

**MINUTES OF A MEETING OF THE LICENSING SUB COMMITTEE C,
THURSDAY 15TH MARCH 2018, COUNCIL CHAMBER, HACKNEY TOWN
HALL, MARE STREET, LONDON E8 1EA**

Councillors Present: Cllr Emma Plouviez in the Chair

Cllr Margaret Gordon

Apologies: Cllr Sade Etti (substitute)

Officers in Attendance: Sanaria Hussain, Senior Licensing Officer
Butta Singh, Senior Lawyer Licensing & Corporate
Mike Smith, Principal Licensing Officer
Christine Stephenson, Planning, Licensing &
Corporate Lawyer
David Tuitt, Business Regulation Team Leader
(Licensing and Technical Support)
Gareth Sykes, Governance Services Officer

Also in Attendance: Village Underground
Applicant
Philip Kolvin QC
Jack Spiegler, Solicitor
Auro Foxcroft, Village Underground

Other persons
Lieske Kuitert (objecting)
Russ Tannen (supporting)

1 Election of Chair

1.1 Councillor Emma Plouviez was elected as Chair.

2 Apologies for Absence

2.1 Councillor Sade Etti gave her apologies for the meeting.

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 The minutes of the meeting, held on 12th September 2017, were agreed as an accurate record.

5 Licensing Sub-Committee Hearing Procedure

5.1 The attendees at the Licensing Sub-Committee noted the hearing procedure.

6 Application to vary the Premises Licence: Village Underground, 54 Holywell Lane, EC2A 3PQ

6.1 Sanaria Hussain, Senior Licensing Officer, introduced the new application for Village Underground at 54 Holywell Lane, EC2A 3PQ. Committee members noted that there was a number of tabled papers from the applicant along with representations from one responsible authority (licensing) and two other persons (one opposing and one supporting the application). Members also noted that the applicant had proposed the reduction of the terminal hour for alcohol sales on Friday and Saturdays to 05:00hours.

6.2 Mr Philip Kolvin QC made his submission at the meeting in support of the application. He began by explaining that to balance out the proposed extra hours on Friday and Saturday Village Underground was volunteering to surrender weekday hours between Monday and Wednesday. Members noted the premises was not in a Special Policy Area (SPA) and that there was a number of statements in support of the application. Mr Kolvin QC directed members to the substantial number of tabled papers, which included an independent licensing Impact Assessment from Make Associates, a summary of sound control assessments and recommendations made by Richard Vivian of Big Sky Acoustics, a witness statement from the Director of Village Underground, Mr Auro Foxcroft and a letter of support from Amy Lane, the Night Czar for the Mayor of London.

6.3 Mr Kolvin QC highlighted that the application had not received any objections from the Responsible Authorities (Environmental Health and Police). Mr Kolvin QC also re-iterated that the applicant had been proactive in proposing a reduction in the terminal hour for alcohol sales to 05:00hours on Friday and Saturdays. The applicant was also willing to consider other additional conditions. Mr Kolvin QC added that Village Underground had been part of Shoreditch's arts and culture scene since 2006, operating as a multidisciplinary arts centre. Its focus was primarily on presenting visual arts, design and architecture, concerts, theatre and performing arts. Annually, Village Underground had an attendance of over 150 thousand people with more than 500 performances. Mr Kolvin QC stressed that Village Underground was an arts, led, rather than alcohol led, venue.

6.4 In response to concerns about entry into the premises, Mr Kolvin QC explained that queues were controlled by barriers to control the flow of customers. No customers were allowed to smoke in the queue. Addressing concerns from residents about noise, Mr Kolvin QC explained that Village Underground had been proactive in cooperating with residents and Environmental Health to address the issues. A small courtyard, via Holywell Lane, was Village Underground's designated smoking area. It was strictly controlled with those wishing to use it having to queue outside quietly. On customers departing the premises, Mr Kolvin QC explained that Village

Underground operated a rapid dispersal policy with the main exit points being on Holywell Lane. From here, customers were encouraged to disperse by foot, to their taxi or to the areas' numerous transport links. To address residents' concerns about customer the dispersal, Mr Kolvin QC explained that they were willing to offer an additional condition whereby one Security Industry Authority (SIA) registered member of staff would be stationed at both Fairchild Place and at the eastern end of Holywell Lane on Friday to Saturday, from 30 mins before closing time until 30 minutes after.

- 6.5 The Director of Village Underground, Mr Auro Foxcroft, made a submission to the sub-committee, elaborating on the aims and work of the venue. He added that the arts events taking place at the venue were subsidised by those corporate events that take place at the venue. He added that the venue would not be open to 06:00 hours every weekend and that events were not alcohol led citing that the average spend for a Temporary Event Notice (TEN) weekend was approximately £14 per head.
- 6.6 David Tuitt, Business Regulation Team Leader (Licensing and Technical Support), began his submission to the Licensing Sub-Committee by welcoming the reduction of the terminal hour for alcohol sales on Friday and Saturdays to 05:00hours. Mr Tuitt explained that Village Underground was a multi-purpose, 720-capacity event space located in a popular and well established Shoreditch night time economy area. There was a concentration of licensed premises in this area, attracting high volumes of people. Mr Tuitt added that, as a result, the Council receives complaints of noise and other associated forms of anti-social behaviour. Licensing highlighted that that there were some residential properties near to the premises. Mr Tuitt explained that there were concerns that the additional hours proposed at weekends would further exacerbate existing negative impacts in the area e.g. public drunkenness and rowdy behaviour. The licensing team noted the efforts made by the applicant to address ongoing noise issues and also the comprehensive paperwork that they had provided in support of their application. Mr Tuitt concluded by recommending that Village Underground fully adopt (and regularly update) their 'Operational Management Procedures' document in consultation with the licensing team.
- 6.7 Other person, local resident, Ms Lieske Kuitert, began her submission by raising concerns about the application. She explained to committee members her first-hand experience of problems with a constant low pounding bass disrupting her sleep and her fellow residents. She also raised concerns about the about a longer licence attracting more already intoxicated young people leading to longer queues and greater noise and disruption. Ms Kuitert was of the view that Village Underground's dispersal policy need to be better thought out. .
- 68 Another other person, Mr Russ Tannen, made a brief submission to the sub-committee supporting the application. Members noted that that many businesses benefited from Village Underground's licence being extended.

- 6.9 In response to concerns raised about his dispersal policy, Mr Foxcroft explained that it took staff at Village Underground approximately 19 minutes for a full dispersal of customers and nine minutes when a TEN was in taking place. Addressing comments raised about alcohol consumption and related issues e.g. public urination and vomiting, Mr Foxcroft replied that the average alcohol consumption for his customers was two drinks. On residents' concerns about longer queues stretching along Great Eastern Street, Mr Foxcroft offered to station SIA-registered staff at the back of the queue.
- 6.10 After a brief adjournment, Mr Kolvin QC proposed, in relation to TENs, if one was served for the premises and it goes beyond 01:00hours, then the closing time of the premises shall revert from 06:00hours to 04:00hours on a Friday and Saturday, for the following 12 months. The applicant also clarified that the existing premises, licence LBH-PRE-T-1005, would be replaced by the new premises licence.
- 6.11 In response to concerns raised by Ms Kuitert, Mr Kolvin QC proposed that Village Underground liaise with the residents of Fairchild Place to address issues around the low pounding bass noise. They would also set all sound limiter levels within their premises. These levels would be set in agreement beforehand with the Environmental Health/Noise Pollution Team.
- 6.12 In summary, the other person Ms Kuitert re-iterated her concerns over the low pounding bass disrupting residents sleep and the extension of the license possibly leading to more people into the area. She disputed the assertion that the 6am was a better finishing time because it was quieter and the morning public transport services. On the latter at night now there was adequate links e.g., night buses and tube.
- 6.13 In summary Mr Kolvin QC re-iterated that Village Underground was a professionally run operation with an established reputation over the last ten years. Committee members were also reminded that there had been no submissions from the responsible authorities (Environmental/noise pollution team and the Police) for this new premises licence. Mr Foxcroft had also shown that he was willing to work with the responsible authorities and local residents by proposing a number of additional conditions to address the issues raised by them.

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 outlined under paragraph 8.1 of the report along with the following additional conditions:

1. Village Underground's document titled 'Operational Management Procedures' be adopted and adhered to in full and to be regularly updated, in agreement with both Responsible Authorities, the Police and Licensing Team.
2. One Security Industry Authority (SIA) registered member of staff to be stationed at both Fairchild Place and at the eastern end of Holywell Lane on Friday to Saturday, from 30 mins before closing time until 30 minutes after.
3. The applicant will use their best endeavours to ensure patrons leaving the premises are dispersed down Great Eastern Street.
4. This premises licence shall not be used as a permission for licensable activities until the following Premises Licence LBH-PRE-T-1005 has been surrendered by the Licence Holder. Should the following Premises Licences LBH-PRE-T-1005 be reinstated for any reason, this Premises Licence shall not be used until the Premises Licences LBH-PRE-T-1005 has been surrendered.
5. All sound limiter levels set within the premises are to be agreed beforehand with the Environmental Health/Noise Pollution Team.
6. If there is a Temporary Event Notice (TEN) is served for the premises and it goes beyond 01:00hours, then the closing time of the premises shall revert from 06:00hours to 04:00hours on a Friday and Saturday, for the following 12 months.

REASONS FOR THE DECISION

The application has been approved, as members of the Licensing Sub-Committee, after listening carefully to representations from the applicant, responsible authority (Licensing Team) and other persons, in addition to taking into consideration the additional conditions and assurances made about the nature of the operation, were satisfied that the licensing objectives would not be undermined.

PUBLIC INFORMATIVE

The licensee will liaise with residents of Fairchild Place to address issues around bass music noise.

7 Temporary Event Notices - Standing Item

- 7.1 There were no Temporary Event Notices (TENs) discussed at the meeting.

Duration of the meeting: 19:00 – 21:50 Hours

Signed

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Chair of Committee, Councillor Emma Plouviez

Contact:

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