

## MINUTES OF A MEETING OF THE LICENSING SUB COMMITTEE B

MONDAY, 29 JANUARY 2024

**Councillors Present:** Councillor Gilbert Smyth in the Chair  
Cllr Sem Moema and Cllr Yvonne Maxwell

**Officers in Attendance:** Rabiya Khatun – Governance Officer  
Amanda Nauth – Licensing and Corporate Lawyer  
Suba Sriramana – Principal Licensing Officer

**Also in Attendance:** Sandbox, 1 Quaker Street, E1 6BW  
Damon Borley - Applicant  
Charles Denny - Applicant's Licensing Consultant  
Edith Lake - Applicant's Agent  
  
Louise Garrett (Shoreditch Residents Association) -  
Other Persons  
Randall Thiel (Spire) - Other Persons

### **1 Election of Chair**

1.1 Cllr Gilbert Smyth was duly elected as Chair.

### **2 Apologies For Absence**

2.1 There were no apologies received.

### **3 Declarations of Interest - Members to declare as appropriate**

3.1 There were no declarations of interest

### **4 Minutes of the Previous Meeting**

4.1 There were no minutes for consideration.

### **5 Licensing Sub-Committee Hearing Procedure**

5.1 The Chair outlined the hearing procedure to be followed.

### **6 Premises Licence Re: Ground Floor, 320 Old Street, EC1V 9DR**

6.1 This application was approved under delegated authority and therefore withdrawn from the agenda.

## 7 Premises Licence- Sandbox, 1 Quaker Street, E1 6BW

7.1 The sub-committee heard from the Acting Principal Licensing Officer, the Applicant's Licensing Consultant and Other Persons. The sub-committee noted the additional information submitted by the Applicant and Responsible Authority; Licensing which had been circulated to all parties prior to the hearing. The Responsible Authority; Licensing had withdrawn its representation based on agreed conditions and Responsible Authority; Police had withdrawn its representation after clarification with the applicant. The application was for a new premises licence which sought to authorise the sale of alcohol on Monday to Sunday.

7.2 During the course of submissions and a discussion of the application, the following points were noted:

- The Applicant's Licensing Consultant highlighted that the proposed hours for the sale of alcohol (on and off premises) had been reduced Monday to Sunday 11.00- 22.30 hours for pre-booked events and the opening Monday to Sunday 11.00-23.00 hours, which was in line with the Council's Core Hours, off sales would only be required at product launch events and available to purchase in a sealed container, there would be up to three SIA security staff risk assessed at any event supplying alcohol from 18.00 hours, Licensing and the Police had withdrawn their representation, the premises licence application at Tower Hamlets Council had yet to be determined, and sound levels would be at a maximum 85 decibel reducing to 70 decibel for the last 30 minutes to minimise noise nuisance.
- The Other Persons made representations on the grounds of The Prevention of Crime and Disorder, Public Safety, Prevention of Public Nuisance and The Protection of Children from Harm. Representations from Other Persons in objection of the application were primarily about noise nuisance from the premises and in particular emanating from the marquee, issues with anti-social behaviour in the area, existing issues with drinking in the area, inadequate lighting, lack of toilet facilities leading to urination in the streets and residents doorsteps, concerns that the premises would be used as an extension to the Car Wash premises increasing capacity and adding to the cumulative impact, the venue could be used for vertical drinking in the future especially with the Bishop Yard development that had bars, there was no dispersal policy and concerns about managing the queues, concerns about vertical drinking as there was a bar in the premises, the flexible structure of the Car Wash and Sandbox could increase capacity and have an adverse impact on the area and residents, concerns about lack of community engagement and sealed bottles could be drunk within the vicinity exacerbating public nuisance issues.
- Having heard submissions, the applicant's consultant and applicant responded to the sub-committee queries and concerns as follows:
  - It was clarified that this was an event space for promotional marketing of brands and music, and that space was also donated for community projects. The event space would promote the area instead of an empty space attracting anti-social behaviour.
  - The premises would be open only to guests for ticketed events and those guests would have a hand stamp, wrist band or be on a guest list. The venue would not be open to the public.

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- There was no permanent bar and a temporary tall table would be used to set up as a bar at limited events supplying alcohol for ticked guests. They held a diary of the events that would be supplying alcohol and no off sales would be sold except for promotional events. The premises would not be used for vertical drinking and add to public nuisance and anti-social behaviour in the area.
  - The capacity was a maximum of 75 people with 25 people inside and 50 in the external area but an average of 30 guests were expected at each event.
  - The premises had a sound limiter and decibel device to monitor noise levels and minimise noise disturbance to local residents however, there was already noise emanating from the traffic, Boxpark and trains nearby. They had held four events and no complaints had been received.
  - The marquee in the external area had cost approximately £17,000 and was soundproof.
  - For the business to be viable he wanted to hold two events in a week but wanted the days of the events to be flexible. Applying for TENs would not meet the number of licensed events planned.
  - There was a toilet at both premises.
  - There was no written dispersal policy but a written policy could be submitted.
  - No more than 75 guests would be expected to disperse from the venue and dispersal would be staggered until 22.30 hours.
  - Confirmed that smokers used the external area by the marquee but smoking was discouraged.
  - Up to three SIA security had managed events holding up 75 people without any issues as this was not a drinking destination.
  - He had engaged with residents on the street.
- The Legal Officer advised that the Community Impact Zone was not relevant to Hackney.
  - In response to the questions and queries from the sub-committee, the Other Persons replied as follows:
    - Sandbox was on the boundary and both Tower Hamlets and Hackney Police worked together to deal with any complaints relating to this premises. Both police forces were under one Sergeant but this arrangement would be changing in the future.
    - The Other Person representing SPIRE indicated that he would withdraw his representation if the applicant could agree to ten events per week and for the premises licence not to be transferred to new owner. The Other Person indicated that they would be willing to accept six events per month.
    - Concern was expressed about who would monitor the number of events being held.
    - A report had been published six months previously which had identified the area as an anti-social behaviour hotspot and the cumulative impact, and another premises licence would attract more people into the area and exacerbate the issues of anti-social behaviour.

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- In response to concerns raised, the applicant made the following concessions:
  - Agreed to hold no more than 6 events supplying alcohol.
  - Agreed to submit and agree a Dispersal policy with the Licensing Authority.
  - Offered to contribute towards the costs of installing more urinals in the area.
  - Would be willing for the premises licence to be restricted to the applicant to allay concerns about the transfer of the licence to a new owner and converting the premises into a vertical drinking establishment.
  - Agreed to have two meetings in a year with residents and Licensing address any concerns or issues.

**RESOLVED:**

**The decision**

The Licensing Sub-Committee in considering this decision from the information presented to it within the report and at the hearing of Monday 29th January 2024 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 as applied for with the following amendments agreed with the Applicant:

- The hours for licensable activities, shall be, as agreed:

Supply of Alcohol (On and Off sales)

Monday to Sunday 11:00-22:30

(No off-sales other than in sealed containers)

Opening hours of the premises

Monday to Sunday 11:00-23:00

Amend Condition 23 to read as follows:

“There shall be up to 3 SIA door staff for each event and this shall be risk assessed. A copy of the risk assessment shall be kept on the premises and made available for inspection by the Police and authorised officers of other responsible authorities on request”.

And the following additional conditions to be added to the premises licence:

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- The Premises Licence shall be limited to six (6) events in any one calendar month with no carry over. In addition there shall be no more than 3 of 6 events that take place on Fridays and Saturdays in each calendar month.
- The Premises Licence holder shall submit a Dispersal Policy to be approved by the Licensing Authority.
- The Premises Licence holder shall submit a quarterly (at least every 3 months) Events Diary for both events in Hackney and Tower Hamlets to the and the Residents Associations (Shoreditch Community Association and SPIRE)
- The Premises Licence holder shall maintain a dedicated contact telephone number and email address that must be available at all times to all local residents, the Environmental Health Officers, the Licensing Authority, the Police, and any responsible authority or any person wishing to make a complaint. These contact details shall be included on the website of the premises, and on display at the premises, which can be used to report concerns or complaints about the premises to a duty manager, a responsible person or a member of the management team at the premises as and when they occur.
- The Licence holder shall hold and publicise 2 liaison meetings each year (at least every 6 months) with local residents and the Residents Associations (Shoreditch Community Association and SPIRE) to address any concerns or complaints about the premises from local residents to prevent public nuisance.

### **Reasons for the decision**

The application for a premises licence has been approved because the Licensing Sub-committee was satisfied that the licensing objectives would not be undermined.

The Sub-committee took into account that the Metropolitan Police Service and the Licensing Authority withdrew their representations after agreeing conditions and reduced hours with the Applicant.

The Sub-committee took into consideration that Other Persons (local residents represented by 2 Residents Associations: the Shoreditch Community Association and SPIRE) in the Shoreditch area maintained their objections to the application due to anti-social behaviour, noise nuisance and the negative cumulative impact on the area.

The Sub-committee took into consideration that the Applicant amended their application by reducing the hours to core hours and that the alcohol sales were for on sales, mainly except where there are tasting events, and promotions where off sales would be sold in sealed containers to guests.

The Sub-committee took into consideration that the premises would not be open to the public to walk in; it would be for invited guests to the events at the premises i.e. small exhibitions, arts and crafts, and community led events. The Sub-committee noted that the expectation was that not all events would be alcohol led.

The Sub-committee took into consideration that the premises was not set up with a permanent bar, because it would need to be a blank canvas for whatever project and event that was due to take place. The Sub-committee noted that there would be no draft beer or other permanent fixtures at the premises associated with a bar or pub.

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The Sub-committee took into account representations from the Applicant and their representative that there would be people queuing for a short period while security checks are being carried out, and checking guests into the event. The Sub-committee noted that these events are planned months in advance. The Applicant and his representative contended that the premises is not a destination, venue, and invited guests would not be expected to hang around the premises after the event ends.

The Sub-committee took into account representations from the Applicant and his representative that the Applicant is keeping the area secure and clean, and they do not feel that the events would add to the cumulative impact, but would benefit the area. The Sub-committee took into consideration the Applicants community efforts. The Sub-committee noted that the Applicant was cleaning the streets close to the premises, and that the Applicant offered to pay for urinals in Braithwaite Street.

The Sub-committee took into consideration that one of the representatives of the Residents Associations decided to compromise on the number of events to be held to 6 events per month instead of operating up to seven days a week. This compromise was reached because it was noted that there are 6 years remaining for the Applicant's Lease on the premises, and this short lease period would help reduce the cumulative impact on the area in the future.

The Sub-committee took into consideration that the hours were reduced to within core hours, that the capacity of the premises was likely to be modest, and was expected to have about 30 guests on average at each event. The Sub-committee took into account that the Applicant agreed to provide a dispersal policy, the events would be risk assessed and that the Applicant wanted to engage with local residents by having meetings at least every six months to deal with any issues arising at the premises, in particular noise nuisance.

The Sub-committee took into account that there had been four temporary events held previously at the premises without incident or complaints.

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

**Public Informatives:**

1. The Premises Licence Holder is advised as part of the rigorous monitoring and checking that all staff are to be well trained, and to undertake the required training including WAVE training, training for vulnerable persons and other training offered by the Council's Hackney Nights portal as part of the Hackney Nights accredited training scheme.
2. The Premises Licence holder is encouraged to engage in meaningful dialogue with the local residents and the Residents Associations (Shoreditch Community Association and SPIRE) to resolve any issues relating to the premises, and for the Premises Licence holder to play their part in reducing any negative impacts from the premises to prevent public nuisance and disturbance to local residents.
3. The Premises Licence holder is encouraged to continue working with the Responsible Authorities (the Police, the Licensing Authority and the

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Environmental Protection Team) to resolve any issues relating to the premises such as dispersal and noise nuisance from the premises to prevent public nuisance.

4. The Premises Licence holder is encouraged to provide adequate toilet provision to prevent guests urinating in the street.
5. The Premises Licence Holder is encouraged to commission an acoustic assessment.
6. The Premises Licence holder is strongly encouraged to use sustainable cutlery, plates, cups, food containers, and recyclable materials to avoid using single-use plastic to prevent litter, and to protect the environment.

## **8 Temporary Event Notices - Standing Item**

- 8.1 There were no Temporary Event Notices for consideration.

**Duration of the meeting:** 7.00pm