

MINUTES OF A MEETING OF THE LICENSING SUB COMMITTEE C

TUESDAY, 12TH JULY, 2016

Councillors Present: Councillor Peter Snell in the Chair
Cllr Sophie Cameron (Substitute),
Cllr Margaret Gordon and Cllr Peter Snell

Officers in Attendance: Mike Smith (Principal Licensing Officer), Butta Singh (Senior Lawyer), Robert Walker (Licensing and Planning lawyer), Peter Gray (Governance Services Officer)

Also in Attendance: Sarabande
Applicants:
Liam O'Hare
Laura Kiefer
Other Persons:
Tracy Roberts
Doron Klinghoffer
Vanessa Hall-Smith
Lizzie Middleton
Chris Middleton
Malcolm Gluck
Wally Foster:
Applicants:
Anthony Roberts
Thelma Crange
Nigel Sterling
Danny Julie
Tobib Muhammed
Other Persons:
Huseyin Remzi Tasoglu
Pasa Tangam
Nesling Say
Michelle Haynes
Anthonewo Walo

1. Election of Chair

1.1 Councillor Peter Snell was duly elected as chair

2 Apologies for Absence

2.1 There were no apologies for absence.

3. Declarations of Interest - Members to declare as appropriate

3.1 There were declarations of interest.

4. Minutes of the Previous Meeting

4.1 The minutes of the meeting held on 22nd March were agreed as a correct record.

5. Licensing Sub-Committee Hearing Procedure

5.1 The Sub-Committee noted the procedure rules.

6. Premises License: Sarabande, 22 Hertford Road

6.1 Mike Smith, Principal Licensing Officer, introduced the report. He told the Sub-Committee that all the responsible authorities had withdrawn their objections. There continued to be a need for clarity on the use of the courtyard area as a smoking area.

6.2 Liam O'Hare, the applicant, made opening submissions. He told the Sub-Committee that the Lee Alexander McQueen Foundation was a charity helping young people through education and first steps into the fine arts. He confirmed that consent and planning permission were in place before work was undertaken to restore the building. Sarabande was a cultural centre, operating on Monday to Friday with events finishing at 11pm. He explained that significant money had been spent securing a long lease and redeveloping the premises. He confirmed that raves would not be held at the venue and that there would be no DJ led events. There were to be fifty events a year, which would be ticket only, where alcohol would be ancillary. The public had been consulted on the development and the benefits of the cultural centre explained. He told the Sub-Committee that the courtyard would not now be used as a smoking area and would only be used for disable access to the premises and emergency evacuations. Further, there was to be no access from the licensable area to the courtyard. Staff would always be positioned at the back entrance during events. Liam O'Hare explained that he had 25 years' experience in event management and all staff at the venue had been appropriately trained. He confirmed that events would be risk assessed. In response to a question from the chair in relation to capacity, he confirmed a capacity figure of 230 people, including all staff and security. In response to a question from Councillor Gordon he told the Sub-Committee that dispersal from the venue to Hertford Road was to be gradual. The sound system would be certified and noise would be kept at a reasonable level. Liam O'Hare also described the works undertaken to sound proof the premises.

6.3 In response to a question from the chair Liam O'Hare confirmed that licensable activity would only take place up to a maximum of 50 "one day" day events per year. Liam O'Hare also confirmed that all measures outlined in paragraph 6.2 above (i.e. the number of events per year, capacity, no DJ led events, no raves, use of the entrance onto the courtyard etc) could be conditioned on the licence if granted.

6.3 Local residents made submissions against the application as follows:

- Vanessa Hall-Smith (Resident) expressed concerns about security, the proximity of the premises to residents, anti-social behaviour and noise at the venue with large numbers of young people circulating with access to the courtyard area. She believed that it would not be possible to control access to the development via the security gate. She told the Sub-Committee that once

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in the development it would be possible for members of the public to access the Canal area. Further, she expressed reservations about how dispersal from the venue would work. Fifteen workshops would result in a significant increase in the number of people circulating within the building. Further, she was concerned that some events would be run by third parties attracting large numbers of people who had little interest in the local community. She submitted that the community had not been involved in the development of the plans. She was unable to accept that there would be no noise emanating from the venue and expressed concerns about effective dispersal. In response to a question from Councillor Gordon she told the Sub-Committee that there was a Residents Group in the area.

- Lizzie Middleton expressed concern about potential numbers of people circulating on Hertford Road and the possibility of tailgating. She said that there was public access from the basin.
- Chris Middleton expressed concerns around large numbers of people and noise at the venue, impacting most when residents had left their windows open.
- Doron Klinghoffer stated that the license should not be granted and referred the Sub-Committee to the Council's licensing objectives.
- Tracey Roberts submitted that in the case of events with over 100 people SIA should be present at the venue and that for event of under 100 staff members could provide security. She also expressed concerns about access to the courtyard.
- Malcolm Gluck expressed concerns that the venue could be used as a night club and had concerns about how it would be controlled. He had further concerns about littering on Hertford Road.

6.4 Councillor Cameron also expressed concerns about tailgating and the potential for crime.

6.5 Liam O'Hare further submitted that the organisation was a registered charity. He referred to the fact that he had 25 years' experience in event management. He offered that the maximum capacity of the events be 150 people and that SIAs would be provided for events over 50 people. After 6pm entrance would be through the main gate only. He also confirmed that he would accept a condition that required notice to be given to local residents informing them of scheduled events.

6.6 Lizzie Middleton summed up by stating that she appreciated the aims and objectives of the organisation but continued to object to the application as stated. She told the Sub-Committee that there was public access from the basin.

6.7 Doren Klinghoffer summed by stating that the number of events held at the venue each year should be kept to a minimum. He referred to the neighbourhood as special and hoped that this would be taken into consideration.

6.8 Vanessa Hall-Smith, in summing up, expressed concerns about loud music and the increased numbers of people circulating in the area.

6.9 Liam O'Hare summed up by stating that the community had been consulted. Open days had been held from which comments had been taken on board. He confirmed that events would be managed properly. Further, outreach to the community on events at the Community Centre would be ongoing. He also advised, in reply to a question from the Sub-Committee, that he would accept a condition that no more than 50% of events would be up to a full capacity of 150 people.

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 has been approved in accordance with the Council's licensing statement and the proposed conditions set out in paragraph 8.1 of the report, with the following amendments:

- Conditions 9, 10, 11, 12, 14, 16, 20 and 22 be deleted as they are duplicated by other conditions;
- Condition 13 be amended to delete the word "premises" and insert the word "area";
- Condition 19 be deleted and replaced with the following condition
 - "There will be no access or egress to the courtyard area (which is the area between the premises and Hertford Wharf) except for disabled persons or in the event of an emergency. During all events a member of staff shall ensure that no persons gain access or exit the courtyard, except in the circumstances outlined above".
- Condition 21 be amended to read – "The licensable area shall not be used for more than 50 one-day events per calendar year and at least 50% of the one-day events held at the premises (i.e. 25 events) shall be limited to a maximum capacity of no more than 50 people."
- At the end of condition 31 insert the words "and/or duty manager, who will be able to address any issues residents may have during an event."
- Condition 35 be amended to read – "Patrons shall only be allowed to smoke in an area at the front of the premises (on Hertford Road) and there shall be a maximum of 7 persons allowed outside to smoke in this area at any one time."

and the following additional conditions:

- The maximum capacity of premises shall be 150 people;
- There shall be no DJ led events or raves held at the premises;
- The sale, supply and/or consumption of alcohol and the use of DJs shall be ancillary to events held at the premises;
- SIA registered door supervisors shall be employed at the venue on an operational risk assessment basis subject to there being at least one SIA registered door supervisor on duty during events attended by 50 or more

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people. All security staff shall be clearly identifiable at all times. All door supervisors shall enter their full details in the premises daily register at the commencement of their work. They shall record their full name, home address and contact telephone number, their SIA registration number, and the time they commence and conclude working. If the door supervisor was provided by an agency the name, registered business address and contact telephone number will also be provided. This register will be made available to police or authorised officer immediately upon request.

- The licensee shall notify a named local resident of all upcoming events. This resident will make themselves known to the licensee, who will use their best endeavours to notify all other residents of Canal Wharf and Hertford Wharf.

Reasons for the decision

The application has been approved, with the above amendments and additional conditions, as the Licensing Sub-Committee was satisfied that the licensing objectives would not be undermined.

7. Premises License: Wally Foster, Homerton Road

7.1 Mike Smith, Principal Licensing Officer introduced the application. He told the Sub-Committee that the Police had withdrawn their objection following agreement of conditions and the premises closing at midnight Thursday to Sunday and licensable activities ceasing 30 minutes before. The Licensing Authority had withdrawn following acceptance of the following additional condition:

“Signs will be prominently displayed by entry and exit points reminding customers to leave quietly and respect local residents”

7.2 Anthony Roberts made opening submissions to the Sub-Committee. He had been asked to join the Community Centre four years previously at which time it had a large deficit. Efforts were made to correct matters. He told the Sub-Committee that the community centre worked with local groups and ran a pre-school, piano and music classes and dance groups. The premises up until now had been holding private events at the premises, such as wedding etc, but now wished to run licensable events. He confirmed that CCTV had been set up at the centre and health and safety arrangements put in place. All security SIA were registered. The designated smoking area was at the front of the Community Centre. The spotlights had been removed as they had disturbed local residents. He stated that management respected local residents and that there was partnership working with the surrounding venues. He told the Sub-Committee that this was the biggest Community Centre in Hackney.

7.3 In response Councillor Gordon referred to the fact that the venue had a very large capacity and emphasised that events would require close management. The company secretary acknowledged that it was a large venue. Councillor Snell asked if there were plans to reduce the numbers of private events, given the current issues around noise during these kinds of events, with an increase in the number of their own events at the premises. Anthony Roberts told the Sub-Committee that they were committed to event management and that restrictions on noise during private events was now being written into contracts. In response to Councillor Gordon's question about his level of experience and training he confirmed in reply that he had been a media consultant and had managed ticket events, as opposed to private events. He further confirmed that he had also managed licence holders. In answer to a further

question from Councillor Gordon he confirmed that he did not envisage events to take place every weekend.

7.4 Huseyin Remzi Tasoglu, (Resident) submitted that there had been problems with noise at the Community Centre, with patrons drinking and talking loudly, disturbing residents in the area. Further, the loud music at the centre created difficulties for residents in sleeping given that the premises was not sound proofed. He expressed concerns that the proposed longer opening hours would attract a different type of person to the venue. He also expresses concern at past management of parking at the premises.

7.5 Michelle Haynes (Resident) told the Sub-Committee expressed concern about general anti-social behaviour around the venue experienced at past private events held at the premises, including urinating and noise.

7.6 Nesilda (Resident) re-iterated concerns about the problem of noise in the area of the community centre.

7.7 Nigel Sterling (Resident) referred to problems with noise around the Community Centre but stated that the problem was not as bad as previously.

7.8 Pasa Tangan (Resident) expressed concerns about proximity to the community centre and problems with noise.

7.9 In reply to a question from the Sub-Committee, local residents advised that private events were frequently held up until 3 am and caused disturbance. The last event that had caused disturbance was on 14th May 2016, and one of the residents had complained to the housing association.

7.9 Councillor Gordon asked about arrangements for dispersal from the venue. She stressed the need to communicate more closely with residents about events at the community centre.

7.10 The Chair emphasised the importance of a sound limiter at the premises, that no persons be allowed outside except 8 smokers at a time and that no drinks be taken outside the venue. The applicants agreed to these conditions.

7.11 Anthony Roberts accepted this and further submitted that the Community Centre wished to work with local residents and the Housing Association, establishing good lines of communication. He reiterated that consultation had taken place and concerns had been addressed. Partnership working would continue. He confirmed that a dispersal policy had been drafted and that this would be discussed with the Housing Association.

7.12 **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 has been approved in accordance with the Council's licensing statement and the proposed conditions set out in paragraph 8.1 of the report with the following amendments:

- The opening hours Thursday to Sunday shall be 08:00 to midnight;
- The hours for all licensing activities Thursday to Sunday, except for late night refreshment, shall be 16:00 to 23:30;
- The hours for late night refreshment Thursday to Sunday shall be 23:00 to 23:30;
- Condition 11 be amended to read as follows – "Signs will be prominently displayed by entry and exit points reminding customers to leave the area quietly and respect local residents, and staff will be trained on this policy";
- In condition 23 after the words "authorised officer" insert the words "or local resident";

and the following additional conditions:

- The licensee is to ensure that all musical equipment that will be used when amplified music is played at the premises is played through a sound limiting device, with the sound/ music level set by a registered member of the Institute of Acoustics or similar body. The licensee is to ensure that the sound limiter is in a locked cupboard and accessible only to the Wally Foster management;
- There shall be no more than 8 persons allowed outside at any one time including smokers; and
- There shall be a maximum capacity at the premises of 275 people.

Reasons for the decision

The application has been approved, with the above additional conditions, as the Licensing Sub-Committee was satisfied that the licensing objectives would not be undermined.

Public informative

The Licensing Sub-Committee reminds the applicant of the need to engage with local residents located close to the premises to ensure that the venue is effectively managed and that residents are not disturbed by licensable and private events.

The Licensing Sub-Committee also encourages the applicant to run all private events at the premises to the same standard as licensable activities and adhere to all conditions on the premises licence.

In the event of there being any issues with public nuisance arising from licensable and/or private events at the premises, residents are encouraged to report such issues to the Council and their local councillors.

8. Premise License: Waterson Street

8.1 Dealt with under delegated authority

9. Temporary Event Notices - Standing Item

9.1 There were no temporary events notices.

Duration of the meeting: 7 – 10.45
Signed

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Chair of Committee

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