

LICENSING SUB COMMITTEE C

Thursday, 9 December 2021, at 7.00pm



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Until further notice, all Licensing Sub Committees will be held remotely

The live stream can be viewed here:

<https://youtu.be/NT1nRh0QKr8>

Members:

Cllr M Can Ozsen, Cllr James Peters and Cllr Penny Wrout

Mark Carroll - Chief Executive

Rabiya Khatun, Governance Services Officer

Email: rabiya.khatun@hackney.gov.uk

Hackney Council website: www.hackney.gov.uk

30 November 2021

Licensing Sub Committee Thursday, 9 December 2021

AGENDA

ORDER OF BUSINESS

- 1. Election of Chair**
- 2. Apologies for Absence**
- 3. Declarations of Interest - Members to declare as appropriate**

A Member with a disclosable pecuniary interest or a prejudicial interest in a matter who attends a meeting of the authority at which the matter is considered:

- must disclose the interest at the start of the meeting or when or when the interest becomes apparent, and
- may not participate in any discussion or vote on the matter and must withdraw from the meeting proceedings in person or virtually.

A Member who discloses at a meeting a disclosable pecuniary interest which is not registered in the Register of Members Interests or the subject of a pending notification must notify the Monitoring Officer of the interest within 28 days of the disclosure.

Disclosable pecuniary interests, personal interests and prejudicial interests are defined at paragraphs 8.1 - 15.2 of Section 2 of Part 5 of the constitution and Appendix A of the Members' Code of Conduct.

- 4. Minutes of the Previous Meeting**

The sub committee is requested to consider the following minutes of previous meetings:

- 3 August 2021
- 14 September 2021

- 5. Licensing Sub Committee Hearing Procedure**

All participants are requested to note the hearing procedure to be followed as set out in the agenda pack.

6. Application for a Review of Premises Licence

Address: Ye Olde Axe, 69 Hackney Road, E2 8ET.

Ward: Haggerston

7. Temporary Event Notice - Standing Item

To consider any Temporary Event Notices (TENs)

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:

- 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 for Legal & Governance Services via email dawn.carter-mcdonald@hackney.gov.uk

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 detail 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 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 & Local Government (Miscellaneous Provisions) Act 1982 – Type A [Re; Premises Licence, Club Premises Certificate, Provisional Statement & Sex Establishment Licence]

<p>Step 1</p> <p>Appointment of Chair and introduction</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>Step 2</p> <p>Licensing Officer</p>	<p>The Licensing Officer will outline the report.</p>	<p>5 minutes</p>
<p>Step 3</p> <p>Applicant's Case</p>	<p>The Applicant will present their case in support of their application.</p>	<p>5 minutes</p>
<p>Step 4</p> <p>Responsible Authorities' Case</p>	<p>The Chair will invite the relevant Responsible Authorities in attendance to highlight their reasons for objecting to the application as contained within the report.</p>	<p>5 minutes each</p>

<p>Step 5</p> <p>Other Persons' Case</p>	<p>The Chair will invite the Other Persons in attendance to present their case, highlighting their reasons for objecting or supporting the application as contained in their written submissions.</p>	<p>5 minutes each</p>
<p>Step 6</p> <p>Discussion</p>	<p>The Chair will structure and lead a discussion on the information presented enabling Sub-Committee Members to clarify any points raised and ask questions if necessary.</p>	<p>15 minutes</p>
<p>Step 7</p> <p>Closing remarks</p>	<p>The Chair will ask Responsible Authorities, Other Persons, Applicants and the Licensing Officer 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>Step 8 -</p> <p>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 9</p> <p>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 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>Step 10</p> <p>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>

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The Council's procedure rules are also incorporated into these hearing procedures 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 – <http://www.legislation.gov.uk/ukSI/2005/44/contents/made>

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MINUTES OF THE MEETING OF THE LICENSING SUB COMMITTEE E

TUESDAY, 3 AUGUST 2021

THIS MEETING WAS LIVE STREAMED AND CAN BE VIEWED AT:

https://youtu.be/dGM_qa0y_0Y

Councillors Present: **Cllr Brian Bell (Chair), Peter Snell and Cllr Penny Wrout.**

Officers in Attendance: Amanda Nauth - Licensing and Corporate Lawyer
Suba Sriramana - Acting Principal Licensing Officer
Rabiya Khatun - Governance Services Officer

Also in Attendance: **155 Stoke Newington High Street**
Daniel Fico - Applicant

Other Persons:
Mr Gutman (on behalf of seven residents)
Mr O'Brien

Rise 41 Luke Street
Leo Charalambides - Applicant's Legal Representative
Bertrand Lienafa - Applicant's Representative
(Group Event and Hospitality Development Manager for ISS)

70 Broadway Market
Mehmet Akis - Applicant
Mehmet Uzunsaka

Other Persons:
Ms Bowditch, Mr Flemen and Ms Brewood

TENs - Basement, 8 Stoke Newington Road

Ian Steele - Premises User

Gurch Patti - LBH Environmental Protection

Sian Giles - Metropolitan Police Service

PC Atkins -Metropolitan Police Service

1. Election of Chair

- 1.1 Councillor Bell was duly elected to Chair the meeting.

2. Apologies for Absence

- 2.1 There were no apologies for absence.

3. Declarations of Interest

- 3.1 Councillor Snell declared for the public record in relation to agenda item 8- Cafe Route, his knowledge of both parties and also being a founding member of the London Fields User Group over 30 years ago. He did not feel this precluded him from taking part in the decision.

4. Minutes of the Previous Meeting

- 4.1 i. The minutes of the meeting held on 24 June 2021 were agreed as a true and accurate record of proceedings subject to Cllr Peter Snell replacing Cllr Gilbert Smyth in the attendance list.
ii. The revised minutes of the meeting held on 11 May 2021 were agreed as a true and accurate record of proceedings.

5. Licensing Sub Committee Hearing Procedure

- 5.1 The hearing procedure as set out in the agenda pack was explained to all participants.

6. Application for a New Premises Licence: Basement and Ground Floor, 155 Stoke Newington High Street, N16 0NY

- 6.1 Subangini Sriramana, Acting Principal Licensing Officer introduced the report in respect of an application for a premises licence made by Atlas Grind Ltd for recorded music, late night refreshment and supply of alcohol (On and Off Premises). It was noted that the Police and Environmental Enforcement had withdrawn their representations following an agreement to conditions with the applicant; however, representations remained from Other Persons.

6.2 Mr Daniel Fico, the applicant, made submissions speaking in support of the application, highlighting the following:

- The premises was a community based venue and LGBTQIA friendly space;
- The bar was focused on offering sustainable products;
- The rear small private garden would close at 22.00 hours;
- The supply of alcohol hours had been reduced from 23.00 to 22.00 hours from Wednesday to Saturdays and he would join the Pub Watch scheme; and
- He was a responsible operator with measures in place to minimise public nuisance including no smoking at the front of the premises and a dispersal policy.

6.3 The sub-committee requested clarity regarding the rear garden and recorded music. Mr Fico confirmed that the garden would close at 22.00 hours to allow residents to enjoy peace and quiet in their properties, and agreed to an additional condition to play recorded music at a low level throughout the premises.

6.4 Mr Gutman on behalf of seven residents and Mr O'Brien, Other Persons (Appendices B1-B2) made submissions in objection to the application. The following points were highlighted:

- The area was saturated with licensed premises, and there had been issues relating to noise and violent disturbances at the premises, which had required police intervention;
- Inadequate soundproofing of the premises had adversely impacted on residents living directly above the premises with many suffering noise nuisance;
- The premises were surrounded by residential buildings, with several bedrooms very close to the rear garden. The late night drinking would generate more noise, disturbances and smoke pollution in the garden and adversely impact on residents and tenants, and children would suffer from sleep disturbance;
- There was no formal agreement for the use of the rear garden;
- The proposed opening hours and licensable activities from 07.00 until 23.00 hours including the use of the garden were excessive and would lead to more noise disturbance and continuous disruption for local residents as patrons held conversations late at the evening;
- The pavement near the premises was very narrow and sometimes leaving the building could be intimidating when patrons congregated or urinated in the doorway;

- Patrons were congregating outside the premises smoking and leaving cigarette litter on the pavement;
- The Other Person's tenants had relocated from the flat due to the noise and disturbance emanating from the premises as noise travelled into the bedrooms; and
- It would be a challenge for leaseholders living above the premises to sell, re-mortgage or rent their properties.

6.5 The sub-committee requested clarity regarding recorded music, soundproofing and noise, and Mr Fico replied that:

- It was clarified that recorded music would not be played at the cafe but staff would be playing low level music from 07.00 hours;
- Refurbishment works had been undertaken at the premises including soundproofing of the premises and the installation of a floating ceiling to minimise noise nuisance at flats 155A and B;
- The applicant had agreed two additional conditions being added to licence relating to recorded music being played at conversation level and further sound reducing measures;
- It was confirmed that the music would be turned down from 22.30 hours and this would be incorporated into the dispersal policy;
- There would be no rowdy behaviour as bar as the venue's clientele was primarily families and friends wanting to enjoy a selection of alcoholic drinks and non-alcoholic drinks; and
- With regard to managing the rear garden and minimising noise nuisance, Mr Fico proposed to reduce the closing hour of the garden until 21.00 hours on weekdays and 22.00 hours on weekends, and indicated that smokers would have to be permitted use of the front area once the rear garden closed.

6.6 The sub-committee noted that the Council's LP6 restricted the use of external areas from 22.00 hours on weekdays.

6.7 Following all submissions, the Chair led a discussion on the application, during which the following responses were made:

- Mr Fico replied that the premises had been soundproofed since the tenant had moved and there had been no further complaints of noise nuisance;
- The Other Persons argued that the rear garden closing at 22.00 hours was too late especially as the noise nuisance from this area would impact on those residents that had their bedrooms adjacent to the premises;

- The Other Person clarified that the entire premises had not been soundproofed and that there were areas within his flat where music could be heard during the early morning which caused a disturbance;
- In order to address the concern relating to recorded music, Mr Fico amended the start time from 07.00 hours to 08.00 hours;
- The Other Persons were not reassured that the proposed additional sound limiting measures would reduce the disturbance from patrons talking in the garden and there was no process to verify the acoustic levels to ensure the premises were adequately soundproofed;
- Mr Fico confirmed that planning permission was not required to change use to a cafe bar as the premises had been granted Class E use in 2020;
- Mr Fico emphasised that the venue was primarily for families, friends and people that wanted to enjoy fine wine in the evening and therefore he did not expect people to drink excessively and cause any disturbance after 22.00 hours;
- The Other Persons stated that the proposed starting time of 08.00 to 23.00 hours for recorded music was still too excessive; and
- The Other Persons stated that the granting of the licence would set a precedent for other premises;
- The Chair clarified that issues regarding tenancies and property sales were not Licensing considerations.

6.8 In his closing statement, Mr Fico sought to alleviate the concerns raised by highlighting the amendments made to the application. He reiterated that recorded music would be turned down 30 minutes before the closing hour and since the premises had been soundproofed there had been no further complaints from residents.

6.9 During closing statements, the Other Persons retained their objections to the application having felt they had not heard anything from the applicant to allay their concerns regarding the excessive hours for recorded music and inadequate soundproofing.

RESOLVED:

The decision

The Licensing sub-committee in considering this decision from the information presented to it within the report and at the hearing today has determined that having regard to the promotion of all the licensing objectives:

- The prevention of crime and disorder;
- Public safety;
- Prevention of public nuisance;

- The protection of children from harm;

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

- The hours for licensable activity are:

Recorded Music:

Sunday - Tuesday	08:00 - 23:00
Wednesday to Saturday	08:00 - 23:00

Supply of Alcohol (on-sales):

Monday - Saturday	12:00 - 23:00
Sunday	12:00 - 22:30

And additional conditions:

- There shall be a written dispersal policy submitted and approved by the Licensing Authority and the Police. The approved dispersal policy shall be implemented at the premises. All staff shall be briefed on this dispersal policy. A copy of the policy shall be kept on the premises and shall be produced to a police officer or other authorised officer upon request.
- Background music shall not exceed a level that allows face to face conversation at normal speech level.
- No noise emanating from the premises to cause nuisance in nearby residential premises.
- From 22:00 each day the music will be turned down.
- Clear and prominent notices shall be displayed and maintained at all exits, requiring customers to leave the premises and the area quietly.
- Tables and chairs in the external seating area shall be rendered unusable after 22:00 on Monday to Sunday.

Reasons for the decision

The sub-committee took into consideration that the Metropolitan Police Service and Environmental Enforcement had withdrawn their representations in advance of the hearing after conditions were agreed with the applicant.

The sub-committee also took into consideration the objections raised by 4 Other Persons, and a petition received from 7 local residents objecting to the application. The sub-committee considered the representations from the local residents raising concerns about the impact the premises will have on the quality of life, and who have been affected by the cumulative impact on the residential area due to alcohol-related

public nuisance and anti-social behaviour. The local residents were concerned about music being played everyday until late which would cause a disturbance throughout the day.

The sub-committee heard the applicant's submissions that the premises is intended to be a community cafe and bar. The applicant confirmed that they have worked with the police and agreed conditions and reduced hours. This includes the use of the garden area to cease at 22:00, the sale of alcohol to end at 23:00 each night, the hours for recorded music to be the same as the alcohol hours, and the dispersal policy confirmed the wind down time would begin 45 minutes before closing. The applicant contended that they turn the music down from 22:00 and that they had invested a great deal in soundproofing the ceiling so that the local residents above would not be affected by any noise.

After hearing from the applicant, and considering the representations of the Other Persons (local residents) the sub-committee was satisfied that the additional conditions would mitigate any negative impact that granting the licence would have on the residential area. In particular the sub-committee felt the main concerns raised by the local residents were addressed by the conditions aimed at ensuring no noise nuisance to neighbouring properties. The sub-committee took into consideration that the premises would be operating within Hackney's core hours.

Having taken all of the above factors into consideration, the Licensing sub-committee was satisfied that the licensing objectives would not be undermined.

Public Informative

1. 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 of noise emanating from the premises, particularly during the evening and late at night.
 2. The Licence holder is strongly encouraged to use sustainable cutlery, plates, cups, food containers, and recyclable disposable materials to avoid using plastic disposable items to protect the local area, to prevent litter, and to protect the environment.
- 7. Application for a New Premises Licence: Rise, 41 Luke Street, Hackney, London, EC2A 4DP**
- 7.1 Subangini Sriramana, Acting Principal Licensing Officer introduced the report in respect of an application for a premises licence made by Rise. It was noted that the Police and Environmental Enforcement had withdrawn their representations following an agreement to conditions with the applicant and further information being provided. Representations remained from Other Persons.
 - 7.2 The sub-committee noted the additional information submitted by the applicant and Other Persons, which had not been included in the agenda pack.

7.3 Mr Leo Charalambides, the applicant's legal representative, made submissions speaking in support of the application, highlighting the following:

- Rise was owned by FinTech and the applicant had taken over the premises from 1 July 2020 running a co-working and event space with permission to operate 24 hours seven days a week;
- There would be no supply of alcohol on Sundays;
- The off-sales had been withdrawn from the application to address the police's concerns, and the applicant was now applying for on-sales between 09.00 to 22.30 hours Mondays to Thursdays and until 21.00 hours on Fridays and Saturdays;
- The applicant believed they had addressed the concerns set out in the written representations from Other Persons and no further concerns had been raised relating directly to this premises;
- The venue had a capacity of 600 persons and all the events would be pre-booked and linked to the seminars. The general peak was around 15.00 hours on weekdays, with people dispersing between 16.00 to 18.00 hours;
- Mostly beers and wines would be pre-ordered for the networking events based on maximum capacity from the pre-bookings and once the drinks had finished no more alcohol would be supplied. Food would also be offered with the alcohol;
- The clientele were responsible people that would go home after the networking events had ended and there were no plans to hold parties at these networking events; and
- The Police and Environmental Enforcement had withdrawn their representations.

7.4 In the absence of Other Persons, the sub-committee noted and considered the written representations made at appendices B1 to B5.

7.5 The sub-committee requested clarity regarding the smoking condition and layout. Mr Charalambides acknowledged that the smoking conditions were complex due the nature of the premises and had been agreed with the relevant responsible authority.

7.6 In his closing statement, Mr Charalambides sought to alleviate the concerns raised by highlighting that the licence was restricted, the building had been designed to address residents' concerns and the hours of operation had been reduced. He urged the Sub Committee to approve the amended application.

RESOLVED:

The decision

The Licensing sub-committee in considering this decision from the information presented to it within the report and at the hearing today has determined that having regard to the promotion of all the licensing objectives:

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

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

- The opening hours of the licensable activity :

Monday to Thursday 09:00 - 23:00

Friday to Saturday 09:00 - 21:30

Supply of Alcohol (on sales):

Monday to Thursday 09:00 - 22:30

Friday to Saturday 09:00 - 21:00

- No Licensable activities will be provided on Sundays.
- Remove off-sales from the application.

Reasons for the decision

The sub-committee took into consideration that the Metropolitan Police Service made initial representations, but had withdrawn their representations in advance of the hearing after conditions were agreed with the applicant and the hours reduced. The sub-committee also took into consideration that Environmental Protection and Environmental Enforcement had withdrawn their representations, and agreed conditions with the applicant.

The sub-committee also took into consideration the objections raised by the Other Persons, and their concerns about the impact the premises will have on local residents due to noise and anti-social behaviour issues. The sub-committee noted that the premises are situated in a partially residential area.

The applicant's representative made submissions that the applicant recently took over the premises for workspace and start up companies. The sub-committee heard that the Designated Premises Supervisor is an experienced operator for Barclays Head office. The applicant's representative contended that beers and wines are pre-ordered with food only. The sub-committee heard the hours for alcohol sales on the premises had been reduced, and the movement of customers to and from the

premises was monitored and controlled by staff. The sub-committee heard that no customers are permitted to take alcoholic drinks outside the premises.

After hearing from the applicant's representative, and considering the written representations of the Other Persons (local residents) the sub-committee was satisfied that the additional conditions, and reduced hours would mitigate any negative impact that granting the licence would have on the area.

Following the amendments to the application the sub-committee felt that the application adequately addressed the concerns of the local residents. The sub-committee accepted that the applicant is a responsible and experienced operator.

The sub-committee took into consideration that it was not an alcohol led premises, and it is ancillary to the main function of the premises as a business meeting, training and conference space all of which are pre-booked for use. The sub-committee also took into consideration that members of the public could not walk off the street to access the facilities.

The sub-committee took into consideration that the times for the sale of alcohol had been amended to close at 21:00 on Friday and Saturday, and there would be no licensable activities provided on Sundays. The sub-committee noted that condition 18 sets out the restrictions for smokers on the premises including that after 22:00 no more than 5 smokers shall be permitted to congregate on Luke Street.

Having taken all of the above factors into consideration, the Licensing sub-committee was satisfied that the licensing objectives would not be undermined.

8. Application for a New Premises Licence: Cafe Route, 70 Broadway Market, London, E8 4QJ

8.1 Subangini Sriramana, Acting Principal Licensing Officer introduced the report in respect of an application for a premises licence made by Cafe Route. It was noted that the Police had withdrawn their representation following an agreement of conditions with the applicant and representations remained from the Other Persons.

8.2 The sub-committee noted the additional information submitted by the Police and the applicant, which had not been included in the agenda pack.

8.3 Mehmet Akis and Mehmet Uzunsakal, the applicants, made submissions speaking in support of the application, highlighting the following:

- They were responsible operators and brother in-laws, and Cafe Route was a family run business operating for over eight years without any issues and supporting its local community;

- They owned branches in Dalston and Haggerston and offered Mediterranean and Middle Eastern cuisine and were trying to build a brand at their cafes;
 - The proposed hours for on-sales was 11.00 to 22.30 hours from Sunday to Thursday and until 23.30 hours on Friday and Saturday;
 - They aimed to increase the food offering at their cafe and supply or sell alcohol with substantial meals and small plates. They also intended to complete their offering with a glass of wine or a cheese board; and
 - There were no plans to operate a late night venue and off-sales bottles of wine would start from £15.
- 8.4 Mr Akis confirmed that alcohol would be sold and supplied with a substantial meal.
- 8.5 Ms Bowditch, Mr Flemen and Ms Brewood (also representing other residents), the Other Persons (Appendices C11 to C13) made submissions in objection to the application and highlighted the following points:
- The premises was located within a predominately residential area that was saturated with licensed premises including over 40 licences in Broadway Market, and these were having a negative cumulative impact in the area and turning into a night-time economy;
 - The granting of another premises licence would exacerbate the existing issues in the area including street drinking and associated anti-social behaviour, noise nuisance from the premise and outside area, public nuisance and litter, which were adversely impacting on residents' quiet enjoyment of their homes and sleep;
 - There were issues with drunken behaviour within the vicinity of the premises around the time children were coming home from school. Children were also experiencing sleep disturbances that were manifesting in behavioural issues;
 - They objected to the proposed off-sales of alcohol which could exacerbate the issues of public nuisance and street drinking related anti-social behaviour in nearby streets and London Fields Park for local residents and in particular the young families and elderly residents living close to the premises;
 - Concerns were expressed about the expansion of the outside seating area, especially the inclusion of the pharmacy area, which was not in the plan held by the Licensing Service and the impact of the additional public and noise nuisance coming from this area in the late evening. With this inclusion of the pharmacy area, capacity in the external area increased to approximately 25 to 30 people and this area was not fully covered by CCTV cameras;

- The council was in the process of obtaining a Public Space Prohibition Order prohibiting alcohol in London Fields Park and managing alcohol related anti-social behaviour in the borough in order to address the adverse impact on residents' quality of life;
- The premises had no dispersal policy;
- If the sub-committee were minded to grant the licence, they requested the withdrawal of off-sales, supported the Police's proposed condition 5, and on-sales in the outside seating area should be restricted to seated persons taking a substantial meal excluding the pharmacy area.

8.6 The sub-committee also noted and considered the written representations from appendices C1 to C14.

8.7 The sub-committee requested clarity on various aspects of the application and the applicants replied as follows:

- The targeting of local people was part of their business model and they wanted to offer the same food and drinks menu at all their branches including off-sales for patrons dining at the cafe and delivery via a third party platform such as Deliveroo;
- The high pricing structure was intended to deter street drinking as the cheapest bottle of wine would start at £15.00;
- It was clarified that the music would be played at background level;
- The premises would be food led and alcohol would be served ancillary to large and small plates of food, and it was their policy not to serve people wanting to drink only;
- They had a commercial agreement with the pharmacy to use the front outside area from approximately 18.30 hours for approximately 20 persons;
- They confirmed that a Shop Front Trading licence had been granted for the tables and chairs in the outside seating area including the pharmacy frontage and their CCTV cameras covered the entire external seating area;
- The issue of street drinking in the area would continue as people could purchase cheaper alcohol from off licences and other licensed premises;
- They agreed to withdraw off-sales and live music in order to address local residents' concerns.

8.8 Following all submissions, the Chair led a discussion of the application, during which the following points were raised:

- The Other Persons did not want any off-sales or alcohol consumed in the outside seating area due to the existing issues of street drinking in

London Fields. It was highlighted that cheap alcohol in particular cocktails starting from £4.00 which would further exacerbate this issue; there were shops selling cheaper alcohol later than Cafe Route

- The Other Persons highlighted that the external seating area had narrowed the pavement making it unsafe for cyclists and an increase in taxis and Deliveroo drivers would make some surrounding streets unsafe for local children;
- The Other Persons stated that the noise nuisance emanating from the premises would significantly impact on those sleeping in the bedrooms close to the premises;
- The applicants stated that they should not be penalised for the issues in the area and that there were licensed shops in the area selling alcoholic drinks cheaper and for longer hours. Their on-sales drinks started from £4.00 and off-sales would start from approximately £15.00;
- The applicants were currently considering using the Deliveroo platform as an option for their business;
- The applicants were responsible operators complying with regulations and had operated under temporary event notices without any issues, and being raised in Hackney they understood the issues created by drinking hubs within the borough;
- The applicants indicated that if they were granted the licence and their revenues increased from the food offering they would review their plans for the Deliveroo platform;
- The applicants confirmed that they would be submitting an application to vary the premises licence to include the entire external seating area.

8.9 The sub-committee reminded the applicants that if they were minded to grant the licence, an application to vary the licence would need to be submitted incorporating the pharmacy's external area and in the meantime this area could not be used without a Temporary Event Notice. Members suggested adding a condition including a minimum price for off-sales to address residents' concerns, and indicated that licences varied at different branches due to their location and customers' expectations.

8.10 Amanda Nauth, Licensing and Corporate Lawyer, explained that the applicant would have the opportunity to demonstrate they were responsible operators running well managed premises and build a track record of compliance for any future premises licence applications.

8.11 The sub-committee and PC Atkins expressed differing views regarding the interpretation of the police's wording in condition 5 – '... the supply or sale of alcohol with a substantial meal ...' and whether this could also be applied to off-sales.

8.12 In his closing statement, Mr Uzunsakal sought to alleviate the concerns raised by highlighting the amendments made to the application, the variation application to be submitted for the external seating area and engaging with residents about the Deliveroo platform.

8.13 During closing statements, the Other Persons maintained their objections to the application having felt they had not heard anything from the applicant to allay their concerns relating to off-sales, maximum capacity for the entire premises including the external area and dispersal policy.

8.13 In response to a question from the Chair, Mr Akis confirmed that the dispersal policy had been completed and a copy would be emailed to the Licensing Service.

RESOLVED:

The decision

The Licensing sub-committee in considering this decision from the information presented to it within the report and at the hearing today has determined that having regard to the promotion of all the licensing objectives:

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

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

- Off-sales to be removed from the application.
- Live Music to be removed from the application
- Condition 22 shall be amended and read as follows :

“There shall be a written dispersal policy submitted to and approved by the Licensing Authority and the Police. The approved dispersal policy shall be implemented at the premises. All staff shall be briefed on this dispersal policy. A copy of the policy shall be kept on the premises and shall be produced to a police officer or other authorised officer upon request”.

Reasons for the decision

The sub-committee took into consideration that the Metropolitan Police Service had withdrawn their representations in advance of the hearing after conditions were agreed with the applicant and the hours reduced. The sub-committee also took into consideration that Environmental Protection and Environmental Enforcement had withdrawn their representations, and agreed conditions with the applicant.

The sub-committee also took into consideration the objections raised by the 14 Other Persons (local residents), and their concerns about the impact the premises will have on local residents affected by the high level of licensed premises in Broadway Market and the surrounding area. In particular they heard of the cumulative impact on the area of alcohol-related public nuisance, and anti-social behaviour issues. The council had had to take additional security and regulatory measures after drunkenness and other ASB in Broadway Market and associated public open space.

The applicant made submissions that it is a family-run business operating elsewhere in Hackney for the last 8 years. The sub-committee heard that they have a similar cafe premises in Dalston and they are not a predominantly late night venue. The applicant contended that they are a food-led premises, and they intend to serve a substantial table meal with alcohol. They confirmed they are awaiting the determination of their planning application.

The sub-committee noted that the applicant agreed to produce a dispersal policy, and once that policy had been approved it should be circulated to all the Other Persons (local residents) who made representations.

The sub-committee approved the amended application and additional conditions for on-sales of alcohol. The off-sales of alcohol and live music are to be removed from the application to prevent public nuisance and antisocial behaviour in the area. The sub-committee felt that the conditions agreed with the Metropolitan Police Service addressed some of the concerns of local residents, particularly the condition to serve alcohol with a substantial table meal.

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

Public Informative

1. It was noted that the outside of the premises had not been included in the application.
2. A copy of the approved dispersal policy shall be sent to the Other Persons.
3. 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 of noise emanating from the premises, particularly during the evening and late at night.
4. The Licence holder is strongly encouraged to use sustainable cutlery, plates, cups, food containers, and recyclable disposable materials to avoid using

plastic disposable items to protect the local area, to prevent litter, and to protect the environment.

9. Temporary Event Notice: Counter Notice - Basement, 8 Stoke Newington Road, London, N16 7XN

- 9.1 Subangini Sriramana, Acting Principal Licensing Officer introduced the report in respect of a temporary event notice for the Basement. It was noted that the Police and Environmental Protection had objected to the Temporary Event Notices (TENs) for an event to be held on 6 August 2021 from 22.00 hours, finishing on 8 August 2021 at 04.00 hours.
- 9.2 The sub-committee noted the additional information including video footage submitted by the Premises User and the Police, which had not been included in the agenda pack.
- 9.3 PC Giles, Metropolitan Police Service, objected to the TENs for the Basement from 6 to 8 August 2021 on the grounds of crime and disorder, public safety, the prevention of public nuisance and the protection of children from harm and outlined the reasons as follows:
- During a visit on 11 July 2021 the venue was found to be open and operating without a licence. The premises user was present at the time and admitted to selling alcohol without a licence;
 - Despite a board outside the venue advertising a £15 entry fee to watch England vs Italy match, Mr Steele initially explained it had been a private party but after further questioning he informed officers the entry charge was for his son's friends and they had been happy to pay. His version of events changed from giving away the alcohol to only charging the customers inside;
 - The disregard of the licensing legislation during the visit had led to a lack of confidence and trust in the premises user Mr Steele operating the event responsibly while upholding the licence objectives. Furthermore the venue was in an area heavily saturated with licenced premises and the hours being sought exceeded the core hours.
- 9.4 Gurch Patti, Environmental Protection, stated that they had concerns about the proposed regulated entertainment and that the noise emanating from the patrons attending the event could amount to a statutory noise nuisance, which would undermine the prevention of public nuisance. He was seeking evidence

of a noise management plan, layout plan, dispersal policy and COVID-19 risk assessment for the proposed event.

9.5 Ian Steele, Premises User, made the following points in support of the application:

- The event on Saturday 31 July 2021 was a karaoke birthday party for up to 20 people for a 69th birthday party by a member. It was agreed that Mr Steele would purchase some alcoholic drinks on behalf of the birthday girl as he could obtain them cheaper from his supplier and distribute them to her guests when the food was purchased at the premises. He would be reimbursed when she arrived. He had not understood that this constituted the sale of alcohol. He also did not understand that the sale of food needed a late night refreshment license;
- With regard to 11 July, 2021 and the finals of the European Championship, he alleged that his son had placed the notice charging the public £15 entry, without his notice. He blamed his son for the incident;
- He was disappointed in the lack of confidence in ability to responsibly operate the event and uphold the licence objectives as he believed he had worked with the police to improve relations and believed they had a better relationship.

9.6 Mr Steele stated that the date of the hearing meant that there would be insufficient time to inform his guests of the events. Therefore Mr Steele informed the sub-committee that he did not wish to proceed with the application and advised that he was withdrawing the temporary event notice for the events scheduled from 6 to 8 August.

RESOLVED

That the Temporary Event Notice be withdrawn at the request of the Premises User for the event scheduled from 6 to 8 August 2021.

Duration of the meeting: 14.00- 17.12

Contact:

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Governance Services Officer

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DRAFT MINUTES OF THE MEETING OF LICENSING SUB COMMITTEE E

TUESDAY, 14 SEPTEMBER 2021

THIS MEETING WAS LIVE STREAMED AND CAN BE VIEWED AT:

<https://youtu.be/L3srWyT7UVc>

Councillors Present: Cllr Penny Wrout (Chair) and
Cllr Peter Snell

Officers in Attendance: Amanda Nauth - Licensing and Corporate Lawyer
Subangini Sriramana - Acting Principal Licensing Officer
Rabiya Khatun- Governance Services Officer

Also in Attendance: Mr Julian Overton - Applicant's Solicitor
Mr Eric Wratten - Applicant
Mr Ben Seigher

PC Dave Atkins - Metropolitan Police Services
Mr Bridge - Other Person

1. Election of Chair

1.1 Councillor Wrout was duly elected to Chair the meeting.

2. Apologies for Absence

2.1 There were no apologies for absence. Councillor David had not been listed for this meeting.

3. Declarations of Interest

3.1 There were no declarations of interest.

4. Licensing Sub Committee Hearing Procedure

4.1 The hearing procedure as set out in the agenda pack was explained to all participants.

5. Minutes of the Previous Meeting

5.1 **RESOLVED:** That the minutes of the meeting held on 6 October 2020. were agreed as a true and accurate record of proceedings.

6. Application for a Premises Licence: Cricket, Arches 369& 370 Helmsley Place E8 3SB

6.1 Subangini Sriramana, Acting Principal Licensing Officer, advised that this item had been withdrawn from the agenda as the application had been approved under delegated authority.

7. Application for a Premises Licence: Market House, 30-34 Broadway Market , E8 4QJ

7.1 Subangini Sriramana, Acting Principal Licensing Officer introduced the report in respect of an application for a premises licence made by Market House for recorded music, late night refreshment and supply of alcohol. It was noted that Environmental Enforcement had withdrawn their representation following an agreement of conditions 21-26 with the applicant as set out in the additional document. Representation however remained from the Police and Other Persons.

7.2 The Sub Committee noted the additional information from the applicant and Other Person which had not been included in the agenda pack.

7.3 Mr Julian Overton, Solicitor for the applicant made submissions speaking in support of the application, highlighting the following:

- The applicant was a responsible person and following consultation with the responsible authorities and residents, the applicant had proposed additional conditions set out in the additional paper to allay fears and address their concerns;
- The applicant lived in the area and had a very long and close association with Broadway Market and its licensed premises, and had a good understanding of the issues and challenges affecting the market;
- The premises would be run responsibly and would enhance the market for the benefit of locals and visitors;
- The applicant was proposing to operate as a bar-restaurant with the emphasis on food and the supply of alcohol for consumption on the premises by waiter service only to patrons seated at tables;
- Vertical drinking would be restricted to a maximum of 20 persons at the bar on the ground floor and 20 persons at the bar in the basement;
- The premises would operate primarily as a restaurant, which would minimise crime and disorder and public nuisance;
- The premises was heavily regulated to ensure that it did not operate as bar;
- The applicant had surrendered the premises licence at 30-32 Broadway Market in 2019 before the site was redeveloped;
- The revised new hours for the supply of alcohol were Monday to Thursday 10.00 – 23.00, weekends 10.00 – 23.30 and Sunday 10.00 – 22.00 hours and late night refreshment from 23.00 – 00.00 hours. This would enable the venue to close significantly earlier than many licensed premises in the area and would assist with dispersal;

- The outside courtyard area at the rear of the premises would close at 22.00 hours in accordance with the Council's core hours for outside spaces to minimise public nuisance;
- With regard to the courtyard, the applicant had proposed the following additional conditions: 'no live music would be played in the courtyard'; 'any recorded music would be played at background levels only'; and 'The capacity of the courtyard to be limited to 30 persons (excluding staff) - seated only customers in the courtyard.'
- A telephone number for the manager would be displayed for local business and residents to report any issues;
- To produce a dispersal policy and two SIA door supervisors to assist with dispersal; and
- The premises would not add to any cumulative impact as the area was not saturated with licensed premises. The temporary restrictions imposed by the pandemic had exacerbated the street drinking and associated anti-social behaviour.

7.4 In response to questions relating to the application, Mr Overton clarified that the hours for the late night refreshment had been reduced to 23.00 – 23.30 hours Monday to Thursday and 23.00 – 00.00 hours Friday and Saturday. He confirmed that the applicant had applied for recorded music and that the applicant would produce a dispersal policy in consultation with the police and Licensing and drugs policy. The capacity in the courtyard was limited to 30 patrons seated and two SIA door supervisors would be on duty from 21.00 hours Fridays and Saturdays.

7.5 PC Atkins, Metropolitan Police Services representative, made submissions, as set out in appendix B1 and objected to the application on the grounds of the prevention of crime and disorder and the prevention of public nuisance. His primary concerns related to the persistent alcohol related issues experienced in the area and anti-social behaviour, which existed prior to the pandemic and further exacerbated by the restrictions. Another licensed premises with a capacity of 230 people would lead to an increase in crime and disorder and anti-social behaviour and a rise in alcohol consumption in the street. The applicant was given the option of having a seated waiter/waitress service to address their concerns.

7.6 In response to questions from the Members, PC Atkins indicated that residents had also expressed concerns regarding alcohol related crime, anti-social behaviour and nuisance in Broadway Market. The off-sales in sealed containers would still encourage more alcohol consumption on the street and in London Fields and an additional condition making the sale of alcohol ancillary to a substantial meal would address the concern regarding alcohol related crime.

7.7 The Sub-Committee noted the written representations from the Other Persons at appendices C2-C6 of the report.

7.8 Mr Bridge, Other Person (Appendix C1) made submissions in objection to the application, speaking also on behalf of The London Fields User Group and local residents. The following points were highlighted:

- The local residents living in the vicinity of Broadway Market experienced severe issues of anti-social behaviour and noise nuisance from the drinking culture in the area and the vehicles making deliveries from approximately 05.45 hours;
- The area was already saturated with licensed premises;
- The recorded music was causing a public nuisance;
- Residents suffered from high levels of noise disturbance for approximately three days in a week;
- An additional condition for the sale of alcohol with a substantial meal would address their concerns;
- It would be the largest premises in the area with a capacity of 230 persons and could contribute to the rise in drinking in the area;
- The hours of the recorded music should be reduced to 23.30 hours of Friday and Saturday;
- Expressed concern at the potential noise levels if there was seating at the front of the premises; and
- The drinking culture in the area had been exacerbated by the COVID-19 and patrons remained in the area having street parties until 02.00 hours, which was causing a public nuisance and impacting on residents' sleep.

7.9 The Sub-Committee requested clarity on the application and Mr Bridge and Mr Overton replied as follows:

- Mr Bridge indicated that the reduced hours did not allay his concerns and maintained his objection due to the additional 230 people that would be coming into the area to consume alcohol;
- Mr Overton confirmed that Health and Safety had set the capacity, and although the venue was large it was highly regulated to ensure that it did not operate as a vertical drinking establishment including a condition that alcohol would be served by waiter service to seated persons;
- Mr Wratten emphasised that the premises would operate primarily as a restaurant and that the licensee would not serve alcohol to intoxicated people; and
- Mr Wratten confirmed that Market House Limited was the freeholder and that he would be leasing the premises. Mr Overton added that the applicant was an experienced operator and owned the Head Lease. The Market Café at 2 Broadway Market, and would be seeking a good operator to run the premises if the licence was granted.

7.10 The Sub-Committee noted the scale of the premises and the potential impact on the area, the challenge of granting off sales with no operator and no track record to scrutinise and that any new operator may have a different vision from the applicant.

- 7.11 Mr Overton emphasised that a licence could be transferred for £23 and it would be unfair to penalise the applicant for a lack of an operator's track record. Amanda Nauth, Licensing and Corporate Lawyer, stated that the Police had to approve any licence transfer.
- 7.12 The Sub-Committee asked the applicant to consider the proposals to address the concerns expressed by the Police and Other Person.
- 7.13 At this juncture of the meeting, Mr Overton was granted an adjournment to enable him to discuss the proposals with the applicant. The meeting adjourned at 15.30 and reconvened at 15.40.
- 7.14 Mr Overton replied as follows:
- The times of deliveries could not be amended to 08.00 hours due to road access issues in particular, the timing of the bollards, however, he suggested deliveries could start from 07.00 hours;
 - The applicant agreed to the additional condition that alcohol would be served waiter/waitress service to seated persons and ancillary to a substantial meal;
 - 10 people would be permitted to drink in the bar on the ground floor and 10 people in the bar in the Basement;
 - The venue capacity had been set by Planning and Health & Safety, however the applicant was willing to reduce the capacity in the basement from 100 to 70 persons;
 - It was confirmed that there would be no tables and chairs in the outside area at the front of the premises to prevent public nuisance;
 - Five smoker would be permitted to smoke outside at any one time;
 - The applicant agreed to hold regular meetings with local residents to engage and discuss their concerns;
 - The applicant's contact details would be made available to residents;
 - The opening hours from 07.30 hours would remain unchanged as the business was catering for the breakfast trade; and
 - The applicant agreed for recorded music to cease at 23.30 hours;
- 7.15 Mr Bridge emphasised that the structure of the road was unsuitable for large vehicles.
- 7.16 Mr Overton confirmed that the applicant had agreed for the removal of non standards hours following the amended licensable hours.
- 7.17 PC Atkins withdrew his representation based on the acceptance of the additional condition that alcohol be sold to ancillary to a substantial meal.
- 7.18 In his closing statement, Mr Bridge expressed concern regarding the size and impact of the venue in the area and the current and further challenges for local residents.

7.19 Mr Overton summarised that the applicant had robust conditions in place and had agreed further conditions to minimise public nuisance and crime and disorder.

RESOLVED:**The decision**

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

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

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

The opening hours and the hours for licensable activity are:

Opening Hours:

Monday to Thursday	07:30 – 23:30 hours
Friday to Saturday	07:30 - 00:00 hours
Sunday	07:30 - 22:30 hours

Supply of Alcohol (on and off the premises):

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

Late Night Refreshment:

Monday to Thursday	23:00 – 23:30 hours
Friday to Saturday	23:00 - 00:00 hours

- Remove non-standard hours from the application.
- Recorded music is removed from the application.

And the following additional conditions

- No deliveries are permitted to the premises before 07:00 each day.
- A minimum of 2 SIA accredited security guards are to be employed from 21:00 on Friday and Saturday nights
- The number of customers permitted at each bar area on the premises shall not exceed 10 persons on the ground floor and 10 persons in the basement.
- The maximum number of persons allowed on the premises at any one time shall not exceed 200 persons limited to the following:
 - i) First Floor 100 persons
 - ii) Basement 70 persons
 - iii) Courtyard 30 persons
- The maximum number of persons allowed in the courtyard is limited to 30 seated persons at any one time (excluding staff).
- There shall be no more than 5 smokers outside at any one time.
- The outside courtyard area shall close at 22:00 every day, and after which the tables and chairs shall be rendered unusable.
- No live music is to be played in the outside courtyard.
- Recorded music to be played at background level only.
- A Dispersal Policy shall be submitted to and deemed acceptable by the Licensing Authority and the police.
- The premises shall have a written dispersal policy that ensures all patrons exiting the venue are encouraged to leave the area. This policy shall be made available to the Licensing Authority and the police on request
- A Drugs Policy shall be submitted to and deemed acceptable by the Police.
- There shall be no open containers taken off the premises.
- Alcohol shall not be sold, supplied or consumed, on the premises other than to persons taking a substantial meal from the menu, or those waiting to be seated for that purpose on the premises. The supply of alcohol shall be by waiter/waitress service only. All off sales of alcohol shall be in sealed bottles or containers and wrapped to take away from the premises.
- A telephone number and email address for the manager of the premises shall be publicly available and on display at all times the

premises is open. The telephone number will be made available to neighbouring businesses and residents.

- The licence holder to hold and publicise liaison meetings with local residents when requested, with a minimum of 1 meeting per annum, to address any concerns or complaints about the premises from local residents to prevent public nuisance.

Reasons for the decision

The application has been approved, with the above amendments, because the Licensing sub-committee was satisfied that the licensing objectives would not be undermined by granting the licence.

The sub-committee took into consideration that Environmental Enforcement had withdrawn their representations and agreed conditions with the applicant in advance of the hearing. In determining the conditions to attach to the license, the sub-committee took into consideration objections presented by the Metropolitan Police Service and 6 other written submissions, (from individual local people and residents' groups) to the application.

The sub-committee heard submissions from the applicant and their representative that the majority of their customers will be seated at the bar/restaurant and they intend it to be more of a bar/restaurant than a bar. The applicant's representative contended that the premises was not alcohol led.

The sub-committee took into consideration representations made by the Other Persons (local resident), who attended the hearing on behalf of residents of London Fields. He made representations about the ongoing anti-social behaviour local residents who live in close proximity to the premises have had to suffer because the area is saturated with drinking and eating establishments, and there is an alcohol-based culture. The local resident contended that there had been a huge increase in late night drinking and eating in the London Fields area and the local residents suffered noise and disruption, both late at night and early in the morning when clear up and deliveries take place. The local resident maintained his objections, however, if the licence was to be granted, he proposed conditions be included on the licence.

The sub-committee took into account that the local residents experience regular disturbances from late night taxi, early morning deliveries, and refuse collections being made daily at unsociable hours in the market area.

The sub-committee took into consideration the applicant's representations, their written amended application following consultation with local residents and the responsible authorities, and a series of conditions the applicant agreed to after hearing from the local resident during the hearing.

The sub-committee noted that the applicant is seeking a licence as the landlord and owner of the premises, who will be seeking a tenant to run the business and operate under the terms of the license. The applicant has previous experience of running a

food led premises at the same site before it was renovated and showed an understanding of the nature and the issues of the locality in which the premises are located. The applicant made clear they are prepared to listen to and work with the local residents to resolve any issues.

The sub-committee took into consideration the impact that late night premises were having on the local residents in the area, however, the sub-committee felt that the reduced hours and the additional conditions would mitigate negative impact in the area.

The sub-committee felt the concerns of the local residents were addressed by the conditions agreed with the applicant before and during the hearing. The sub-committee also noted that after hearing from the applicant the Metropolitan Police Service withdrew their objection as a result of the applicant agreeing to have a restaurant condition that alcohol is served with food.

Having taken all of the above factors into consideration, the Licensing Sub-Committee was satisfied, when granting the application, that the licensing objectives would be promoted.

8. Temporary Event Notices

8.1 The following TENs were withdrawn before the meeting:

- TENs - Basement, 8 Stoke Newington Road
- TENs - Colours Hoxton, 2-4 Hoxton Square
- TENs - Hackney Marshes, Homerton Road (2 TENs)
- TENs - The Factory, 21-31 Shacklewell Lane

End of Meeting

Duration of Meeting: 14.00 - 16.20

Chairperson: Cllr Wrout

Contact:
Rabiya Khatun
Governance Services Officer
0208 356 6279
rabiya.khatun@hackney.gov.uk

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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>Step 1 Appointment of Chair and introduction</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>Step 2 Licensing Officer</p>	<p>The Licensing Officer will outline the report.</p>	<p>5 minutes</p>
<p>Step 3 Applicant's Case</p>	<p>The applicant will present their case in support of their application for calling a Review.</p>	<p>5 minutes</p>
<p>Step 4 Responsible Authorities' Case</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 minutes each</p>
<p>Step 5 Other Persons' Case</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 minutes each</p>
<p>Step 6 - Premises Licence/Club Certificate Holder</p>	<p>The Premises Licence/Club Certificate Holder will respond to the issues raised.</p>	<p>5 minutes</p>
<p>Step 7 Discussion</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>Step 8 Closing remarks</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>

Step 9 - Final clarification	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
Step 10 Consideration	<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
Step 11 Chair announces the decision	<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>

REPORT OF THE GROUP DIRECTOR, NEIGHBOURHOODS AND HOUSING

LICENSING SUB-COMMITTEE: 09/12/2021	Classification DECISION	Enclosure
Application for Review of Premises Licence: Ye Olde Axe, 69 Hackney Road, London, E2 8ET	Ward(s) affected Haggerston	

1. SUMMARY

Applicant: Robert Gardner		In SPA: Not Applicable
Date of Application 30 July 2021		
The Grounds for Review: <ul style="list-style-type: none"> • The prevention of crime and disorder following numerous breaches of requirements under the The Health Protection (Coronavirus) Regulations 2020 • Continued unlicensed operation as a sexual entertainment venue 		
Current Premises Licence Details: Premises Licence permitting 1) Sale by retail of alcohol 2) Regulated Entertainment See Appendix B		
Current Capacity	Unknown	
Policies Applicable	LP1 (General Principles), LP2 (Licensing Objectives) and LP11(Cumulative Impact – General)	
List of Appendices	Appendix A– Application requesting the review of the premises licence and supporting documents Appendix B – Current Licence Appendix C - Location map	
Relevant Representations	None	

2. APPLICATION FOR REVIEW OF PREMISES LICENCE

2.1 Robert Gardner on behalf of Licensing Service, as a responsible authority under the Licensing Act 2003, have applied for the review of the premises licences granted for the premises known as Ye Ole Axe on the grounds of prevention of crime and disorder. For further application details, see Appendix A.

3. CURRENT POSITION/ HISTORY

- 3.1 The premises were in possession of a justice's licence prior to the introduction of the Licensing Act 2003 in 2005. The premises licensee and DPS is Mr Thomas Melody.
- 3.2 The current premises licence is attached as Appendix B.
- 3.3 No Temporary Event Notices have been submitted for the current 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)	No representation received
Weights and Measures (Trading Standards)	No representation received
Planning Authority	No representation received
Area Child Protection Officer	No representation received
Fire Authority	Have confirmed no representation on this application
Police	No representation received
Licensing Authority	N/A
Health Authority	No representation received

5. REPRESENTATIONS: INTERESTED PARTIES

From	Details
Representation received from and on behalf of local residents.	No representation received

6. REPRESENTATIONS: LICENSEE

- 6.1 No representation has been received from the licensee.

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), LP2 (Licensing Objectives) 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 N/A

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.

13. HUMAN RIGHTS ACT 1998 IMPLICATIONS

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

14. MEMBERS DECISION MAKING

14.1 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.

14.2 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.

15. CONCLUSION

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

GROUP DIRECTOR, NEIGHBOURHOODS AND HOUSING	Ajman Ali
Lead Officer (holder of original copy):	Shan Uthayansangar Licensing Officer Licensing Service 1 Hillman Street E8 1DY Telephone: 020 8356 2431

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
Office File: Ye Olde Axe, 69 Hackney Road, London, E2 8ET	Licensing Service 1 Hillman Street London E8 1DY

Printed matter

Licensing Act 2003
LBH Statement of Licensing Policy

Hackney

LA 40

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

Postal address of premises or, if none, ordnance survey map reference or description	
Ye Olde Axe 69 Hackney Road	
Post town	Post code (if known)
London	E2 8ET

Name of premises licence holder or club holding club premises certificate (if known)
Thomas Joseph Melody

Number of premises licence or club premises certificate (if known)
LBH-PRE-T-0139

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)

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

I am 18 years old or over

Please tick yes

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 Robert Gardner Enforcement and Business Regulation Manager Hackney Service Centre 1 Hillman Street London E8 1DY
Telephone number (if any)
E-mail address (optional) 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
- 4) the protection of children from harm

-
-
-
-

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

This premises requires a review of its premises licence in respect of the Licensing Objective concerned with the prevention of Crime and Disorder.

Referring to statements attached to this document, the premises has demonstrated a woeful disregard of legal requirements both for completely failing to put in place any legal requirements for protecting customers and staff during the COVID epidemic and operating as Sexual Entertainment Licence whilst not having a licence to do so.

COVID requirements: During the period 23rd March 2020 to 19th July 2021 premises had to operate strict measures to prevent the spread of disease. On two separate occasions (Sunday 4th July 2021 and Friday 9th July 2021), officers entered the premises and saw no restrictions in place. To wit there were no posted QR codes for customers to scan nor were customers required to give and records made of the contact details, Inside the premises there was no social distancing, no table service, patrons were served at the bar and patrons and staff alike did not wear face coverings. All these failures were observed on the two occasions.

The premises was acting as a Sexual Entertainment Venue. Customers were approached or appeared to be able to approach numerous women in the bar area and were escorted by the women to a large upstairs room where for either £40 or £60 the women stripped completely exposing their intimate private parts to the men. These performances were witnessed by Council officers on the two consecutive weekends in July 2021 detailed above. The 'performances' were intimate and physical, breaching many requirements and standards usually demanded by premises operating as Sexual Entertainment Venues. This premises was formerly licensed and does not have a current SEV licence in any event as no application was made to renew. As part of COVID restrictions all premises offering sexual entertainment had to cease these activities.

The trading and sexual activity permitted and allowed by the licensee, an experienced individual well versed in licensing legislation, was unlawful in every aspect. Correspondence sent by Environmental Health to the Licensee was also unable to be delivered by Royal Mail suggesting that there is no person in control of the site. We ask that the premises licence is revoked.

Please provide as much information as possible to support the application

(please read guidance note 3)

- Statement of Channing RIVIERE, Principal Licensing Officer
- Statement of David TUITT, Business Regulation Team Leader - Licensing & Technical Support
- Statement of Robert GARDNER, Enforcement & Business Regulation Manager
- Statement of Terry ENGLISH, Enforcement Officer
- Evidence Royal Mail unable to deliver correspondence via recorded delivery (Track and Trace)

Please tick ✓

yes

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

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

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
- I understand that if I do not comply with the above requirements my application will be rejected

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: 29 July 2021

.....

Capacity: Applying 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)	
Post town	Post Code
Telephone number (if any)	
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.

STATEMENT OF WITNESS

(C.J. Act 1967 S.9, M.C. Act 1980 s.s.5A(3)(a) & 5B; M.C. Rules 1981 R.70)

STATEMENT OF	CHANNING RIVIERE
AGE OF WITNESS	Over 18
OCCUPATION OF WITNESS	Principal Licensing Officer
ADDRESS	Licensing Service, Hackney Service Centre 1 Hillman Street, London E8 1DY

This statement (consisting of two pages signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false or do not believe to be true.

1. I am employed by the London Borough of Hackney as a Principal Licensing Officer within the Council's Licensing Service and am based at the Hackney Service Centre, 1 Hillman Street, London E8 1DY. I am an authorised Officer who may enforce the provisions under the Licensing Act 2003 on behalf of the London Borough of Hackney under delegated authority. I have been the Principal Licensing Officer since 2017, and I have worked in Hackney Licensing Services since 2014. I have worked at Hackney Council since 2012.
2. My duties include consulting on applications for premises licences and other licensable activities, carrying out investigations into complaints from local residents, dealing with enforcement action and prosecutions, working with other Responsible Authorities, dealing with review applications and representing the Licensing Authority at Licensing Sub-Committees.
3. On the 4th July 2021 at approximately 00:20, my colleague David TUITT and myself visited the premises known as Ye Olde Axe, 69 Hackney Road, Hackney, London, E2 8ET.

SIGNED

DATE:

4. The visit was made to the premises as part of routine inspection visits to check compliance with the Licensing Act 2003 and at the time with Covid regulations, the premises had also failed to submit a renewal application for the Sexual Entertainment Venue (SEV) licence.
5. At approximately 00:20 on Sunday 4th July 2021, Mr TUITT and myself approached the venue to enter and were charged £10.00 each to enter the premises. After entering the premises, I observed that several patrons were being served at the bar and it did not appear that any seated table service was taking place. Mr TUITT and myself proceeded to walk to the bar area. After waiting a few moments for the patrons in front of us to be served, Mr TUITT purchased 2 bottles of lager from the bar and handed one of them to myself. I tasted the beverage and confirmed that it was an alcoholic beverage.
6. As I was standing in the bar area, a young woman approached me and asked me if “I would like a dance?” I asked her how much it would cost for a dance and she informed me that it would be £40.00 for the duration of one song and £60.00 for the duration of two songs. I agreed to go with her for the duration of one song. She told me to follow her and proceeded to lead me to an area upstairs where a room was located that contained a number two seater sofas. As I entered this room I observed a patron of the premises receiving a lapdance from one of the staff of the venue, I sat down on one of the sofas and the woman who had led me upstairs asked me to pay the required fee for a lapdance, I gave her a £50.00 note which she put into her small handbag and then gave me a £10.00 note from the handbag in change. She then proceeded to perform the lap dance and striptease, during the lap dance she touched me on multiple occasions, sitting on my lap, grabbing my crotch area and saying to me that it was fine if I wanted to grab her breasts. After the lap dance had finished, I went back downstairs and noticed my colleague Mr TUITT had taken a seat at a table near the entrance of the premises so I went and sat with him.

SIGNED

DATE:

7. Mr TUITT and myself sat on one of the tables and continued to observe the premises and patrons being served at the bar with no seated table service taking place. After a brief moment, we were approached by a woman who asked if we would like a dance. I replied that I had already had one but that Mr TUITT may want one. The woman then asked Mr TUITT if he would like a dance and he accepted and left the table with the woman and headed in the direction of the stairs at the rear of the premises.

8. Whilst I was sitting by myself on the table I took two photographs on my work phone to document the use of the bar area and patrons standing there, as I held my phone in my hand, I was immediately accosted by the doorman who saw my phone and told me to delete the picture. I deleted one of the photographs and I was then told to leave the premises by the doorman. The remaining photograph can be seen in Exhibit CR/1.

SIGNED

DATE:

STATEMENT OF WITNESS

(C.J. Act 1967 S.9, M.C. Act 1980 s.s.5A(3)(a) & 5B; M.C. Rules 1981 R.70)

STATEMENT OF	DAVID TUITT
AGE OF WITNESS	Over 18
OCCUPATION OF WITNESS	Business Regulation Team Leader - Licensing and Technical Support
ADDRESS	Licensing Service, Hackney Service Centre 1 Hillman Street, London E8 1DY

This statement (consisting of three pages signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false or do not believe to be true.

1. I am employed by the London Borough of Hackney as the Business Regulation Team Leader - Licensing and Technical Support. My duties include investigating and enforcing provisions under various pieces of legislation including the Licensing Act 2003 and the Local Government (Miscellaneous Provisions) Act 1982.
2. On Saturday 3rd July 2021 I was undertaking routine enforcement and compliance visits accompanied by Channing RIVIERE, Principal Licensing Officer.
3. We visited the premises known as Ye Olde Axe located at 69 Hackney Road, London E2 8ET at approximately 00:20 on Sunday 4th July 2021. We approached a gentleman at the door who appeared to be an SIA registered door supervisor and asked him how much it was to get in, to which he replied "£10". I paid the entry fee for myself and Mr RIVIERE using a £20 note. As we entered I noted that there was no QR code displayed on the door. I asked if there was table service to which the gentleman replied "If you can find a table".

SIGNED

DATE

4. We walked through the second set of doors and into the bar area. I noted what appeared to be a gaming machine immediately in front of the door, several gentlemen standing with what appeared to be drinks in their hands. A large group of males were wearing replica England football shirts. Some more gentlemen were also seated on tall chairs in front of the bar. A section of the bar appeared to be closed off by a curtain. I noted a number of females standing and also some sitting on seats and around a raised stage area.
5. I approached the bar and after a brief wait I was served by an IC1 female, approximately 5'6, mid to late 30s with blond hair. The female was wearing a replica England football shirt. I asked for bottles of Corona lager. I was given two bottles of Corona lager for which I paid £11.00. I handed one of the bottles of Corona lager to Mr RIVIERE.
6. I initially was not given a receipt so I asked the IC1 female for a receipt. She printed the receipt and handed it to me. I have attached this as Exhibit DT/1. I noted the transaction time of 23:44 on the receipt but I recorded the transaction at 00:25. After receiving the receipt I turned and noted that it appeared that Mr RIVIERE was speaking to an IC1 female, approximately 5'4 with dark hair. Mr RIVIERE then followed as the female led him toward the rear of the bar away from the entrance. I remained standing with my back to the bar for approximately 5 minutes before heading to a seating area close to the entrance. I sat down and noted two gentlemen appearing to be of South Asian descent sitting opposite.
7. A short while later, Mr RIVIERE returned and sat down next to me. Mr RIVIERE and I had a brief conversation and continued to make observations before we were approached by an IC1 female with blond hair, approximately 5'5, wearing a white dress. The female introduced herself as "Isabella" and asked if we would like to go for a dance. Mr RIVIERE replied and said "I have already had one but my friend might want to have one". "Isabella" then asked me if I would like a dance to which I replied "Yes". I then stood up and followed "Isabella" toward the rear of the site and then left through a door which led to a set of stairs.

SIGNED

DATE

8. I followed "Isabella" up the stairs and into a room. The room was dressed with red coloured fairy lights and two rows of what appeared to be very heavily worn leather sofas. There was a music system in the far corner. I noted an IC1 gentleman in the far right corner of the room with an IC1 female who appeared to be dancing in front of him. "Isabella" led me toward the far left corner of the room. Before I sat down, "Isabella" said "£60". I handed "Isabella" £60 in the form of a £50 note and a £10 note.

9. I then sat down and placed my drink on the floor before "Isabella" asked me to remove my coat. I removed my coat and "Isabella" began dancing. During the performance, "Isabella" removed her dress, sat on my lap and kneeled down touching my thighs and inner groin area. "Isabella" then continued to remove her bra whilst dancing. During the dance "Isabella" knelt on my lap and pulled my head into her breasts. "Isabella" then stood up and removed the rest of her underwear whilst continuing to dance. "Isabella" again sat on my lap and would kneel down touching my thighs and inner groin area. The performance lasted approximately 6 minutes. At the end of the performance, "Isabella" began to put her clothes back as I put on my coat before she led me back out of the room. At this time I noted another IC1 female leading an IC1 male up the stairs and into the room I had just left.

10. I returned downstairs to the main bar area and went to stand at the corner of the bar nearest the entrance. I checked my phone and noted text messages from Mr RIVIERE telling me that he had left. I exited the premises at approximately 00:45.

SIGNED

DATE

STATEMENT OF WITNESS

(C.J. Act 1967 S.9, M.C. Act 1980 s.s.5A(3)(a) & 5B; M.C. Rules 1981 R.70)

STATEMENT OF	ROBERT GARDNER
AGE OF WITNESS	Over 18
OCCUPATION OF WITNESS	Enforcement and Business Regulation Manager
ADDRESS	Licensing Service, Hackney Service Centre 1 Hillman Street, London E8 1DY

This statement (consisting of three pages signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false or do not believe to be true.

1. My name is Robert Gardner and I am the Enforcement and Business Regulation Manager for the London Borough of Hackney and as such I have a responsibility for the proper administration and enforcement of the Alcohol Licensing Act 2003 and other relevant legislation.
2. This statement concerns a recent visit on Friday 9th July 2021 I took in the company of Mr Terry English, Enforcement Officer to YE OLDE AXE, 69 Hackney Road, London, E2 8ET. As a result of information received and an earlier visit by Mr David Tuitt and Mr Channing Riviere it was suspected that the premises was not abiding to the COVID regulations concerning trading and that it was operating as a Sexual Entertainment Venue (SEV) without a licence. It was determined that we would make a series of test purchases to establish further these alleged criminal offences.
3. I met with Mr English at approximately 22:00 just outside the church on Hackney Road. I gave Mr English £100 in ten pound notes and we proceeded to walk up toward the Ye Olde Axe. At about 22:15 we reached the entrance and walked in. There was a doorman at the inner entrance and he explained there was a £5 entrance fee. I handed him £10 for both myself and Mr English and we entered .

SIGNED

DATE

4. There was no posted QR code at or near the entrance nor indeed anywhere else within the premises. The doorman did not ask for any contact details. There were no warning posters or other published information throughout the premises referring to social distancing or the wearing of face coverings. No one in the premises, staff nor customers were wearing masks or other face coverings. The entire venue appeared to be trading as if there were no COVID restrictions.

5. Upon entering the premises I saw disparate small groups of people standing around the bar area and a few seated individuals in groups. All the men had drinks and there was no table service that I could see. We walked over the bar to where there were a number of women and men standing and seated, some in conversation. As I was ordering, Mr English was approached by one of the women and started talking with her. I ordered two bottles of beer and was charged £10, which I handed over. I did not ask for a receipt. I gave one of the bottles to Mr English and he then walked off to a different part of the bar area with the women. I walked slightly away and stood by the bar next to two women.

6. I struck up a conversation with the nearest woman who gave her name as Rachel. She offered to dance for me and made various sexual movements. She said that a dance would cost £60. I agreed and she got up and I followed her through the bar and up the stairs to a large first floor room. The room had very subdued lighting and had a number of low sofas roughly down the centre of the room. Dance music was playing and there were three other couples present. These consisted of seated clothed men and women very closely and intimately dancing in various states of undress; their breasts and genital regions were exposed. The women and men were touching and stroking each other.

7. I counted out £60 in 6 ten pound notes and gave this to Rachel and she then indicated I should sit down, she then proceeded to strip and dance. The dance involved a lot of close and intimate physical contact. She removed all her underwear and completely exposed her breasts and genital area. During her dance she pushed her body and breasts into my face, stroked my legs, thighs and grabbed my crotch.

SIGNED

DATE

8. After about 5-6 minutes she indicated that the dance was over and started to dress . I picked my drink up from the floor, stood up, thanked her and began to leave. As I exited the room I noticed Mr English was being danced to by the woman he had met downstairs.
9. I went down the stairs and returned to the bar. I remained standing. I again noticed that only a few people were seated and that people were purchasing drinks from the bar and that there was no table service and no masks were being worn.
10. A few minutes later I was joined by Mr English, we talked for a short while, finished our drinks and left the premises at 22:35.
11. At approximately 22:50 I returned to the premises with Mr David Tuitt, Business Regulation Team Leader and two Metropolitan Police Officers from the local Neighbourhood Task Force. We showed our identification to [REDACTED] [REDACTED] who identified himself as the head doorman and explained the purpose of our visit.
12. After conversing with [REDACTED], Mr Tuitt, the Police and I left the premises at approximately 23:05.

SIGNED

DATE

STATEMENT OF WITNESS

(C.J. Act 1967 S.9, M.C. Act 1980 s.s.5A(3)(a) & 5B; M.C. Rules 1981 R.70)

STATEMENT OF	TERRY ENGLISH
AGE OF WITNESS	Over 18
OCCUPATION OF WITNESS	Enforcement Officer
ADDRESS	Licensing Service, Hackney Service Centre 1 Hillman Street, London E8 1DY

This statement (consisting of four pages signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false or do not believe to be true.

1. I, Terry James ENGLISH with Call Sign (EO22), am an authorised Officer of the Council for London Borough Of Hackney. I am currently not a fully accredited officer, however, I was in the company of Enforcement and Business Regulation Manager Mr. Robert GARDNER for the London Borough Of Hackney.
2. This statement is about an incident at YE OLDE AXE located at 69, Hackney Road, London, E2 8ET.
3. On Friday 9 July 2021 at 22:15 I arrived at the premises accompanied by Mr. Robert GARDNER. Upon our arrival outside the premises I observed four unknown IC3 males. I was approached by one of these unknown IC3 males, average age early 50's wearing a mariner baker boy hat in black with white writing on it. The IC3 male stated, after our visit at the premises, a planned after party will take place where we are welcome to attend after the venue has closed.

SIGNED

DATE

4. Mr. Robert GARDNER and I entered the premises and approached an IC1 gentleman at the door who appeared to be an SIA registered door supervisor. Mr. Robert GARDNER asked him how much it was to get in, to which he replied "£5". Mr. Robert GARDNER paid the entry fee for himself and I using a £10 note. Upon our entry no contact details were requested by the door supervisor. As I entered I observed there were no COVID restrictions in place and no QR code available upon entry and later observed throughout the premises.
5. Mr. Robert GARDNER and I walked through the second set of doors into the bar area. I noted upon entry directly in front of me before turning left, what appeared to be a gaming machine immediately in front of the door, with a large sofa and tables set out untidily next to it with several IC1 females standing around at the end of the bar. I noted to my left a large round shaped sofa with a white table and several IC1 females seated around talking to each other with a single IC4 male sat amongst them. I could not hear what they were saying.
6. Along the left side were other seating arrangements which were fully occupied by males and females. No one was wearing a face covering within the premises, neither customers nor staff. No face coverings were requested or signage displayed requesting face coverings. There appeared to be no waiting at the tables with customers and staff. Customers were standing throughout the premises, and a number at the bar.
7. Mr. Robert GARDNER and I approached and were served at the bar in no time. Mr. Robert GARDNER ordered two bottles of beer, one Corona beer for me and one Heineken beer for himself which he paid with a £10 note. Mr. Robert GARDNER handed the bottle of Corona beer to me before being requested by an IC1 female to be seated as we were served and started consuming a drink. I initially did not witness a receipt being issued for the purchase of the drinks or for a receipt being requested by Mr. Robert GARDNER.

SIGNED

DATE

8. During this time Mr. Robert GARDNER and I were approached by various women. I was approached by a specific IC1 female, later known as "Jennifer", who expressed knowing me and if I remembered her as she started touching and caressing me, I accepted this action, and was escorted by her to the nearest sofa by the main entrance door where we sat down and spoke for a few minutes.
9. The IC1 female stated she is known as "Jennifer", average age mid twenties, F508, with medium length brown hair tied up at the back, wearing a black and white multi-coloured tight fitting short body dress. "Jennifer" explained to me she is originally from Moldova and has been in the United Kingdom for two years.
10. From my seated position, I observed Mr. Robert GARDNER speaking to an IC1 female, shortly afterwards I noticed Mr. Robert GARDNER being escorted toward the rear of the bar away from the entrance by the IC1 female. "Jennifer" observed my action and asked me if I would like a dance to which I agreed, "Yes". I stood up and was escorted the same direction toward the rear of the bar away from the entrance through an open door, first turning left, then turning right, down a small flight of stairs across a short parallel corridor landing, up a flight of stairs and up another flight of stairs.
11. At the top of the staircase I turned left and immediately right and entered a room which was darkly lit and dressed with red coloured fairy lights and two rows of what appeared to be very heavily worn leather sofas. There was a music system in the far corner. I noticed an IC1 gentleman in the front of the room with an IC1 female who appeared to be providing a dance for him. I noticed at the same moment another IC1 gentleman on the far side with an IC1 female who appeared to be providing a dance for him too. "Jennifer" led me to a separate sofa in the middle of the two gentlemen. Before I sat down, I asked "Jennifer". How much? "Jennifer" stated "£60". I handed "Jennifer" £60 in the form of six £10 notes, which she counted out and agreed.

SIGNED

DATE

12. I sat down and placed my drink on the floor as “Jennifer” began dancing, removing her black and white multi-coloured tight fitting short body dress and her bra whilst dancing. During the performance, “Jennifer” sat on my lap and knelt down touching my thighs and inner groin area resulting in very intimate touching. In addition, “Jennifer” verbally stated to me, “You can touch”, verbally consenting to being touched by me, however, strongly advised me against any form of penetration. During the dance “Jennifer” knelt on my lap and pulled my head into her breasts. “Jennifer” again sat on my lap and would kneel down touching my thighs and inner groin area. The performance continued and lasted approximately 6 minutes. At the end of the performance, “Jennifer” began putting her clothes on, I stood up as “Jennifer” led me back out of the room.
13. At this time I noted another IC1 female leading an IC1 male into the room I had just left. I returned downstairs to the main bar area and went to stand at the corner end of the bar where I met up with Mr. Robert GARDNER and we continued to speak for several minutes. During this time Mr. Robert GARDNER and I were approached on different occasions by various other IC1 females inviting both Mr. Robert GARDNER and I for further dances. However, Mr. Robert GARDNER and I duly declined.
14. Mr. Robert GARDNER and I finished our drinks and departed from the premises. Upon exiting the premises, I was approached by the same unknown IC3 male, average age early 50's wearing a mariner baker boy hat in black with white writing on it. The IC3 male stated and reminded Mr Robert GARDNER and I regarding the planned after party that was going to take place and we were welcome to attend after the venue had closed. No further venues regarding the after party were mentioned at this time.
15. Mr. Robert GARDNER and I left the premises which I noted at approximately 22:35.

SIGNED

DATE



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Pending

Sorry, we tried to deliver your parcel on **13-07-2021** but there didn't seem to be anyone in. Please choose an option below.

At this time we recommend you book a [Redelivery](#) and see our [revised opening hours](#). Remember to check and bring the 'Something' or email notification if you received one, and and Isle of Man please contact your postal se



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DL974035514GB

Service used:
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Tracking history

Tuesday 13 July 2021

13:17 | **Available for Redelivery**
Bishops Stortford DO



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12:49 | **Delivery Attempted**



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[I need help with my reference number](#) 

[What does my tracking message mean?](#) 

[My tracking message looks wrong](#) 

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Home > **Track and Trace - Track your Item**

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29 Jul 2021 at 17:48:22
1 Hillman St
London
England
E8 1DY
United Kingdom

igned For posting receipt

Royal Mail®

Address *WOMENS AND YOUNG SUPPORT
HARVEST SERVICE CENTRE,
HARVEY, LONDON* Postcode *E8 1DY*

Details of each item being sent

Address [Redacted]

Address *Thomas mclough*
[Redacted] Postcode [Redacted]

Item reference
DL 9740 3551 4GB

Address [Redacted]

Address _____
Postcode _____

Item reference
| | | | | | | | | | | | | | | |

Address _____
Postcode _____

Item reference
| | | | | | | | | | | | | | | |

Address _____
Postcode _____

Item reference
| | | | | | | | | | | | | | | |

Total no. items Sender's signature *1* Sender's printed name For official use Date Stamp



This premises licence has been issued by:

Licensing Service
2 Hillman Street
London E8 1FB

PART A – PREMISES LICENCE

Premises Licence Number

LBH-PRE-T-0139

Part 1 – Premises details

Ye Old Axe
Ye Olde Axe Public House
69 Hackney Road
Hackney
London
E2 8ET

Where the licence is time limited the dates

Not Applicable

Licensable activities authorised by the licence

Live Music
Recorded Music
Performance of Dance
Supply of Alcohol

The times the licence authorises the carrying out of Licensable activities

Live Music

Standard Hours:

Premises:

Mon 12:00-23:00
Tue 12:00-23:00
Wed 12:00-23:00
Thu 12:00-23:00
Fri 12:00-23:00
Sat 12:00-23:00
Sun 12:00-23:00

Recorded Music

Standard Hours:

Premises: Mon 11:00-02:30
Tue 11:00-02:30
Wed 11:00-02:30
Thu 11:00-02:30
Fri 11:00-06:30
Sat 11:00-06:30
Sun 11:00-02:30

Performance of Dance **Standard Hours:**

Premises: Mon 12:00-02:30
Tue 12:00-02:30
Wed 12:00-02:30
Thu 12:00-02:30
Fri 12:00-03:00
Sat 12:00-03:00
Sun 12:00-22:30

Supply of Alcohol **Standard Hours:**

Premises: Mon 11:00-02:00
Tue 11:00-02:00
Wed 11:00-02:00
Thu 11:00-02:00
Fri 11:00-06:00
Sat 11:00-06:00
Sun 11:00-02:00

The opening hours of the premises

Premises **Standard Hours:**

Mon 11:00-02:30
Tue 11:00-02:30
Wed 11:00-02:30
Thu 11:00-02:30
Fri 11:00-06:30
Sat 11:00-06:30
Sun 11:00-02:30

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 e-mail (where relevant) of holder of premises licence

Mr Thomas Joseph Melody
[REDACTED]
[REDACTED]
[REDACTED]

Registered number of holder, for example company number, charity number (where applicable)

Not Applicable

Name, address and telephone number of designated premises supervisor where the premises authorises the supply of alcohol

Mr Thomas Joseph Melody

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: 24 November 2005

Signed:

**David Tuitt
Team Leader - Licensing**

Annex 1 - Mandatory Conditions

Supply of Alcohol

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 shall ensure that free tap water is provided on request to customers where it is reasonably available.
5.
 - 5.1. The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sales or supply of alcohol.
 - 5.2. 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 a holographic mark.

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
 - b) customers are made aware of the availability of these measures.

A responsible person in relation to a licensed premises means the holder of the premise licence in respect of the premises, the designated premises supervisor (if any) or any individual aged 18 or over who is authorised by either the licence holder or designated premises supervisor. For premises with a club premises certificate, any member or officer of the club present on the premises in a capacity that which enables him to prevent the supply of alcohol.

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.

Annex 2 – Conditions consistent with the Operating Schedule

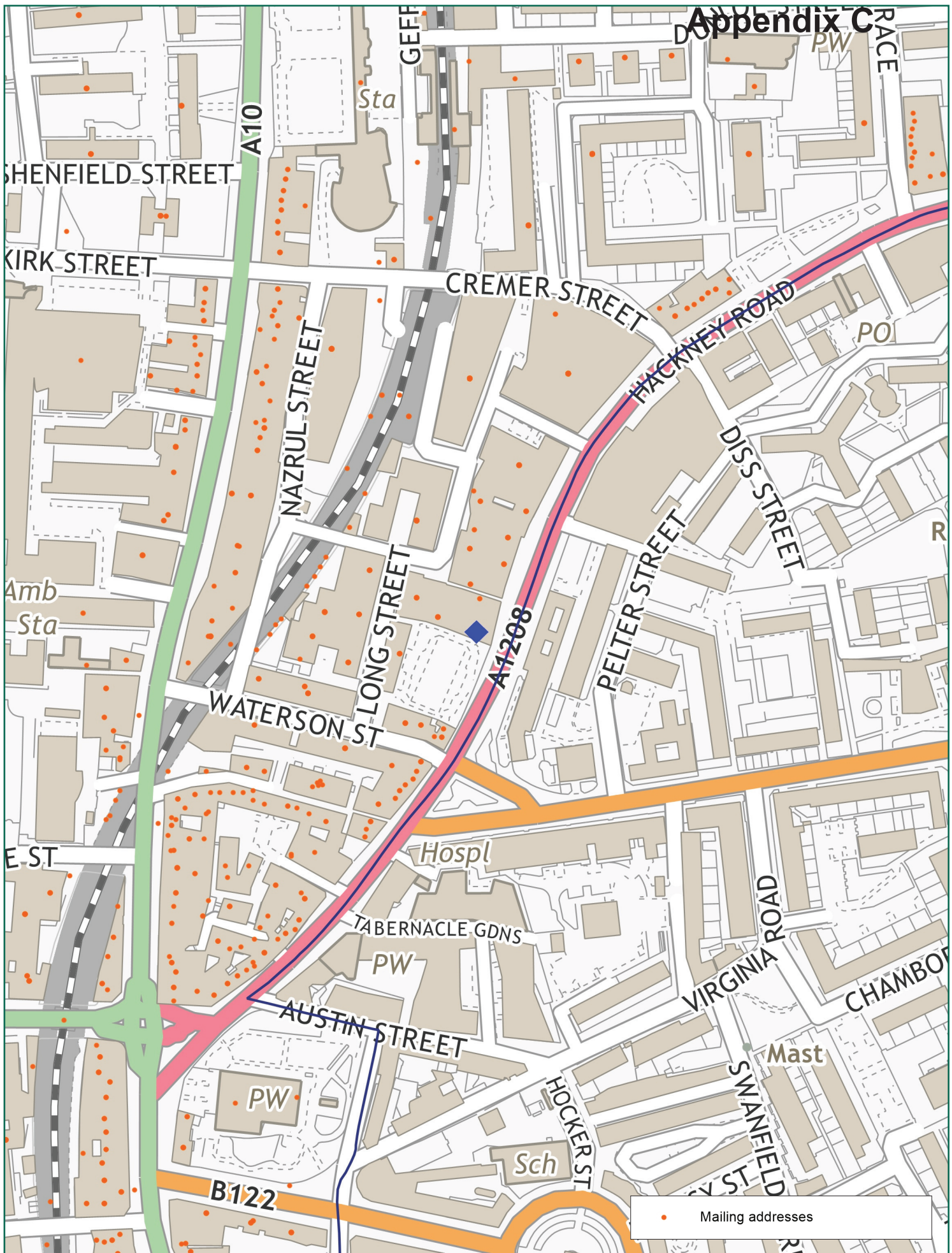
8. Premises to be supervised by persons performing a security activity at all times.
9. Two external CCTV cameras and three internal CCTV cameras to be kept and maintained.
10. Admission into the premises will be refused to persons under 21 years of age.
11. Security staff will summon an arranged taxi firm on patrons' request.
12. Recorded music to be permitted during opening hours of the premises, but after 11:00 must be at a level as to allow face-to-face conversation at normal speech level.
13. The maximum number of people accommodated at any one time shall not exceed 100.
14. That the premises shall not be used for the provision of regulated entertainment until officers from the Council's Building Control Service have confirmed in writing that the premises are technically suitable for the intended use (by applying of relevant technical regulations).

Annex 3 – Conditions attached after a hearing by the licensing authority


Not Applicable

Annex 4 – Plans

PLAN/LBH-PRE-T-0139/050706



• Mailing addresses

 NORTH

Scale: 1:2500 at A4

 Hackney

Ye Olde Axe, 69 Hackney Road, E2 8ET

Page 88

Ref:	From page 10 specified	please specify copyright statement
Wednesday, November 3, 2021	email:	



MINUTES OF THE MEETING OF THE LICENSING SUB COMMITTEE C

Live stream: <https://youtu.be/NT1nRh0QKr8>

THURSDAY, 9 DECEMBER 2021

Councillors Present:

Cllr Emma Plouviez (Chair)
Cllr M Can Ozsen and Cllr Penny Wrout

Officers in Attendance:

Robert Gardner - Enforcement & Business
Regulation Manager
Rabiya Khatun - Governance Services Officer
Amanda Nauth - Licensing and Corporate Lawyer
Suba Sriramana - Acting Principal Licensing Officer
David Tuitt - Business Regulation Team Leader

Also in Attendance:

Ye Olde Axe, 69 Hackney Road, E2 8ET
David Forbes - Premises licence holder's
representative
Thomas Melody- Premises licence holder

1. Election of Chair

1.1 Councillor Plouviez was duly elected to chair the meeting.

2. Apologies for Absence

2.1 Apologies for absence were received from Cllr Peters.

3. Declarations of Interest

3.1 There were no declarations of interest.

4. Minutes of the Previous Meeting

4.1 The minutes of the previous meetings held on 3 August 2021 and 14 September 2021 were agreed as a correct record.

5. Licensing Sub Committee Hearing Procedure

5.1 The hearing procedure as set out in the agenda pack was explained to all participants.

6. Review of premises licence: Ye Olde Axe, 69 Hackney Road, E2 8ET

- 6.1 Subangini Sriramana, Acting Principal Licensing Officer introduced the report in respect of an application for a review of the premises licence Ye Olde Axe on the ground of the prevention of crime and disorder following numerous breaches of requirements under The Health Protection (Coronavirus) Regulations 2020 and continued unlicensed operation as a Sexual Entertainment Venue (SEV).
- 6.2 The Sub Committee noted the additional information from the premises licence holder, which had not been included in the agenda pack.
- 6.3 Robert Gardner, Enforcement & Business Regulation Manager, on behalf of the Licensing Authority, made submissions speaking in support of the summary licence review under the grounds the licensing objective of the prevention of crime and disorder, highlighting the following:
- During the pandemic officers had visited a large number of licensed premises in the borough and although some were non-compliant this premises was one of the worse premises with no controls in place or observing any of the legal requirements of the Regulations at the time to prevent the spread of Covid and protect customers and staff;
 - The witness statements from officers visiting the premises on 4 July and 9 July 2021 within the agenda pack outlined the breaches of the Health Protection Regulations 2020. These included no posted QR codes for customers to scan, no records of customers contact details, no social distancing in the premises, no table service, patrons and staff not wearing face coverings, and patrons being served at the bar. The licensee was subsequently fined £1,000;
 - Officers had also witnessed during these visits the premises operating as a SEV without a current licence and customers being approached and customers appearing to approach women in the bar area, which were in breach of the social distancing within the Regulations;
 - The premises also lacked basic controls and supervision. Officers also observed during their two visits that there had been no residual evidence of any controls being put in place previously such as posters and staff enforcing social distancing;
 - The performances witnessed on the first floor on 4 and 9 July 2021 had been intimate and physical with no social distancing and in breach of the Regulations 2021. The nature of the performances without a table or dias and the intimate contact during the performances would have amounted to a breach of the SEV licence and standards expected including no physical contact. Moreover, as part of the Covid restrictions all premises offering sexual entertainment had been informed to cease these activities including during 9 July 2021;
 - The licensee was an experienced operator and should have been familiar with licensing legislation and Covid regulations relating to the entertainment industry which had been extensively publicised on the television and news;

- Bishop's Stortford was approximately 32 miles and approximately 55 minutes from the premises;
- The licensee had a conviction and fine for an offence under the Fire Safety Order in 2019 with respect to a public house he previously owned; and
- It was emphasised that the premises had not been better managed since the SEV licence had been granted in May 2019.

6.4 The Sub Committee requested clarity on the review application and the Licensing Authority's representative replied as follows:

- The licensee's temporary address of Bishop's Stortford was approximately 32 miles, which was not a long distance to commute to the premises; and
- It was confirmed that the police had not accompanied Licensing Officers during their visits to the premises on 4 and 9 July 2021 but had accompanied officers during a visit after 9 July 2021 for the voluntary closure of the premises following safety concerns.

6.5 David Forbes, the premises licence holder's representative, made submissions speaking in opposition to the summary review of the licence, highlighting the following:

- This application was made on two grounds, which was a breach of the Health Protection (Coronavirus) Regulations 2020 and unlicensed operation as a Sex Entertainment Venue. It was argued that the SEV was not relevant to the hearing as the licensee had submitted a renewal application and had been awaiting a hearing date;
- The licensee accepted that the premises had been in non-compliance with the Health Protection Regulations with regard to the table service requirement on 4 and 9 July 2021. The licensee had relied upon his bar manager during his absence to inform staff to postpone the relaxation of the requirements from 21 June until 19 July but this had not been done. The licensee accepted that it was his responsibility and paid the fixed penalty of £1,000 imposed for the breach;
- It was argued that on 4 and 9 July 2021 the recording of customers details on entry and wearing face masks were desirable and not prohibited in the Regulations and these alone did not amount to a breach of the Regulations;
- He disputed that the premises had been operating as an unlicensed SEV. A licence had been granted in 2019 and a renewal application had been submitted in March 2020, which was due to be considered by the Licensing Sub Committee at a forthcoming meeting;
- He stated that the private dance performances might have breached the SEV licence and argued that the licence granted in 2019 remained in force on 4 and 9 July 2021 and continued in force by virtue of Paragraph 11 of Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982, where a renewal application had been made prior to the expiry of the licence it would be deemed to remain in force

until its determination even though the expiry date had passed. Any breaches of the SEV licence would not necessarily amount to a breach of the Public Health Regulations 2020;

- The licensee had held a premises licence for 30 years and it would be wholly disproportionate to revoke the licence on the grounds of breaching the table service requirement when this had been adequately dealt with by the imposition of the fixed penalty; and
- The licensee normally resided at the premises but had temporarily moved to Bishop's Stortford to provide emergency care for his young grandson.

6.6 Following all submissions, the Chair led a discussion on the application, during which the following responses were made:

- The Licensing Authority's representative clarified they were seeking to revoke the premises licence only;
- The Licensing Authority's representative confirmed that all SEV licences had been suspended under the Covid regulations and any SEV operations during 4 and 9 July 2021 would have been in breach of the Regulations;
- The Business Regulation Team Leader clarified that the regulations being relied upon at this hearing were The Health Protection (Coronavirus, Restrictions) (Steps) (England) Regulations 2021 and the government's four-step roadmap. There had been a delay in implementing step 4 from 21 June to 19 July. It was confirmed that during the visits to the premises on 4 and 9 July 2021 the premises had been in Step 3 of the roadmap and considered under 'restricted business' and therefore these Covid requirement failures were breaches;
- The Licensing Authority's representative stated that the Licensing Services had provided advice and guidance on the coronavirus regulations to all licence premises holders but had not been approached by the licensee for any advice;
- The Licensing Authority's representative clarified that officers had not visited the other three SEV premises in the borough but had visited many other licensed premises during the Service's routine visits;
- The premises licence holder's representative argued that no specific regulations had been breached and revocation was a disproportionate response to a sole breach of the table service requirement. The breaches of track and trace and face mask wearing were technical arguments;
- The licensee's representative confirmed that the fine related to the breach of table service; and
- The premises licence holder's representative emphasised that the licensee was entitled to a fair hearing based on legal requirements and the papers submitted at the meeting.

6.7 The premises licence holder's representative was asked if he wanted additional time to read the regulations but declined as he believed the other breaches presented at the meeting were not within the Regulations.

6.8 The Chair indicated that the Sub Committee would take a common sense approach to the interpretation of the Regulations at the time the incidents occurred and also noted that the premises as a restricted business was open when it was not permitted under the Regulations.

RESOLVED:

The decision

Review of the Premises Licence – Ye Olde Axe, 69 Hackney Road, London E2 8ET

The decision of 9th December 2021

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,

that the premises licence for Ye Olde Axe, 69 Hackney Road, London E2 8ET be revoked.

The Reasons for the Decision:

The Licensing sub-committee felt after carefully considering the application from the Licensing Authority, considering representations from the Licensing Authority, and the representations from the Licensee's representative, and the supporting evidence decided that revocation of the licence was appropriate, and a necessary course of action, given the failures to comply with the Covid-19 regulations during the pandemic which is taken very seriously.

The sub-committee took into consideration the evidence from the Licensing Authority that due to there being breaches of the licence, no controls in place, and the serious breach of Covid regulations. Revocation of the licence was necessary given that the Covid regulations were well publicised, and had been in force for some time.

The sub-committee was satisfied that no other options would adequately address the breaches of the Covid regulations or the licensing objectives being undermined in the future.

The sub-committee considered the evidence relating to the site visits that led to the Review being called by the Licensing Authority. They took into consideration that the

management of premises allowed the following to occur, which undermined the Licensing objectives:

- i) During the pandemic Licensing officers had visited the premises on 4 July and 9 July 2021. This premises had no controls in place, and failed to observe any of the legal requirements of the Regulations at the time to prevent the spread of Covid and protect customers and staff;
- ii) The witness statements from the Licensing officers that visited the premises outlined the breaches of the Health Protection Regulations 2020. These included no posted QR codes for customers to scan, no records of customers contact details, no social distancing in the premises, no table service, patrons and staff not wearing face coverings, and patrons being served at the bar. The licensee was subsequently fined £1,000;
- iii) The premises also lacked basic controls and supervision. Officers also observed during their two visits that there had been no residual evidence of any controls being put in place previously such as posters and staff enforcing social distancing;
- iv) As part of the Covid restrictions all premises offering sexual entertainment had been required to cease these activities. The Covid regulations came into force on 29th March 2021. Under Schedule 3, Paragraph 9(1)(e) of The Health Protection (Coronavirus, Restrictions) (Steps) (England) Regulations 2021. The premises was required to cease offering sexual entertainment. This was a clear breach of the Covid regulations that were in force for some time, and prior to the visits made by the Licensing officers in July 2021;
- v) The licensee was an experienced operator and should have been familiar with licensing legislation and Covid regulations relating to the entertainment industry which had been extensively published nationwide on the television and news;

The sub-committee felt that the way the premises were operating in breach of the Covid-19 Regulations during the pandemic was completely unacceptable. There were very serious concerns about the ability of the licensee to uphold the Licensing objectives following these breaches. The sub-committee recognised that this was poor judgement on the part of the management of the premises in the absence of the licence holder who was away from the premises at the time the Licensing officers visited the premises. The premises lacked supervision and had no experienced staff running the premises.

The sub-committee, having heard the evidence from the licensee, the licensee's representative, and the Licensing Authority felt that there was no guarantee the public would be safe due to the failure to comply with the regulations. In addition the sub-committee took into account that there was no protection for the dancers, and there was no protection with masks observed at the premises. The dancers were put at greater risk due to Covid-19.

The sub-committee took into account that the licensee only felt that they were in breach of the Covid table service requirements. They did not take into consideration the other Covid Regulations that they were in breach of. It was clear that the licensee did not consider the impact on the staff and members of the public which, as an experienced licence holder, he should have considered. The sub-committee took these breaches very seriously.

The sub-committee when making their decision took into consideration the lack of confidence in the management. They were not confident, given the serious health and safety issues raised, that the current management in charge of the premises and the licensee are capable of upholding or promoting the licensing objectives and the failure to comply with the Covid-19 Regulations under The Health Protection (Coronavirus, Restrictions) (Steps) (England) Regulations 2021. The sub-committee considered that this was a serious risk to public health and safety and to members of staff at the premises.

7 Temporary Event Notice - Standing Item

7.1 There were no temporary event notices.

Duration of the meeting: 19.00- 19.58

Contact:

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