



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

Tuesday, 5 April 2022
at 2.00 pm

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

The live stream can be viewed here:

<https://youtu.be/zYkcK2AKikw>

Back up link to be used in the event of technical difficulties:

<https://youtu.be/6Dsg39F9cZo>

Members of the Committee:

Cllr Brian Bell and Cllr Peter Snell

Mark Carroll
Chief Executive
25 March 2022
www.hackney.gov.uk

Contact: Gareth Sykes
Governance Officer
governance@hackney.gov.uk

Licensing Sub Committee E

Tuesday, 5 April 2022

Agenda

Members are to note that whilst there are no substantive applications for consideration, this meeting has been reserved for the consideration of any Temporary Event Notices which may arise. In the event of there being no Temporary Event Notices for consideration, the meeting will be cancelled.

- 1 Election of Chair**
- 2 Apologies for Absence**
- 3 Declarations of Interest - Members to declare as appropriate**
- 4 Minutes of the Previous Meeting (Pages 9 - 20)**
- 5 Licensing Sub-Committee Hearing Procedure (Pages 21 - 32)**
- 6 Temporary Event Notices - Standing Item – TO FOLLOW**

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, Democratic and Electoral 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:

- i. 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;
- ii. 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
- iii. 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:

- i. 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).
- ii. 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.
- iii. 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

**DRAFT MINUTES OF THE MEETING OF
LICENSING SUB COMMITTEE HELD ON
TUESDAY 18 JANUARY 2022, 2:00pm**

THIS MEETING WAS LIVE STREAMED WHICH CAN VIEWED HERE:

<https://youtu.be/p1iNgUHUGgQ>

ALTERNATIVE LIVESTREAM LINK OF MEETING:

<https://youtu.be/NRThQHWQBx8>

Councillors Present: Councillor Anya Sizer and Councillor Peter Snell

Officers in Attendance: Amanda Nauth, Licensing and Corporate Lawyer
Subangini Sriramana, Principal Licensing Officer
Gareth Sykes, Governance Services Officer

Also in Attendance: Item 6: Application for Expedited / Summary
Review of Premises Licence: The Haggerston,
438 Kingsland Road London, E8 4AA

Applicant

Police Constable Neal Hunwick, Police

Responsible Authority

Channing Riviere, Principal Licensing
Officer

Premises Licence Holder

Andy Newman, agent for The Haggerston

The Haggerston:

Peter Clarke, Designated Premises Supervisor
(DPS)

Joseph Howe, Manager

Otis Marchbank, Manager

In Support of Review:

Angela Chieh

Against the Review:

**Kyra Borella
Catherine Gates
Noémi Lidove
Kwame Otiende
Lydia Pipili**

1. Election of Chair

1.1 Cllr Peter Snell was elected as Chair.

2. Apologies for Absence

2.1 There were no apologies for the meeting.

3. Declarations of Interest

3.1 There were no declarations of interest.

4. Minutes of the Previous Meeting

4.1 There were no Licensing Sub-Committee meeting minutes submitted for approval at the meeting.

5. Licensing Sub Committee Hearing Procedure

5.1 The hearing procedure for the meeting was explained to all the participants.

6 Application for Expedited / Summary Review of Premises Licence: The Haggerston, 438 Kingsland Road London, E8 4AA

6.1 The Principal Licensing Officer introduced the application in respect of an expedited review for The Haggerston, 438 Kingsland Road, London, E8 4AA. The review was brought by the Police on the grounds of the prevention of crime and disorder following a serious crime occurring at the premises on 18 December 2021. At a 22 December 2021 Licensing Sub-Committee meeting it was agreed to suspend The Haggerston's premises licence pending a full review. The Sub-Committee noted that further information had been provided by the applicant including agreement to several additional conditions.

6.2 Police Constable Neal Hunwick outlined the Police's case in support of their application for calling for a review. The Police had discussed with the premises

licence holder issues regarding the safeguarding of female patrons at the premises and the Police remained concerned about the dispersal of customers in the early morning. They felt that this issue in particular could partly be resolved by bringing The Haggerston back to its core hours of operation. On the preservation of a crime scene at a licensed premises, the detention of the suspected perpetrator and the safeguarding of the alleged victim there was not a one-size-fits-all approach for every venue. There was an expectation from the Police that each premises would apply a degree of common sense depending on the incident that had occurred.

- 6.3 The Responsible Authority's Principal Licensing Officer outlined the Licensing Service's case in support of the application. He acknowledged that the additional conditions agreed by The Haggerston had alleviated his previous concerns.
- 6.4 Ms Angela Chieh briefly outlined their reasons for supporting the Police's application citing their concerns over incidents of anti-social behaviour and criminal activity occurring near to their home.
- 6.5 Mr Andy Newman, the agent representing The Haggerston, explained that there was substantial local support for the premises.
- 6.6 Ms Catherine Gates, attending in support of The Haggerston, echoed Mr Newman's comments and explained that there were wider problems of anti-social behaviour and crime in the area that were not related to just one venue.
- 6.7 Mr Newman explained that his client, Mr Peter Clarke, was sorry for what had occurred and that due to recent unforeseen circumstances his attention had not been focused on the running of the premises. Mr Newman added that his client may find it hard to operate the premises on core hours and that Mr Clarke had already demonstrated a willingness to cooperate by agreeing to a number of additional conditions. The Sub-Committee noted that the previous company contracted with providing security for The Haggerston had been replaced and that Mr Newman had suggested that the current Designated Premises Supervisor (DPS), Mr Clarke, should step down and that for an interim period the venue's two managers, Mr Howe and Mr Marchbank, would run the premises until a suitable DPS was found.
- 6.8 During the discussion phase of the Sub-Committee meeting the following points were made:
 - The changes that had been undertaken by the premises since the 18 December 2022 incident and the scaling back of the hours of operation to core hours were an opportunity for the premises to start afresh
 - It was made clear that there was no assumption that the venue was responsible for the incidents of drug dealing in the area
 - It was recognised that Mr Clarke was now willing to take a more active role in the running of The Haggerston

- A condition was added to make available The Haggerston's contact details to all local residents and the responsible authorities.
- 6.9 Mr Newman confirmed that his client would submit a fire risk assessment. The Sub-Committee also noted that The Haggerston's maximum capacity was 250 persons.
- 6.10 In his closing remarks Mr Newman reiterated that since the 18 December 2021 incident his client had initiated a number of changes as well as agreeing to several additional conditions.
- 6.11 Ms Angela Chieh acknowledged that The Haggerston had undertaken a number of changes.
- 6.12 The Responsible Authority's Principal Licensing Officer reiterated that his concerns had been partly alleviated on hearing that The Haggerston had agreed to a number of additional conditions.
- 6.13 PC Hunwick stated that the Police were clear on their reasons for submitting the application and that they were insistent that The Haggerston should revert back to its core hours of operation.

Decision

The Licensing Sub-Committee, in considering this decision from the information presented to them within the report and at the hearing today and having regard to the promotion of the licensing objectives:

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

The Licensing Sub-Committee after carefully considering the evidence presented to them at the Expedited Summary Review by the Metropolitan Police Service, the Licensing Authority, and the licence holder and their representative, and in particular the prevention of public nuisance and public safety, made the following determination agreed by the parties:

1. The Designated Premises Supervisor (DPS) (named as Peter Julian Clarke) is removed effective on 22 April 2022
2. The premises hours of Licensable activities to be reduced to core hours except for Sundays:
 - Remove non-standard hours from the licence.

The opening hours:

Monday - 11:00 - 23:30
Thursday

Friday - Saturday 11:00 - 00:30

Sunday 11:00 - 01:30

Films:

Monday - 11:00 - 23:00
Thursday

Friday - Saturday 11:00 - 00:00

Live Music:

Monday - 11:00 - 23:00
Thursday

Friday - Saturday 11:00 - 00:00

Sunday 11:00 - 01:00

Sunday 11:00 - 01:00

Recorded music:

Monday - 11:00 - 23:00
Thursday

Friday - Saturday 11:00 - 00:00

Sunday 11:00 - 01:00

Performance of dance:

Monday - 11:00 - 23:00
Thursday

Friday - Saturday 11:00 - 00:00

Sunday 11:00 - 01:00

Late Night Refreshment:

Friday - Saturday 23:00 - 00:00

Sunday 23:00 - 01:00

Supply of alcohol:

Monday - Thursday 11:00 - 23:00

Friday - Saturday 11:00 - 00:00

Sunday 11:00 - 01:00

3. To modify the conditions of the licence with the conditions proposed by the Metropolitan Police Service and agreed by the licence holder:

Conditions to remain on the licence:

Conditions 12 and 13 – to remain on the licence
Conditions 15, 16, 17, 18 and 19 - to remain on the licence
Conditions 21, 22 and 23 - to remain on the licence
Condition 29 – to remain on the licence

Conditions to be removed from the licence:

Condition 11 – to be removed from the licence
Condition 26 – to be removed from the licence

Condition 10 to be amended as follows:

“The premises shall maintain a comprehensive Closed Circuit Television (CCTV) system as per the minimum requirements of a Metropolitan Police Crime Prevention Officer. All public areas, entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Recordings shall be made available immediately upon the request of the Police or an 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 or an authorised officer of Hackney Borough Council recent data or footage with the absolute minimum of delay when requested”.

Condition 14 – to be amended as follows;

“Toilets shall be checked hourly from 2000 hours until all customers have left the premises. There shall be a written record of these checks which can be produced to police or other authorised officer upon request”.

Condition 20 to be amended as follows:

“There shall be clear and prominent signage asking all customers to leave quietly and respect local residents”.

Condition 24 to be amended as follows:

“Where the sale or supply of alcohol is taking place employees of the premises must request sight of evidence of the age of any person appearing to be under 25 years of age (Challenge 25). Such evidence may include a driving licence or passport”.

Condition 25 to be amended as follows:

“All staff will be given refresher training every twelve months on the legislation relating to the sales of alcohol to underage persons and drunken persons. Written records of this training shall be kept on the premises and produced to police or other authorised officer upon request”.

Condition 27 to be amended as follows:

“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:

- i) all crimes reported to the venue
- ii) any complaints received
- iii) any incidents of disorder
- iv) any faults in the CCTV system
- v) any refusal of the sale of alcohol
- vi) any visit by a relevant authority or emergency service.

Condition 28 - to be amended as follows:

“There shall be a minimum of 1 Security Industry Authority (SIA) Door Supervisor per 75 patrons or part thereof on duty from 20:00hrs until 30 minutes after closing every Friday and Saturday night. There shall be additional SIA Door Supervisors employed on an operational risk assessment basis. Door supervisors will be responsible for ensuring that any queue is orderly and not blocking the pavement”.

“All security staff shall wear a high visibility vest and shall enter their details in a daily register at the commencement of their work. They shall record their full name, home address and contact telephone number, their SIA registration number and the time they commence and conclude working. If the supervisor was provided by the agency, the name, registered business address and contact telephone number will be recorded. This register will be made available to police or authorised officer immediately upon request”.

Condition 30 – to be amended as follows:

“There shall be no glass, drinks or open containers taken outside the front of the premises at any time save for a maximum of 16 seated patrons using the table and chairs where there is a table and chairs permission from LBH and then no consumption after 2200hrs. This will be monitored by staff”.

Additional conditions to be added to the licence:

- All instances of crime or disorder to be reported by the designated premises supervisor or responsible member of staff to an agreed police contact point, as agreed with the Police
- The premises will display and maintain appropriate signage advising customers of the contact details of the Designated Premises Supervisor
- The Licence holder shall submit a written Dispersal Policy to be deemed acceptable and to be agreed by the Police and the Licensing Authority
a copy of which shall be kept on the premises and made available to the Police or other authorised officers upon request at any time.
- There shall be a maximum of 20 patrons allowed in the garden at any time and this will be limited to 15 smokers after 2200 hours. The garden shall be the designated smoking area
- The Licence holder shall submit an up to date Fire Risk Assessment to be deemed acceptable by the Police and the Licensing Authority and subject to their approval the maximum number of persons (excluding staff) allowed at the premises shall not exceed 250 subject to the following maximum occupancies:
 - i) First Floor 70 persons
 - ii) Ground Floor 180 persons
- The licence holder shall maintain a dedicated contact telephone number and email address that must be available at all times to all local residents, the Environmental Health Officers, the Licensing Authority, the Police, and any responsible authority or any person wishing to make a complaint. These contact details shall be included on the website of the premises, and on display at the premises, which can be used to report concerns or complaints about the premises to a

duty manager, a responsible person or a member of the management team at the premises as and when they occur

- The Licence holder to hold and publicise quarterly liaison meetings with local residents to address any concerns or complaints about the premises from local residents to prevent public nuisance and to ensure public safety.

Decision on Interim steps for the Haggerston, 438 Kingsland Road, London, E8 4AA

After hearing the representations from both the Metropolitan Police Service, and the Licence holder's representative, the Licensing Sub-Committee decided that the interim steps issued on 22nd December 2021 are no longer required. The Sub-Committee took into consideration that the Licence holder had been working with the Police to improve the operation of the premises. Also staff had undertaken training on the licensing regime.

The Reasons for the Decisions: Expedited Summary Review and Interim Steps:

The Licensing Sub-Committee carefully considered the application from the Metropolitan Police Service (“the Police”) relating to a serious incident at the premises on 18 December 2021, where a female was knocked unconscious. In addition, the Sub-Committee heard from the Licensing Authority, the licence holder’s representative, together with one representation in support of the Police’s application. The Sub-Committee also considered a large number of representations from local residents (101 representations) in support of the premises. The Sub-Committee decided to accept the proposals agreed between the Police and the licence holder:

- i) To remove the Designated Premises Supervisor in three months as set out above;
- ii) To reduce the hours of licensable activity except Sundays as set out above;
- iii) To modify the conditions on the licence as set out above.

The Sub-Committee heard the Police submissions that since the interim steps, and the suspension of the premises licence, the licence holder has worked with the Police, and they are satisfied with the agreed proposals. The Police took into consideration prior to the hearing the 101 representations in support of the premises from the local residents. The Police also considered that this was the first incident at the premises since they opened on 24 March 2010. The Sub-Committee noted that the Police were not seeking revocation of the premises licence following the measures that are now in place.

The Sub-Committee noted that the Police maintained concerns about the dispersal from the premises late at night. The Police made submissions that

they had previously raised concerns about dispersal, on a number of occasions, with the management of the premises.

The Sub-Committee heard that the Licensing Authority was satisfied with the agreement reached between the Police and the licence holder in relation to modified conditions, reduced hours to core hours and removal of the DPS which has gone a long way to alleviate their concerns about the premises. The Sub-Committee took into consideration that the premises are located in the Special Policy Area, and they need to have standard conditions to work towards. The Sub-Committee heard that the Licensing Authority were pleased to hear that the management and staff are undertaking Welfare And Vulnerability Engagement (WAVE) training on violence against women.

The Sub-Committee heard submissions from Other Persons (a local resident in support of the review) made representations about the premises attracting anti-social behaviour outside the premises, and outside residential properties near to the premises. This has a serious impact on local residents near the premises and on the area, The Sub-Committee heard that the Police were contacted on a number of occasions to complain about the anti-social behaviour. The Sub-Committee took into account evidence from the neighbour, who supported the review, that the jazz nights on a Sunday were demonstrably different, and created no anti-social behaviour or impact on the area. The sub-Committee noted that these events at the premises were supported by local residents and the community.

The Sub-Committee took into consideration the submissions made by the licence holder's representative that the DPS, Mr Clark, was very sorry for the incident that occurred on 18 December and how it was handled. The premises had no previous incidents such as this. However, they will operate the premises more responsibly going forward, and they want to have better and regular communication with local residents to address any concerns. The Sub-Committee heard that Mr. Clark is a responsible person and a teacher. Since the incident Mr. Clark, and the two managers have been trained in the licensing requirements and he will take a more active role in the premises.

When making their decision the Sub-Committee took into consideration that this was a serious incident where a female was knocked unconscious. which was handled very badly by the management of the premises, and it is not acceptable. This incident has been taken very seriously. The Sub-Committee recognised that the premises are a valuable community resource that needs to continue working for the benefit of the community and to ensure public safety. The Sub-Committee has taken into account the measures that have been put in place to allow the premises to continue to operate.

The Sub-Committee acknowledged that Mr. Clark and the management took immediate action, they engaged with the Police and undertook training from 27 December 2021 on the licensing requirement, the licensing legislation, and that they have made good progress. The Sub-Committee took into account the work that had been done on dispersal and for SIA security to be put in place at the premises.

The Sub-Committee felt this was a good learning opportunity for the licence holder, and the staff to operate the premises responsibly. They are responsible to operate an effective dispersal policy to ensure public safety. The Sub-Committee was pleased to see that the licence holder and staff have a commitment to WAVE training. The Sub-Committee felt the licence holder and the management needed to be proactive in resolving the internal and external factors and wider issues at the premises. This can also be supported in the future with community and Cllrinput.

The Sub-Committee took into consideration the agreed measures, and the action that the licence holder had taken since this serious incident that the interim steps were no longer required. The Sub-Committee took into account that the premises would not reopen until all the necessary training of staff and actions were carried out to ensure that the premises were operating responsibly and to ensure public safety.

The Sub-Committee felt that with the change of DPS, reduced hours, and modified conditions on the licence, that the premises would improve, and be run in a manner that would promote the licensing objectives in the future.

Public Informative

1. The Licence holder has agreed to submit as soon as possible or within 28 days a new site plan of the premises to the Licensing Authority.
2. The Licence holder is encouraged to engage in meaningful dialogue with the local residents to resolve any issues relating to the premises, and for the Licence holder to play their part in reducing any impacts from the premises to ensure public safety.
3. The Licence holder is encouraged to continue working with the Police to resolve any issues relating to the premises such as dispersal from the premises to ensure public safety.

7 Temporary Event Notices

- 7.1 The Temporary Event Notice for 119 Wallis Road, London, E9 5LN was withdrawn from the meeting agenda.

End of Meeting

Duration of Meeting: 2:00pm to 3.41pm

Chair: Cllr Peter Snell

Contact:
Gareth Sykes
Governance Services Officer
Legal and Governance Services
gareth.sykes@hackney.gov.uk

This page is intentionally left blank

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 as soon as possible. For further information on the application process, please see the guidance notes at 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 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) 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. 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
2nd Floor Room 118
Hackney Town Hall
Mare Street E8 1EA
Telephone: 020 8356 1266
Email: 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

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.

**Licensing Sub-Committee hearings, under the Licensing Act 2003 – Type E
[Re; Temporary Event Notice]**

<p>Step 1 Appointment of Chair and introduction</p>	<p>The Sub-Committee will appointment 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>Step 2 Licensing Officer</p>	<p>The Licensing Officer will outline the report.</p>	<p>5 minutes</p>
<p>Step 3 Responsible Authorities' Case</p>	<p>The Chair will invite the Police and/or those in the Council that exercise environmental health functions to highlight their reasons for objecting to the application as contained in the report.</p>	<p>5 minutes each</p>
<p>Step 4 Premises users Case</p>	<p>The Premises user will present their case in support of their application. Licensing Sub-Committee Members may then seek clarification on any matters raised, if necessary.</p>	<p>5 minutes</p>
<p>Step 5 Discussion</p>	<p>The Chair will structure and lead a discussion on the information presented and give Sub-Committee members the opportunity to seek clarification on matters raised.</p>	<p>15 minutes</p>
<p>Step 6 Closing remarks</p>	<p>The Chair will ask all parties if they have any final comments to make. Any additional comments shall only be made in relation to issues raised during the discussion. Any comments made shall be brief.</p>	<p>10 minutes</p>
<p>Step 7 - Final clarification</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>Step 8 Consideration</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 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>Step 9 Chair announces the decision</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 the procedures as set out above. The Licensing Hearing Regulations can also be viewed by following the link below – <http://www.legislation.gov.uk/ukxi/2005/44/contents/made>

This page is intentionally left blank