  
**To:** [REDACTED]



First Name: [REDACTED]

Last Name: [REDACTED]

I would like to: Keep my neighbourhood bar

Comments (Optional): I have the full support of Off Broadway and them maintaining their alcohol licence. Anyone who moves next to a bar knows exactly what they are getting themselves in for, and have no right to complain about noise if it within regulated hours. If they don't like the noise then they should buy a house in the country!



**From:** Off Broadway [REDACTED]  
**Subject:** [REDACTED] Forms Submission  
**Date:** 24 July 2021 at 16:18  
**To:** [REDACTED]



First Name: [REDACTED]  
Last Name: [REDACTED]  
Address: [REDACTED] Durant Street  
Post Code: E2 [REDACTED]  
I would like to: Keep my neighbourhood bar  
Comments (Optional): People that move in next to a bar should expect some noise.

**From:** Off Broadway [REDACTED]  
**Subject:** [REDACTED] Forms Submission  
**Date:** 24 July 2021 at 17:56  
**To:** [REDACTED]



First Name: [REDACTED]  
Last Name: [REDACTED]  
Address: [REDACTED] Bethnal Green Road  
Post Code: E2 [REDACTED]  
I would like to: Keep my neighbourhood bar

Comments (Optional): Off Broadway is one of the friendliest, welcoming spots on Broadway Market. They have always looked after guests and respected their neighbours and other businesses on the street. Broadway Market in general is a busy and noisy street so their complaints towards a single bar seem unfounded. It would be such a shame to close one of East London's gems that so many people value, love and cherish due to a problem that won't be solved by the closure of this bar.

I am very strongly asking whoever reads this to reconsider the closure of off Broadway! Broadway Market is a street of fantastic local spots, given the horrific year it has been for the hospitality industry it truly would be awful to shut one of the best!

**From:** Off Broadway [REDACTED]  
**Subject:** [REDACTED] Forms Submission  
**Date:** 24 July 2021 at 12:44  
**To:** [REDACTED]



First Name: [REDACTED]  
Last Name: [REDACTED]  
Address: [REDACTED] London lane  
Post Code: E8 [REDACTED]

I would like to: Keep my neighbourhood bar

Comments (Optional): Lovely place, one of the longest running places still open on the market. Have lived round here since 1999 and it's never been any trouble. There are noisy venues all over Hackney and I don't understand why this one is being singled out for being a problem. We need more places like Off Broadway, not less! I do understand that noise is annoying but people also need to understand the character of the place they're living in. And I say this as someone who moved near Pub on the Park a few years ago, which is much noisier than I realised it was going to be but I can hardly complain about it as it's been that way for many years. Lots of people would be happy to live in such a great location.

From: Off Broadway [REDACTED]  
Subject: [REDACTED] Forms Su [REDACTED]  
Date: 24 July 2021 at 17:56  
To: [REDACTED]



First Name: [REDACTED]  
Last Name: [REDACTED]  
Address: [REDACTED] Bethnal Green Road  
Post Code: E2 [REDACTED]  
I would like to: Keep my neighbourhood bar

Comments (Optional): Off Broadway is one of the friendliest, welcoming spots on Broadway Market. They have always looked after guests and respected their neighbours and other businesses on the street. Broadway Market in general is a busy and noisy street so their complaints towards a single bar seem unfounded. It would be such a shame to close one of East London's gems that so many people value, love and cherish due to a problem that won't be solved by the closure of this bar.  
I am very strongly asking whoever reads this to reconsider the closure of off Broadway! Broadway Market is a street of fantastic local spots, given the horrific year it has been for the hospitality industry it truly would be awful to shut one of the best!





**From:** Off Broadway [REDACTED]  
**Subject:** [REDACTED] Forms Submission  
**Date:** 24 July 2021 at 19:00  
**To:** [REDACTED]

First Name: [REDACTED]

Last Name: [REDACTED]

Address: [REDACTED]broadway market

Post Code: E8 [REDACTED]

I would like to: Keep my neighbourhood bar

Comments (Optional): This is a travesty off broadway and the people who work there are some of the nicest people about some would even say they are the heart and soul of broadway market of course things can get a bit noisy but why wouldn't it. It's a bar where people go to enjoy themselves. Instead of sitting at home moaning about the noise Why don't the people get a life and go out and live a little

From: Off Broadway [redacted]  
Subject: [redacted] Forms Submission  
Date: 24 July 2021 at 18:51  
To: [redacted]



First Name: [redacted]  
Last Name: [redacted]  
Address: [redacted] Stannard Mews  
Post Code: London  
I would like to: Keep my neighbourhood bar  
Comments (Optional): This bar is so important for Broadway a market as it is the only one that has live music

From: Off Broadway [REDACTED]  
Subject: [REDACTED] Forms Submission  
Date: 24 July 2021 at 18:37  
To: [REDACTED]



First Name: [REDACTED]

Last Name: [REDACTED]

Address: [REDACTED] Dericote Street

Post Code: E8 [REDACTED]

I would like to: Keep my neighbourhood bar

Comments I live [REDACTED] across the road and it's absolutely fine. I moved in during lockdown, and it's (Optional): louder than lockdown obviously but you should know what you're signing up for when you live in an area like this. Would be a horrible shame to see Off Broadway go.

From: Off Broadway [redacted]  
Subject: [redacted] Forms Submission  
Date: 24 July 2021 at 18:30  
To: [redacted]



First Name: [redacted]  
Last Name: [redacted]  
Address: [redacted]  
Post Code: E8 [redacted]  
I would like to: Keep my neighbourhood bar

Comments (Optional): Off Broadway is a staple. Don't move in next to a bar if you don't like noise!



From: Off Broadway [redacted]  
Subject: [redacted] Forms Submission  
Date: [redacted] 2021 at 01:01  
To: [redacted]



First Name: [redacted]  
Last Name: [redacted]  
Address: [redacted] Atlantic House  
Post Code: E2 [redacted]

I would like to: Keep my neighbourhood bar

Comments (Optional): Off Broadway is a fantastic venue and part of the lifeblood of Broadway Market. It's one of the few places that has live music in the area and its very LGBTQ friendly. People of all walks of life can go there to be entertained and be themselves. The staff always tell people outside to stick within the outside area and noise has never been high whilst I've been there.

The noise that is being reported is most likely street noise of people passing by or outside the other many bars and restaurants.

Taking away Off Broadways license is an extreme measure that will be disappointing hundreds of people with no real impact on whats being reported. I'm sure that there is a less drastic solution.

From: Off Broadway [REDACTED]  
Subject: [REDACTED] Forms Submission  
Date: 24 July 2021 at 13:48  
To: [REDACTED]



First Name: [REDACTED]

Last Name: [REDACTED]

Address: [REDACTED]

Post Code: E8 [REDACTED]

I would like to: Keep my neighbourhood bar

Comments (Optional): They shouldn't live on the busiest street east if they don't like noise. This bar is part of our local history & cherished.

Don't do it.

From: Off Broadway [REDACTED]  
Subject: [REDACTED] Forms Submission  
Date: 3 August 2021 at 07:33  
To: [REDACTED]



First Name: [REDACTED]

Last Name: [REDACTED]

Address: [REDACTED] Jacobs House

Post Code: E8 [REDACTED]

I would like to: Keep my neighbourhood bar

Comments (Optional): Residents shouldn't have the right to move to a busy area and then try to change it. They chose to live there. Noise is part of that. The rights of a few people to sleep don't deserve to come above the livelihoods of so many. The people employed, who visit, it's a safe, welcoming space for all. Residents can get double glazed windows that makes a huge difference, they can also invest in some ear plugs.

Richmond Road  
London E8

31/7/2021

To Hackney Licensing.

I value the diverse offering of social outlets that Broadway Market provides. I have been a regular customer of Off Broadway for years and view it as an essential part of the fabric of London Fields. Whilst, I understand that social venues may generate more noise than other retail, Off Broadway by no means creates any more of a public nuisance than any of the other social venues on Broadway Mkt. I urge you to reconsider your view.

Regards & respect fully,

31/7/21



St Marys Court  
Depe Road  
N16

Appendix C47

1st August 2021.

Dear Hackney Licensing,

I am a local resident of Broadway market and work opposite off Broadway.

The bar is a landmark of Broadway market and a cultural hub for the local workers and residents. We drink there often work and the atmosphere is always very friendly and welcoming.

It's situated on a very busy street right beside London Fields where people like to gather in groups and are often quite noisy, even when the bar is closed.

To take away off Broadway's market would be a huge loss to the vibrant local life and the atmosphere of Broadway market.

Yours sincerely,

[Redacted Signature]

.01/08/21

TAY COURT

Appendix C48

Dear Hackney Licensing,

I am writing to you in support of OFF BROADWAY. As a local hospitality worker I can vouch for OFF BROADWAY to be one of the pillars of Broadway Market (BM) and important establishment in Hackney community. It serves as a beautiful meeting point, be it after work drinks or pre-dinner refreshments. It is certainly not the only "watering hole" in East London, but it's one of the last independent and most vibrant ones. Considering their closing time 12pm, the alleged noise is never an issue, with other restaurants and pubs open till late, not mentioning the street drinking. As a local do-worker to it's employees, I'd be quite upset to see all those hard working people ~~lose~~ lose their jobs.

Kind Regards,

Address of Work:

Broadway Market

E8

Date: 01.08.2021

All caps:

Hoxton Street

London

N1

\* note: I am speaking a local and not on behalf of the sign itself as I am ~~only~~ a part-time worker.

To Hackney Licensing,

I have been working in Broadway Market for 2 years. I grew up and live nearby and have seen how it has developed over the years. I think it's soo important to support and keep independent businesses running. I believe the off Broadway bar <sup>should not be held</sup> ~~is not~~ accountable to noise complaints in one of the busiest, ~~for~~ most lively and bustling streets in Hackney.

I recognise that coming out of lockdowns can seem like a shock to local residents with businesses reopening but Off Broadway has been ~~there~~ <sup>open</sup> since 2008 ~~and~~ for ~~us~~ <sup>them</sup> to be shut down now, (which it most definitely will without its ~~license~~ their license) would be such a pity and a waste. More and more places in Hackney are being subjected to larger, more powerful businesses and chains coming in. ~~Off Broadway~~ Off Broadway is the only non-chain and last ~~owned~~ <sup>owner-occupied</sup> independent pub ~~in Hackney~~ in Broadway Market. Shutting it down will not accomplish anything and would do more harm than good.

Yours faithfully,

Richmond Road  
London  
E8

1<sup>st</sup> July 2021

Dear Hackney Licensing,

I am a local Resident of Broadway Market and work opposite 'off Broadway'. The bar is a real hub for ~~the~~ Many of those who work + live near the street. We drink there after work + "OB" has a really local + friendly vibe. The bar is on a busy street which inevitably incurs noise. As many other venues do also. It's been here since '08 and has become a staple for Many who live + work nearby. To take away 'off Broadway's' license would be to act against the Venues + ethos of Broadway Market.

Yours sincerely,



To Hackney Licensing:

██████████ Hallwell House  
E2 ██████████

██████████ Fin+Flounder Shop Manager. - 23/07/21

I am a regular guest of Off Broadway and I have been for many years. I work next door.

It is a great resource for local workers and residents. A real community hub for the area.

It has been going for years. The noise issue is most as Broadway Market is a very busy and loud street, not because of Off Broadway. They have a smaller outside area than every other bar or restaurant.

This is a small, family independent business... please don't take away their livelihood... or our favourite bar.

Yours faithfully,

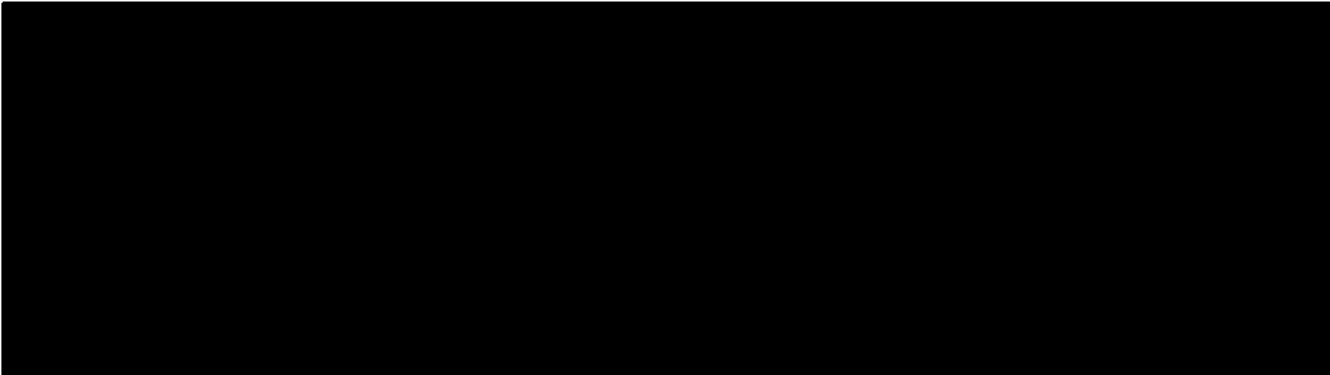
██████████

Address: ~~Broadway~~ E20 

Date: 24/7/2021

To Hackney Council,

Off Broadway should not be shut due to noise. The noise levels and amount of seats are much lower than other bars/restaurants in the area. Places for the community to congregate are vital to our society especially at the moment as we rebuild our local businesses after the pandemic.



Date: 24/6/21

Address: [redacted] AU Nations House  
[redacted] Martello Street  
E8 [redacted]

To Hackney Licensing,

I am a regular drinker at Off Broadway. I live very close to Off Broadway and have done for 5 years.

The bar is a hub for the local community & the only non-chain venue in Broadway Market.

This is one of the busiest streets in Hackney, and the buzz is what makes it exciting. Large groups have always congregated here, regardless of whether to visit Off Broadway. It would be a shame to remove this venue.

Regards

Date, July 24 2021

Address; [REDACTED] GOSSE COURT, [REDACTED] DOWNTOWN RD. N1 [REDACTED]

To Hackney Licensing,

I HAVE BEEN A REGULAR AT OFF BROADWAY SINCE THE BAR OPENED. IT HAS BEEN THE CENTRAL HUB OF BROADWAY MARKET FOR YEARS AND YEARS WHERE WE ALL HAVE MET SO MANY FRIENDS OVER THE YEARS, BETWEEN AMAZING BAR STAFF & OWNERS THE PLACE HAS BROUGHT TOGETHER

A HUGE POSITIVE COMMUNITY OF LOCAL HACKNEY RESIDENTS WHICH I BELIEVE IS WHAT MAKES BROADWAY MARKET SO SPECIAL. TAKING AWAY OFF BROADWAY WOULD BE LIKE REMOVING THE COMMUNITY CENTER. PEOPLE HAVE ALWAYS CONGREGATED IN THE STREET, ITS NOT BECAUSE OF OFF BROADWAY.

Regards,





Date: 26/7/21

Address: [REDACTED], Darcy House, Inman Fields  
East Side

To Hackney Council / Licensing,

I live very close to off Broadway, which  
is a hub for the local community.

I've never known the noise to be  
an issue.

It would be a detriment to  
Broadway Market to remove this venue.

Regards,  
[REDACTED]

Address: [redacted] Marlborough Avenue (E) [redacted]

Date: 24<sup>th</sup> July 2021

Appendix C56

To Hackney Licensing:

I am a regular at Off-Broadway, as I live very close to Broadway Market.

The noise has never been an issue for me. I love Off-Broadway because it is one of the only non-chain venues on Broadway market and ~~attracting~~ is a great place to meet people.

I have no complaints at all with Off Broadway

[redacted]

[redacted]

Date: 24. 07. 21

Address: [REDACTED] AMHURST ROAD  
E8 [REDACTED]

To Hackney Licensing,

As a regular customer of OFF BROADWAY for many years, I am extremely disappointed to learn that its future is under threat.

OFF BROADWAY sits at the heart of a vibrant and boisterous community and is proudly owner-occupied - a real gem in Broadway Market. It's my opinion that the tiny number of outdoor seats causes no more disturbance than any of the other venues in the area, less in fact. Please continue to support local, independent venues such as OFF BROADWAY that really only benefit our community.

Regards



Date 24/07/21

Address: [REDACTED] AMHURST ROAD, N16 [REDACTED]

To Hackney Licensing.

We Love coming here on a Saturday and having a chilled time. the beer selection is lovely and the atmosphere is a welcome change to chain pubs. noise has never been an issue as someone who lives close by. KEEP OFF BROADWAY OPEN!

Regards

[REDACTED]

█ Sharon Gardens  
E9 █

22/07/21

To Hackney Licensing

I am the current manager at Off Broadway. I also live close by, and regularly pass through Broadway Market, even when I am not at work. It's a vibrant but close-knit community, with a diverse range of people, many of whom work in various businesses in the area. OB is undoubtedly a central pillar amongst the locals, many of which have been regular customers for years, long before I started working here. They all know Rupert and Stephen well, and have all said that the bar has operated the same way for years, with little issue. I find it strange that noise is suddenly being considered a problem - despite the fact Broadway market (in recent years) has been one of the busiest streets in Hackney. Plus, the fact that, compared to some of the other venues on the street, we at OB have relatively little outside seating, it seems odd we are being singled for noise. We do our best to fulfil the licensing objectives, and congregations of drinkers in the market have often purchased alcohol from elsewhere, which has happened even without the bars open.

yours faithfully



Address: [redacted] Marlborough Avenue E8 [redacted]

Date: 24 July

Appendix C60

To Hackney Licensing

I live locally to off Broadway, and have never had an issue with the noise.

I love the staff (Nannah), love the community, love the people watching, love the atmosphere.

I know a lot of people who would very upset to say goodbye to this place.

It would be very confusing, as I don't know any one who has had a problem with the noise, especially when ~~so~~ there are so many other establishments on Broadway market of the same size, if not bigger, that generate more noise.

Date, [redacted] Brierly Gardens  
London E2 [redacted]

Address, 24/01/2021

To Hockney Licensing,

I am writing on behalf of the regular customers at off Broadway regarding your decision to close the pub down due to noise. The pub has been here since 2008 and the number of tables outside are far smaller than a number of other pubs on this road.

It is a hub for the local community and the staff are friendly and respectful to all. To expect to live next to a pub and to not experience any disturbance is unfair and ridiculous, and the decision to close the pub would negatively impact the staff and owners who have been here for over 10 years.

Regards

[redacted]

Hello,

My name is [REDACTED], I am have [REDACTED] years old,  
born in [REDACTED]. I'm living in Goldsmiths Row,  
and I frequently visit this bar for a while.

Please don't close this place. It's a such special  
place for me and for my friends. People work here  
are friendly, a nice place in London.

I am a regular drinker in this place. Also I'm  
living in [REDACTED] Goldsmiths Row, very very close from Broadway  
market. So this is my neighborhood.

The bar follow the rules always, also have people  
in the bar still drink, they say "it's time to close", and  
we respect this.

Broadway is special, and this bar is part of community,

[REDACTED]  
[REDACTED]  
23 July 2020  
cc [REDACTED]

Address: [REDACTED] Greenwood Road E8 [REDACTED]

Date: 24/07/21

TO Hackney Licensing,

I am an occasional drinker at Off Broadway but having moved to East London during lockdown I am really looking forward to it being a go-to spot - both alone and with friends. It's got such a community feel and is a gem of a space in busy Broadway Market. Welcoming hospitality spaces are so important and ones that cater to different periods of the day especially. They shouldn't be held back or limited because of complaints from those not wanting to get involved/support. If disruption on a legitimate level happens - ~~people~~ people can be asked kindly to cooperate as best they can by not overdoing it noise-wise. But ~~the~~ taking away OB's license would just be a downer and not embody the lovely atmosphere that draws people to the community area.

Regards [REDACTED]

██████████ / Fun and flounder

I have always drunk at the off Broadway for many years. I have also known the staff and owner and I can certainly say it is well ran and a great place to drink.

The noise is no issue from the street pavement and I will certainly confirm that Broadway market is the busiest street I know.

I have known Rupert and Stephen for (year) and they are both permant residents

Its been going since 2008 so why shut the amazing off bradway down.



[REDACTED] / KARBHOUSE  
MENTMORE TERRACE  
E8 [REDACTED]

To Hackney council,

I live about 500 metres from off Broadway and have spent many a great night here. The atmosphere and ambience is amazing and I strongly advise you keep this place open. The bar is a hub for the local community and has been around for nearly 15 years. It is an incredibly loud street in general and having people inside the bar probably helps the local noise amount.

Please don't revoke the license.



WEBBER ROW  
WATERLOO  
SE1

23/09/21

To Hackney Licensing

I am a regular visitor at Off Broadway and have been employed to do some artwork for The Brink downstairs. The bar has real character and has been very helpful in opening doors for me. This community needs places like this, and ~~the~~ even without it there will not be any more or less noise than with it.

Yours faithfully,

Date: 24/7/21

Address: [REDACTED] [REDACTED] [REDACTED] New Crane place, Elm [REDACTED]

To Hackney Canal/Licensing.

I am a regular @ off Broadway and the pub really provides a great atmosphere to the neighbourhood. It is one of the only non-chain independent pubs in the area which gives it a unique charm. I come here several times a week and noise is never an issue. In fact, the other pubs in the area (eg the dove, cat & mutton) are for noiser.

Please do not shut down this fantastic bar!

Regards

[REDACTED]

Goldsmiths Row, E2

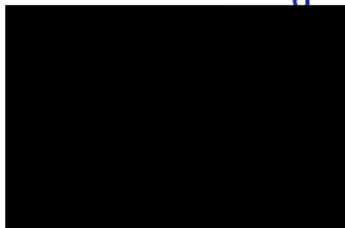
July 27, 2021

To Hackney Licensing,

I moved to Hackney 8 years ago, and Off Broadway has been a second home to me. It brings the community together; it attracts people from all over and it provides that local anchor that people are forever in search for.

Taking away ~~the~~ its license or changing it in any way would be detrimental to this community and borough. I live down the road and have many friends on the market - no one has EVER complained about the noise. I'm shocked that that would be an issue now. Do not ruin what a community loves because of 3 people with sensitive ears.

Yours Faithfully,



[REDACTED]

ATLAS TOWER

CITY ROAD

SE1

I love visiting off Broadway as I really enjoy the friendly service and atmosphere.

I never seen or experience any issues with noise or anti social behaviour.

This bar is full of creative people and local residents who enjoy meeting for a drink and a chat.

It will be a great disappointment to drive the locals of this great place.

Thank you for your understanding.

Regards

[REDACTED]



**From:** Off Broadway [REDACTED]  
**Subject:** [REDACTED] Forms Submission  
**Date:** 24 July 2021 at 13:52  
**To:** [REDACTED]



First Name: [REDACTED]

Last Name: [REDACTED]

Address: Dalston

I would like to: Keep my neighbourhood bar

Comments (Optional): This bar has been A welcome and important part of the community for years. If you choose to reside above or near a commercial space you have to accept that there is going to be noise within the licensing hours. These people have no right to come into Hackney and demand to make changes because they themselves made a lazy and badly researched decision. The audacity, I am shocked and appalled.

**From:** Off Broadway [REDACTED]  
**Subject:** [REDACTED] Forms Submission  
**Date:** 24 July 2021 at 13:49  
**To:** [REDACTED]



**First Name:** [REDACTED]  
**Last Name:** [REDACTED]  
**Address:** [REDACTED] Welshpool House  
**Post Code:** E8 [REDACTED]  
**I would like to:** Keep my neighbourhood bar

**Comments (Optional):** It's an integral part of Broadway Market and one steeped in history. Anyone that moves in next to a bar and doesn't expect noise is deluded.



**From:** Off Broadway [REDACTED]  
**Subject:** [REDACTED] Forms Submission  
**Date:** 24 July 2021 at 13:53  
**To:** [REDACTED]

First Name: [REDACTED]

Last Name: [REDACTED]

Address: [REDACTED] Kings Avenue

Post Code: N10 [REDACTED]

I would like to: Keep my neighbourhood bar

Comments (Optional): The bar was here before the people. Honestly if you don't like noise why on earth would you live in a bustling city, the logic is dumbfounding. Move to a quieter residential street , there are hundreds. Do not destroy someone's livelihood and the joy of other people over your selfishness



From: Off Broadway [redacted]  
Subject: [redacted] Forms Submission  
Date: 24 July 2021 at 14:17  
To: [redacted] <[redacted]>

First Name: [redacted]

Last Name: [redacted]

Post Code: E9 [redacted]

I would like to: Keep my neighbourhood bar

Comments (Optional): This is such a great local bar. How can it have any more noise impact than the Cat & Mutton opposite?

**From:** Off Broadway [REDACTED]  
**Subject:** [REDACTED] Forms Submission  
**Date:** 24 July 2021 at 14:26  
**To:** [REDACTED]



First Name: [REDACTED]  
Last Name: [REDACTED]  
Address: [REDACTED] Elizabeth Avenue  
Post Code: N1 [REDACTED]  
I would like to: Keep my neighbourhood bar  
Comments (Optional): Keep it open, they shouldn't live in a busy spot if they don't want sound!



**From:** Off Broadway [redacted] k  
**Subject:** [redacted] Forms Submission  
**Date:** 24 July 2021 at 14:38  
**To:** [redacted] k



First Name: [redacted]  
Last Name: [redacted]  
Address: [redacted] Laxfield Court  
Post Code: E8 [redacted]

I would like to: Keep my neighbourhood bar

Comments (Optional): Off Broadway is a huge part of our community and such a unique place with beautiful energy! These new neighbours can't expect everything to stay as quiet as it was during lockdown and they knew exactly where they were moving to. Broadway Market has always been vibrant, fun and loud and part of living here is just embracing that you're gunna hear people out having fun some nights! I've gotten used to it and so can they! This is what it is to be in Hackney, baby!

**From:** Off Broadway [REDACTED]  
**Subject:** [REDACTED] Forms Submission  
**Date:** 24 July 2021 at 14:35  
**To:** [REDACTED] k



First  
Name: [REDACTED]

Last  
Name: [REDACTED]

Address: [REDACTED] Kenmure Road

Post  
Code: E8 [REDACTED]

I would  
like to: Keep my neighbourhood bar

Comments This is a very respectable bar and the majority of the community have no issues. If you choose (Optional): to live on Broadway market, there will always be some noise. Off Broadway is no noisier than the market.



**From:** Off Broadway [REDACTED]  
**Subject:** [REDACTED] Forms Submission  
**Date:** 24 July 2021 at 13:00  
**To:** [REDACTED]

First Name: [REDACTED]

Last Name: [REDACTED]

Address: [REDACTED] Lansbury Mansions

Post Code: E9 [REDACTED]

I would like to: Keep my neighbourhood bar

Comments I am a local

(Optional): Used to live on Broadway Market, now in Vicky Park.

I have been drinking in Off Broadway since 2010

Had some wonderful nights there, Christmas Eves, Birthday celebrations, Summer evenings etc

It's the only decent place to drink on the market as the soul has been taken from the Cat & Mutton when it changed hands.

It's always been fascinating to me that a new resident moves next to a thriving bar/pub on a busy bustling street and complain about the noise!!

It's absurd tbh.

Before moving into an area I would presume or expect most people would check out the area, see what the vibe is.

Basically move somewhere that is suitable for your own requirements.

Clearly these new tenants are not suitable for this area.

So move!

Don't try to cause problems for a business that existed here before you did!

That's just rotten, mean and shitty.

You feel you have the right to take many people's livelihoods away from them at such a delicate time after such a hard and devastating year resulting in many customers losing their beloved local.

I honestly think it should be [REDACTED] who is being removed for harassment.

After such a hard and destructive time for our community and nighttime industry, please see it in your hearts, to leave Off Broadway to mend and rebuild again.

Leave the people to have fun and enjoy their friendships at their local bar and maybe consider joining in and being a part of the community that has been here much longer than you.

Hopeful

[REDACTED]

**From:** Off Broadway [REDACTED]  
**Subject:** [REDACTED] Forms Submission  
**Date:** 24 July 2021 at 13:10  
**To:** [REDACTED]



First Name: [REDACTED]  
Last Name: [REDACTED]  
Address: [REDACTED]  
Post Code: N1 [REDACTED]

I would like to: Keep my neighbourhood bar

Comments (Optional): People that move next to bars and markets should be aware that they make noise. For years and years I have never seen anything but people enjoying themselves and causing no trouble at this venue

**From:** Off Broadway [REDACTED]  
**Subject:** [REDACTED] Forms Submission  
**Date:** 24 July 2021 at 13:11  
**To:** [REDACTED] <[REDACTED]>



First Name: [REDACTED]

Last Name: [REDACTED]

Post Code: E2 [REDACTED]

I would like to: Keep my neighbourhood bar

Comments (Optional): That bar is someone's business, it's someone's lively hood that has no doubt already dug been massively impacted by the pandemic. I'd be appalled to know my council taxes are going towards shutting down a small, hardworking business. Whoever is choosing to live on vibrant and busy Broadway Market and complain about the noise, should be ashamed of themselves. One of the last proper high streets left in London.



From: Off Broadway, rused@ #  
Subject: [redacted] Forms S [redacted]  
Date: 24 July 2021 at 13:19  
To: [redacted]



First Name: [redacted]

Last Name: [redacted]

Address: [redacted] Kensington garden square

Post Code: W2 [redacted]

I would like to: Keep my neighbourhood bar

Comments (Optional): I lived on Broadway market many years, and knew there were bars and pubs located there before I moved there. If you want a quieter living situation, then move, and don't live on Broadway market

From: Off [redacted] submission  
Date: 24 July 2021 at 13:18  
[redacted]



First Name: [redacted]  
Last Name: [redacted]  
Address: [redacted] Broadway Market  
Post Code: E8 [redacted]

I would like to:  Keep my neighbourhood bar

Comments (Optional): I've been living on Broadway Market for 4 years and have never been disturbed by any noise from any of the bars. In my opinion they all close early enough anyway.

Off Broadway is a neighbourhood staple and I'd like to keep Broadway Market lively and independently run.

For all NIMBYs if you don't like the area/bars/sound please don't move here.

01/07/2021


To Hackney licensing,

Off Broadway is a vital spot on Broadway Market, of which I'm an occasional customer. I live close to Broadway Market and work on ~~the~~ Broadway Market, so have got to know the staff at Off Broadway. The staff and customers of Off Broadway are an essential part of the Broadway Market Community, I have always known them to be kind, welcoming and considerate whilst I have lived near and worked on Broadway Market. Off ~~Market~~ Broadway Bar contributes no more to the noise on Broadway Market than any of the other pubs, Bars and Restaurants. In my experience Broadway Market has always been a congregation spot for groups of people making noise and drinking, regardless of if Bars and pubs are open - of which I ~~regularly~~ regularly witnessed during the Covid-19 Lockdown restrictions. It would be a great shame

and loss to the community if Off Broadway Bar  
was to be closed down & have its licence ~~revoke~~  
revoked. Not to mention it would be detrimental  
to the staff working at Off Broadway and to  
the owners of the Bar if their licence  
was taken away, (especially in these hard economic times).  
Broadway Market would not be the same without  
Off Broadway Bar and the people it <sup>brings</sup> ~~bring~~ to  
the community.

Thank you for taking time to read my testimony  
and considering the impact of taking Off Broadway's  
licence away.

Yours faithfully,



■ Hopwood Walk, E8 ■

1/08/2021

To Hackney Licensing

Off Broadway is a Hackney institution and should remain so as part of the social hub that is Broadway Market. There is no logic in moving in next to a well-known bar and complaining about noise!

Yours faithfully

■  
■

■ Wested Court, E8 ■

01/08/2021

to Hackney Licensing.

My name is ■ I've been living on Broadway Market for the past 3 years, only moved really recently to Hackney Central. For the time I lived on Broadway Market, I used to live really close from OFF BROADWAY, and never had any issue, neither with the pub or the owners (Poupart & Stephen) who had & always took a good care of the neighbourhood, of its tranquility by night and good intent. We never had any issues regarding the noise or any other inconvenience that a bar could cause. We fully trust their competences in keeping the outside of the bar calm and respectful for the surroundings.



WA



HELMSLEY ST.

E8



02/08/21

TO HACKNEY LICENSING,

I LIVE AND WORK AROUND BROADWAY MARKET AND BELIEVE  
OFF BROADWAY. HAS BEEN PART OF THE HEART OF BROADWAY MARKET  
FOR A VERY LONG TIME. IT IS A LOCAL INSTITUTION AND IT HAS  
AN IMPORTANT ROLE IN KEEPING THIS STREET INDEPENDENT  
AND GENUINE. SINCERELY,



Finland Street

SE16 LONDON

To Hackney Licensing,

Off Broadway has been part of Broadway Market's identity and should remain exactly where it is.

Moving in a street so full of life comes with perks and obvious noise issues. Let's keep Broadway Market genuine & keep independent businesses running!

Sincerely,

Wetherell Road

E9

1/08/21

To Hackney Licensing,

I live nearby Broadway Market and often visit Off Broadway. It is a local institution and should remain as such. Broadway Market is the beating heart of Hackney and to restrict a small business in these times of economic and social difficulty would be to the detriment of the local community!

Yours faithfully,

04/08/2021

To Honey Licensing

I ~~we~~ lived in Broadway Market for a long time and used to be a regular customer of Off Broadway. In my experience they have been nothing but consummate professionals in their business practices.

In these times we should not be restricting small businesses from operating and I hope that you'll see sense in this instance.

Sincerely,

████████████████████  
████████████████████ Broadway Market  
E8 ██████████

1st Aug 2021

To Hackney Licensing,

We love Off Broadway and  
have for the past ten plus  
years!! Also a supportive local  
business, the staff are friendly,  
the music is very important.  
(Hackney has so few music venues!)  
please protect it! its locally  
run (not a chain!)

Manny Humphreys  
████████████████████



This premises licence has been issued by:  
 Licensing Service  
 1 Hillman Street  
 London  
 E8 1DY

Premises licence number LBH-PRE-T-0979

**Part 1 - Premises Details**

**Postal address of premises, or if none, ordnance survey map reference of description**

Off Broadway  
 63-65 Broadway Market

**Post town**

London

**Postcode**

E8 4PH

**Telephone number**

**Where the licence is time limited the dates**

Not applicable

**Licensable activities authorised by the licence**

Plays  
 Films  
 Recorded Music  
 Supply of Alcohol

**The times the licence authorises the carrying out of licensable activities**

**Plays**

**Standard Hours**

Mon 10:00-23:00  
 Tue 10:00-23:00  
 Wed 10:00-23:00  
 Thu 10:00-23:00  
 Fri 10:00-23:00  
 Sat 10:00-23:00  
 Sun 10:00-23:00

**Films**

**Standard Hours**

Mon 10:00-23:00  
 Tue 10:00-23:00  
 Wed 10:00-23:00  
 Thu 10:00-23:00  
 Fri 10:00-23:00  
 Sat 10:00-23:00  
 Sun 10:00-23:00



**Recorded Music****Standard Hours**

Mon 10:00-23:00  
Tue 10:00-23:00  
Wed 10:00-23:00  
Thu 10:00-23:00  
Fri 10:00-23:00  
Sat 10:00-23:00  
Sun 10:00-23:00

**Supply of Alcohol****Standard Hours**

Mon 10:00-00:00  
Tue 10:00-00:00  
Wed 10:00-00:00  
Thu 10:00-00:00  
Fri 10:00-00:00  
Sat 10:00-00:00  
Sun 10:00-00:00

**The opening hours of the premises****Standard Hours:**

Mon 09:00-00:00  
Tue 09:00-00:00  
Wed 09:00-00:00  
Thu 09:00-00:00  
Fri 09:00-00:00  
Sat 09:00-00:00  
Sun 09:00-00:00

**Where the licence authorises supplies of alcohol whether these are on and/or off supplies**

On Premises

**Part 2**

**Name, (registered) address, telephone number and email (where relevant) of holder of premises licence**

Mr Stephen Selby  
63-65 Broadway Market  
London  
E8 4PH

And;

Mr Rupert Selby  
63-65 Broadway Market  
London  
E8 4PH

**Registered number of holder, for example company number, charity number (where applicable)**

N/A

**Name, address and telephone number of designated premises supervisor where the premises licence authorises the supply of alcohol**

Mr Byron Knight

**Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises the supply of alcohol**

**Date of grant: 04/11/2008**

**David Tuitt  
Team Leader - Licensing**

**Annex 1 - Mandatory Conditions**  
**Supply Of Alcohol (On/Both)**

1. No supply of alcohol may be made under the premises licence:
  - (a) At a time when there is no designated premises supervisor in respect of the premises licence.
  - (b) At a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.
2. Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.
3. (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.  
(2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises -
  - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to;
    - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
    - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
    - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
    - (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner.
    - (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).
4. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
5. 5.1. The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sales or supply of alcohol.

5.2 The designated premises supervisor in relation to the premises licences must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.

5.3. The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either:-

- A. a holographic mark or
- B. an ultraviolet feature.

6. The responsible person shall ensure that:

a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures:

- beer or cider: 1/2 pint;
- gin, rum, vodka or whisky: 25ml or 35ml; and
- still wine in a glass: 125ml; and

a. these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and

b. where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

### **Minimum Drinks Pricing**

7. 7.1 A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

7.2 For the purposes of the condition set out in paragraph 7.1 above -

(a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;

(b) "permitted price" is the price found by applying the formula -  $P = D + (D \times V)$  Where -

(i) P is the permitted price,

(ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and

(iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;

(c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence -

(i) the holder of the premises licence,

(ii) the designated premises supervisor (if any) in respect of such a licence, or

(iii) the personal licence holder who makes or authorises a supply of

alcohol under such a licence;

(d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and

(e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.

7.3 Where the permitted price given by Paragraph 8.2(b) above would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub- paragraph rounded up to the nearest penny.

7.4 (1) Sub-paragraph 7.4(2) below applies where the permitted price given by Paragraph 7.2(b) above on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.

(2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

### **Exhibition Of Films**

8. Admission of children (under 18) to the exhibition of any film must be restricted in accordance with: -

(a) Recommendations made by the film classification body where the film classification body is specified in the licence, or

(b) Recommendations made by the licensing authority where the film classification body is not specified in the licence, or the relevant licensing authority has not notified the holder of the licence that this subsection applies to the film in question.

&quot;film classification body &quot; means person(&#39;s) designated under s4 of the Video Recordings Act 1984(c.39).

### **Mandatory Condition - Door Supervision**

9.Each individual who is to carry out a security activity at the premises must be licensed by the Security Industry Authority.



## **Annex 2 - Conditions consistent with the Operating Schedule**

9. The premises shall maintain a comprehensive CCTV system as per the minimum requirements of a Metropolitan Police Crime Prevention Officer. All 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. 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 recent data or footage with the absolute minimum of delay when requested.
10. The venue will operate a Challenge 25 policy.
11. Premises to operate a no baseball caps or hooded tops policy and no alcohol promotions eg Happy hour or 2 for 1.
12. The amount of people coming outside the venue to smoke to be limited by appropriate means to prevent people spilling onto a thoroughfare.
13. Premises to operate a zero tolerance policy to drugs and comply with the Hackney Police/ Hackney Council Community Safety Unit Drugs and Weapons Policy
14. The premises will also, in cooperation with Hackney Police and no later than 3 months following granting of the premises licence, regularly facilitate a premises drug audit using the iron itemiser or similar device.
15. Notices to be displayed at exits requesting patrons respect the needs of local residents and leave the premises and the area quietly.
16. 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: (a) all crimes reported to the venue (b) all ejections of patrons (c) any complaints received (d) any incidents of disorder (e) seizures of drugs or offensive weapons (f) any faults in the CCTV system or searching equipment or scanning equipment (g) any refusal of the sale of alcohol (h) any visit by a relevant authority or emergency service. (i) SIA booking on - off times / Full Badge number / contact phone number..
17. Security (SIA licensed door supervisors) is to be considered on a continual basis, on Friday and Saturday one (1) SIA will be employed from 2100 Hours at a ratio of one (1) SIA per one hundred (100) customers or part thereof until close. They will remind customers to be courteous and quiet when leaving the premises.
18. Children to be accompanied by an adult at all times.

19. An acoustic report to be produced to detail works that need to be completed to ensure the property does not cause noise nuisance to nearby neighboring residential properties: such report to be received and approved by the pollution team before regulated entertainment is permitted on the premises.

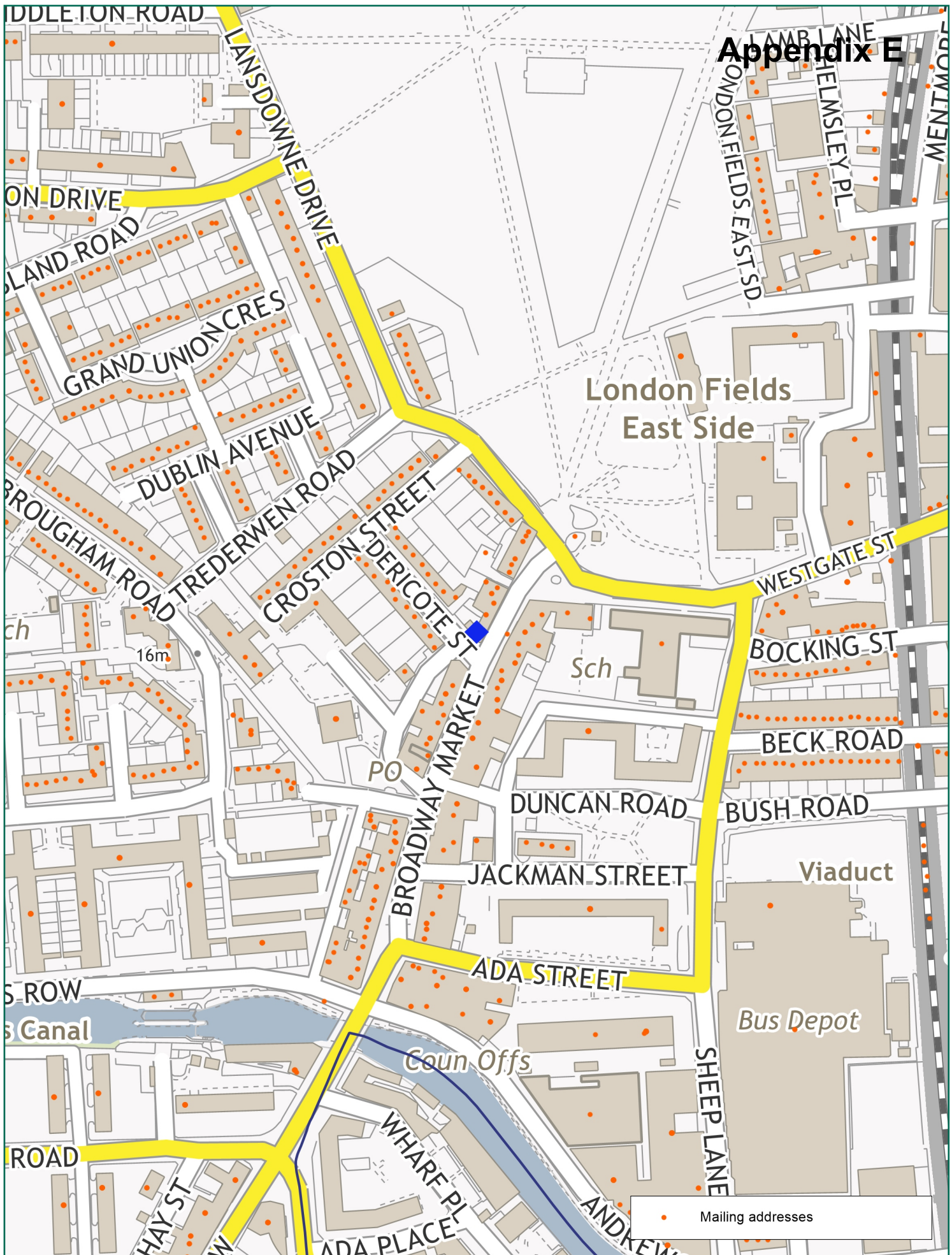
20. A defined space, no less than two metres, be made available at the front of the premises in order to allow no more than 4 patrons to congregate and smoke.

21. The capacity of the basement shall be limited to no more than 40 patrons at any one time.

**Annex 3 - Conditions attached after a hearing by the licensing authority**  
Not Applicable

**Annex 4 - Plans**

PLAN/LBH-PRE-T-0979/TBC



• Mailing addresses



Scale: 1:2500 at A4

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



Ref: Wednesday, January 12, 2022

Page 205  
Product by: unspecified  
email:

please specify copyright statement



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Dear Licensing

Representation Re: Off Broadway (review hearing)

I am the Chair of the London Fields User Group, a body recognised by Hackney Council as being a properly constituted Group representing the interests of London Fields park, users of the park and residents of surrounding streets.

The User Group has made several complaints to Licensing and Shopfronts relating to Off Broadway including, but not limited to:

- obstruction of pavements with tables
- blockage of fire exits
- use of external tables for consumption of alcohol although not thus licensed
- breach of COVID distancing
- unlicensed establishment and use of the rear as a Beer Garden.

I wasn't able to make a direct representation during the Review Consultation Period.

However as ██████████ did make submissions and was attending I was satisfied for her to make representations on my behalf. However due to oversight it wasn't stated in writing or verbally that ██████████ is a co-opted member of the London Fields User Group Committee and as such her submissions were also representations on the part of LFUG.

This submission is made on that basis, i.e. a witness submission by an organisation represented at the hearing by ██████████. We would like the opportunity to present this witness statement in person but if unable to do so would ask that the Sub-committee consider this submission.

Given the repeated and numerous breaches of the Licence and the Licensing Principles that we and others have recorded there is *prima facie* evidence that Off Broadway not operating within its licence.

These serious, repeated breaches of the licence and the resultant distress, nuisance and antisocial behaviour should give good grounds for the revocation of the licence as requested by the Police and initially requested by Licensing Authority.

We were shocked and dismayed that the Licensing Authority opened their submission by apparently accepting a reduction in complaints equated with an improvement in management and therefore obviated the need for revocation. We see no evidence of such improved management nor a willingness to do so.

If instead of revocation a decision is made to apply weak additional conditions this gives two deeply unpalatable messages. To us, the User Group, it gives the message that it is pointless to spend time and energy collecting evidence, writing to the Licensing Authority and raising concerns because, even when an overwhelming body of incontrovertible evidence demonstrating systemic breaches of the licence is presented the Licensee is only going to get a slap on the wrists.

To Licensees it seems to give the message that you can flout the rules, increase capacity, breach your

hours and cause nuisance with impunity. There aren't any consequences beyond possibly additional conditions on a licence – a licence whose terms have already been breached.

Neither of these messages are ones that we would want to be the key outcome from this review and therefore we would urge the Committee to rethink the decision to step away from revocation given the long and persistent pattern of breaches.

If, as we fear, a decision is made to prefer additional enforceable conditions on the licence then there are several we would want to see introduced.

It would have been desirable if, as part of the hearing, such proposed conditions could have been drafted ready for discussion. However as this hasn't happened these are our proposals.

### **1: outright ban on off-sales**

We note the suggestion that off-sales be restricted to drinks in sealed containers only. We don't see this measure as making a significant difference as a bottle of beverage with a cap on it is easily opened and so is no real impediment to street drinking.

We are also aware that there is a grey area which has allowed outside seating permitted under a shopfronts licence to be used for the consumption of takeaway alcohol.

The benches or tables outside are not part of the Licensed Premises and therefore on-sales should not be consumed there. However Licensees can make off sales and then allow these to be drunk on the tables, arguing these are off-sales.

As the tables are not part of the Licensed Premises there is no scrutiny of the numbers of people using them or how this relates to capacity.

We have already asked Hackney Council Shopfronts team to amend their rules for Shopfront Licence to prohibit the consumption of take-away alcohol on tables placed under a Shopfront Licence.

This has yet to be actioned and, until it is there is no effective management of this loophole.

We would therefore ask that a complete ban on Take-away alcohol be imposed on Off-Broadway. Should they wish to seek permission for drinking to take place on the benches outside they should seek a variation of the Premises Licence to include these areas, and this would enable the Sub Committee to state the number of tables allowed, times, number of patrons and other conditions.

Most recently the same discussion came up when Route on Broadway Market sought their licence and a restriction on Off-sales was added for this reason and Route had not been responsible for any nuisance or ASB at that time.

### **2: drinking up time**

Based on the current licence the premises are open from 09:00 to midnight and the sale of alcohol can take place on or off premises from 10:00 to midnight.

This means that (a) there is no effective dispersal process in place and (b) no drinking up time and (c) pitches customers out at times when public transport has wound down increasing reliance on private hire cars in the area.

To remedy these inadequacies in the Licence we would propose adding conditions that:

- no alcohol is served after 11pm
- premises close at 11:30 pm

### **3: Lower Ground Floor Use/Dispersal**

The licence states that the Lower Ground floor can be used for specific licensable activities but this is at odds with Planning Ref 2010/2814 which placed restrictions on the times for which the lower ground could be used. The hours permitted under the Planning Consent for such use of the "Art Gallery" is 10:00-16:00; the Licence allows for 10:00-23:00, which would not be permitted under their Planning Consent.

This issues needs to be regularised and in any event there should be a dispersal process so that both bars don't close at the same time and result in large numbers of people leaving at 13:00

### **4: premises outline**

We requested a copy of the plan showing the Licensed Premises but this is apparently unavailable. As part of this review we would like to see a premises diagram drawn up which clearly shows areas covered by the premises, their capacity, fire exits, location of CCTV. It would also make explicit that the outside garden and the front benches do not form part of the licensed premises.

### **5: capacity**

Due to the lack of a venue plan we do not know the stated capacity of the venue and this makes it unclear if the toilet, staffing and security levels are appropriate to the venue.

We request that the revised Licence states the capacity for both floors and that the toilet capacity is assessed to ensure it meets requirements for this capacity.

### **6: removal of external tables**

The Shopfront licence currently allows tables to remain outside until 10pm

As noted previously we request that there be an outright ban on off-sales of alcohol and therefore these tables will not be used for alcohol consumption.

In order to reduce gathering and street-drinking we would want to ensure that these tables are removed from use at 10pm.

We would want the licence to further stipulate that after this time a maximum of three smoking customers can gather outside **without** alcoholic drinks in a designated area.

### **7: security**

In light of the repeated and frequent breaches of licence, and apparent inability of the Premises to manage antisocial behaviour we would ask that the Licence mandates SIA approved security is in place

on Friday and Saturday nights as a matter of course and at other times when the Licence Holder considers it appropriate or at the direction of the Police or Licencing Authority.

Yours etc



Chair

London Fields User Group



Dear Hackney Council Licensing colleagues,

██████████ has kindly registered me as an additional witness in respect of the Off Broadway license review. I have submitted previous emails and evidence of all the breaches of OB's license.

I am a resident of Dericote St, with my wife and children. We have a supportive & friendly community on Dericote St and Croston St and neighbouring streets, including a significant number of elderly households, many households with small children, a blend of social and private residents. Several have provided me with inputs to this email, and asked me to raise their concerns about Anti-Social Behaviour, including the persistent breaking of many different licensing rules by Off Broadway bar over the months and years. There is a silent majority of residents who do not feel they have a right or a voice, or necessarily know how to engage in these formal processes.

Summary

**I would like to particularly endorse the points in the comprehensive emails from ██████████ ██████████ 8 February and ██████████ ██████████ of 8 February: put at its simplest, there has been no evidence provided or justification given at the hearing or before/since for not suspending or revoking the licence, based on the sustained breaches and evidence provided.**

**I also agree with their points on potential conditions if the Council moves in that direction.**

I would like to make some additional observations about the hearing on 25 January.

a. Evidence:

Residents who have to live close to the bar have provided multiple emails, photos, videos evidence, over a long period, showing conclusively that OB has ignored licensing rules for a sustained period, in many different respects, but particularly with regard to after hours serving of drinks, after hours noise, and anti-social behaviour in the street outside the bar.

This augments a great deal of police engagement and evidence, which resulted in the recommendation from the licensing officer and the police to revoke the OB license.

I should add that residents have suffered stress from many disturbed nights, and have collectively taken hours and hours to record and submit phone/email complaints. Often they've have their sleep interrupted, and had to get out of bed and go down the street to get the evidence otherwise they would be ignored. We don't want to have to go through it all again this year if/when new conditions are set and broken.

Remember also, that having been disturbed after 11pm and often to 1 or 2am by OB's mismanagement, we're often then woken, often as early as 5.45am, and around 7 and 8am now numerous times each day (instead of previously just once a week for our own collection) because refuse trucks and large and mid-sized delivery trucks have started to come down our streets to clean up or deliver, since Broadway Market was closed to them. So as residents we can often get something like 4 hours of peace.

The OB and lawyer did not refute any of it.

b. Corrections to points made at the Hearing:

I also wanted to set out , for the record , some untruths that were presented by OB in their evidence at the hearing that went largely unchallenged:

1. Mr Selby said OB "does not open late". This is not true (see 1st and 2nd video and numerous other timed/dated photographic and video evidence). They've stayed open after their license literally tens and tens of long weekends over the last two years.

2. Mr Selby said OB "has not done late sales". This is not true. I provided video evidence (reattached) of one occasion but it's systematic. Their customers (whatever other drinkers with cans are doing outside) are seen drinking drinks from OB, in OB glasses, numerous times, outside, making noise.

3. Mr Selby blamed the gate across the street, where drinkers with tins, for many of our complaints. Our evidence shows this is untrue. There are other drinkers and issues to be dealt with separately, but it is irrelevant to OB's own licensing review (and by the way, the only time i have engaged Mr Selby directly, was when he himself was leaning on that gate, enjoying drinking a can of lager with friends).

4. Mr Selby said dispersing his customers once they left the bar was not his problem. This is not true.

5. Mr Selby said he lived above the bar for 40 years. This is not true.

6. Mr Selby said the problem was not with OB but with all the licensed establishments all the way down the market. Discussed above, but the point is that none of the others received multiple complaints, because they have lively establishments, and we all enjoy the lively market, but everyone else by and large operates within their license (apart from problems with Cat and Mutton recently which are under discussion). That's the sole issue.

7. Mr Selby said his establishment did not use grease fat or spill it onto the street, permanently defacing the pavement on our street. This is not true. The photos attached from 19 April proved that it came from under the gate from their back area, presumably from the cheesy nicks produce they sell. Street Clean came at (unaccountably, at taxpayer expense, as it was clear from the trail of grease that it came from Mr Selby's establishment) but were unable to clear it up. It's still there.

8. Mr Selby said the many drinkers in the bar refuted the license breaches and their letters were representative of local views. This is really important to challenge. As drinkers in the bar, they can go home. By definition they are either are the cause of the noise, or have left and are unaware of it. They can say they haven't experienced it. But they cant say it isn't happening. They also were called 'locals'. It is important to note the post codes of their representations, a random subset:

E2, E8, E2, E8, E8, N16, N1, E2, E20, E8, N1, N16, E9. They are not mostly not local. They do not live in the immediate vicinity of the bar and suffer the consequences. There isn't equivalency between their views regarding the license, and the views of locals.

9. Mr Selby has repeatedly said the neighbours who complain "shouldn't have moved here in the first place, if they didn't like the noise" or are "millionaires" or suchlike. This illustrates the disdain with which Mr Selby and his clientele treat the immediate community. But it is also untrue. Around half the households are social housing. Around half or more of households have lived here for decades. An elderly lady in one of the houses closest to Off Broadway who has been most impacted by OB's after hours culture suffers from insomnia and long covid. Her quality of life has been materially worsened by Off Broadway. Her neighbour sadly recently passed away but was also regularly disturbed by the bar. Another nearby couple who have lived there for decades "have had enough" of the way the neighbourhood has become so noisy and anti-social, and are leaving.

Overall, at the review, i was struck that rather than show any regret or take any responsibility, Mr Selby and his lawyer at the hearing either denied the evidence against them; deflected at length from the issue of breaches; and diminished the legitimate concerns of many locals.

Finally, at the Hearings, i was confused to hear the Chair suggest that he would have to consult with OB and its lawyer how they felt about any potential conditions attached to the license. This cannot be a negotiation. It is not for the breacher of the licence to have any say over revocation or new conditions of their license. I recall, as was contained in the evidence for the hearing, having been woken from my bed yet again after midnight one evening last year, i went down the street to politely request to OB customers - who were still being served outside by bar staff after midnight - to stop shouting and playing music on the street after midnight, as they were disturbing many families including very elderly and terminally ill residents. The response was to surround and intimidate me, shouting "We don't give a f\*\*k about you, and I don't give a f\*\*k about your neighbours... We don't give a f\*\*k about you, and I don't give a f\*\*k about your neighbours."). I'm afraid that's what we're dealing with here.

So we have no reason to believe that we will not simply experience further sustained breaches, especially through the warmer Spring, Summer and Autumn months, no matter what any new conditions are. Indeed just last Saturday on a cold February, despite the review being underway, the breaches were back: noise continuing until long after midnight.

So as mentioned finally, i reattach just a couple of videos:

- On 10 July 2021, you see, after midnight, the bar fully open, tables out, drinkers shouting in the street, and the bar staff still openly taking orders (see my email para 3 below, for the exchange with the bar staff).

- On 23 Oct 2021, another after midnight video, drinking, noise, outdoors and indoors, after hours, tables, etc.

I'd be grateful if you could confirm receipt, and that all members of the committee have received this.

Best wishes, and thanks for all your work,

  
Dericote Street

On 8 Feb 2022, at 11:16, [REDACTED] wrote:

Dear Mr Tuitt,

During the licensing sub-committee hearing (25th Jan 2022) there was discussion that there should be a period of time between the last-supply-of-alcohol and the closing time of the bar. The bar owner listed this as one of the measures that OB had implemented since their meeting with the council in late October 2021.

By operating until midnight, OB are in breach of their planning condition (2010 / 2814 Condition 1 - hours of use), which **restricts their closing time to 11pm:**

*“To ensure that the use is operated in a satisfactory manner and does not unduly disturb adjoining occupiers or prejudice local amenity generally”.*

Planning enforcement case officer Lorraine Murphy is currently dealing with this breach.

This planning constraint directly impacts on the new licensing conditions and is clearly of vital importance when it comes to setting the time for last-supply-of-alcohol. This can be no later than 10:30pm if enough time is to be allowed for drinking-up and for using the toilet facilities before the bar closes at 11pm.

A 30 minute time interval seems to be the standard period. The trial period of 15 minutes does not afford customers the opportunity to both finish their drinks and use the toilet facilities. This problem is particularly acute at OB, where only two toilets are provided, to be shared between the basement bar (advertised for 50 people) and the ground floor bar (no limit stated). There could be over 100 customers trying to finish their drinks and use one of the two toilets provided in this time. OB's practice of supplying alcohol right up until the closing time of the bar will have directly contributed to the persistent problem of OB's customers urinating on nearby homes. Setting the last-supply-of-alcohol time to 10:30pm, 30 minutes before the closing time of the bar, will be a step in the right direction.

If, at a later date, OB successfully submit a planning application to vary their hours of operation, then they could also apply for a variation to their licence.

This last-supply-of-alcohol condition is obviously just one of the new conditions that need to be adhered to in order to reduce the harm being caused by OB - including (but not limited to): No use of rear garden, No take-away drinks, No outside drinking apart from seated at tables in the shop front licence area at the front, No tables or chairs left out past 9pm, Dericote St fire door and (unauthorised) rear garden door to be kept closed at all times, Mandated security staff, A specified smoking area at the front with limited smokers and no drinks.

What OB has failed to demonstrate, is that they can be trusted to abide by any of these new conditions. OB's position in the licensing sub-committee hearing was still that the problems were not caused by the bar's failure to meet the licensing objectives, but rather a failure on the part of the residents to accept the bar's perceived right to make a lot of late-night noise and cause public nuisance in this area.

I understand that Licensing, whilst trying to reduce the harm caused by OB, have to find conditions that cannot be successfully appealed against. It would be hard for OB to seriously argue against this restriction, as, in the licence hearing, it was put forward by the bar owner as part of the solution to the problems being caused by the bar.

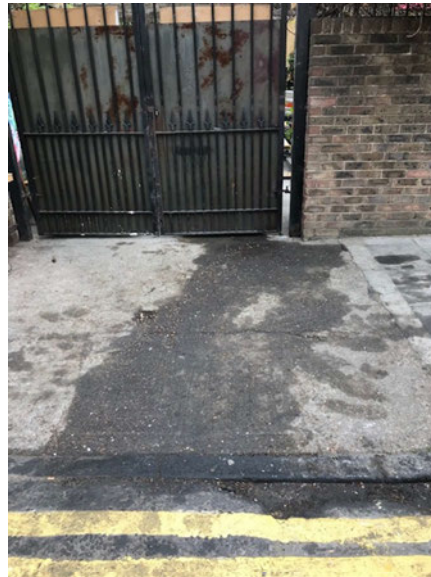
For the avoidance of any doubt, I have attached a copy of OB's planning permission. Head of Planning, Natalie Broughton, is copied on this mail.

Kind regards,



Notes on Photos/Videos: Mr Selby may claim this vomit comes from elsewhere, not his customers, but our video evidence shows a customer coming out and vomiting and being incapable of walking unaccompanied. These things happen all the time but it wasn't ever cleared up. Similarly, i have seen his customers come out and urinate on our street after hours instead of using the downstairs toilets.

And second photo is the heavy grease that Mr Selby said did not exist and was not his fault, coming from under his gate.





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