

BEFORE THE LONDON BOROUGH OF HACKNEY'S

LICENSING SUB-COMMITTEE

“HACKNEY BRIDGE”

(previously “Clarnico Quay”)

Aluminium, Beta, & Charlie Buildings

East Bay Lane

London, E15

SUMMARY OF APPLICANT'S SUBMISSIONS

For Remote Hearing: 20 August 2020

[Tab/Page references are to the Agenda Papers or Applicant's Bundle

(internal pagination on bottom right of page) as indicated]

Introduction

1. The Applicant for these three premises licences is Hackney Bridge Ltd, who also trade as “Make Shift”. They seek the permission of this licensing sub-committee to operate licensable activities at a major multi-use regeneration project, to be known as “Hackney Bridge” (formerly “Clarnico Quay”), which is at an advanced stage of construction, around the western edge of the Queen Elizabeth Park. Hackney Bridge will include retail, work and office spaces, food markets, event spaces, restaurant and pub/bar use.
2. The site consists of three buildings currently identified as Aluminium, Beta and Charlie Buildings (or Blocks A, B, C). Each are the subject of an individual premises licence application but these three applications can usefully be considered together in a combined hearing on 20 August 2020. (The Applicant does, however, seek permission for more than the indicated 5 minutes to set out their case given the number of applications, size

and importance of the scheme and the number of witnesses they would wish to call to assist the sub-committee).

3. Planning permission was granted for the project in July 2019 [**Applicant's Bundle, Tab 5, p.34-41**].
4. The Applicant's investment to date is some £6.5 million. The sites will create over 260 new jobs, and a minimum of 70% of employees must be local residents (by virtue of planning/service level agreements). The Applicant expects that, in practice, some 90% of people working at the site will be locals.

Revised application and police/environmental health agreement

5. Following extensive engagement on operating hours, procedures and conditions, both the police and Environmental Health department of the Council have now withdrawn their representations and support this revised application. The **agreed hours and conditions** are at [**Applicant's Bundle, Tab 2, p.2-15**]. It follows that that both the principal guardians of the crime and disorder and public nuisance licensing objectives now have no objection to this this revised application being granted. The sub-committee would be entitled to give particular weight to their expert views.
6. The **agreed hours**, in summary, are set out below. In all cases alcohol off-sales will cease at 23:00hrs and the original applications for non-standard hours are withdrawn.

BLOCK A: Pub and two restaurants

- Sunday – Wednesday:
 - Licensable activities (save for Late Night Refreshment “LNR”) : 10:00 – midnight
 - Opening Hours and LNR : 10:00 – 00:30

- Thursday – Saturday:
 - Licensable activities (save for LNR) : 10:00 – 01:00
 - Opening Hours and LNR : 10:00 – 01:30

BLOCK B: Food Hall and mezzanine

- Sunday – Wednesday:
 - Licensable activities (save for LNR) : 10:00 – 23:00
 - Opening Hours and LNR : 10:00 – 23:30
- Thursday – Saturday:
 - Licensable activities (save for LNR) : 10:00 – midnight
 - Opening Hours and LNR : 10:00 – 00:30

BLOCK C: Event space and cocktail bar

- Sunday – Wednesday:
 - Licensable activities (save for LNR) : 10:00 – 00:30
 - Opening Hours and LNR : 10:00 – 01:00
- Thursday – Saturday:
 - Licensable activities (save for LNR) : 10:00 – 01:30
 - Opening Hours and LNR : 10:00 – 02:00

7. These hours are reduced from the original hours applied for. The different closing times for each block are suggested in deference to the views of the police who, correctly, took the view that staggered closing times will assist in the gradual dispersal of customers from the site which will benefit any impact on the local community.
8. The large suite of bespoke conditions agreed with police and environmental health are the result of several months' discussions and engagement between the parties. They carefully balance the needs of the community with the financial viability of the project.

The operators of Hackney Bridge

9. A **Presentation Brochure** about the Hackney Bridge project and the Applicant (who generally trades as "Make Shift") is included in the Applicant's Bundle at **[Tab 3, p.16-31]** to assist the sub-committee and parties.
10. Additional letters in support from respected civic, charitable and communal figures are in the Applicant's Bundle at **[Tab 4, p.32-33]**.
11. The Applicant has a proven track record of delivering on extraordinary projects that positively serve and ornament their local communities. Two major Make Shift developments, which have similar objectives to Hackney Bridge, may already be known to Members: Pop Brixton and Peckham Levels. The positive impacts of these two projects on their local communities are summed up in these recently received endorsements from the Councils in which they are situated:

"Peckham Levels has been a fantastic addition to the local area, supporting hundreds of local enterprises and providing over 300 jobs within the building. In addition, the project delivers multiple additional community benefits including; free event space for local groups, employment & enterprise opportunities for young people and supported spaces for early stage local businesses and social enterprises. Their licensable activities are run to a high standard and we are unaware of any significant licensing issues to date. We highly recommend Make Shift as an operator."

Neil Kirby
Head of Regeneration South
Southwark Council

“Pop Brixton has been a fantastic addition to the local area, supporting hundreds of local enterprises and providing over 200 jobs within the project. In addition, the project delivers multiple additional community benefits including; free event space for local groups, employment & enterprise opportunities for young people and supported spaces for early stage local businesses and social enterprises. They’re licensable activities are run to a high standard and we are unaware of any significant licensing issues to date. We highly recommend Make Shift as an operator.”

Will Steadman
Head of Neighbourhood Regeneration
Sustainable Growth & Opportunity Directorate
London Borough of Lambeth

12. Endorsements from Age Concern UK and Lambeth College are also within the Applicant’s Bundle.

Social commitments

13. As part of the planning process and lease agreement the Applicant undertook to meet a number of social commitments to ensure diversity, inclusion, community engagement and support, place-making, growth and local employment.
14. These include the provision a mix of uses which must include at least 5% community space and 7% supported units.
15. The project gives an opportunity for new independent businesses, who are of limited means, to operate locally in a dynamic and encouraging environment.
16. In relation to individuals and companies who rent offices, or operate retail and leisure/hospitality facilities (i.e “members”) :
 - a. 100% of members will be independent businesses with at least 70% from the surrounding local boroughs.

- b. The project is expected to support over 260 jobs across a range of sectors.
- c. The event spaces and meeting rooms will be available for free hire to local community groups at least 25% of the time.
- d. Each member will invest a minimum of 1 hour a week into the Applicant's Community Investment Scheme, a programme that will connect them with local schools, colleges, charities and community groups to share their skills and inspire change.
- e. The Community Investment Scheme will generate over 3,500 hours of interaction and support for the wider community each year.
- f. 10% of the scheme's profits will be used to create fund that can support and enhance the Community Investment Scheme's output.

17. In relation to the construction phase:

- a. At least 2 individuals will be offered work placements.
- b. An average of 3% of the workforce will be apprentices.
- c. Apprentices employed on the project during the construction phase of the project will be paid in line with the Construction Industry Joint Council Working Rule Agreement (as a minimum).
- d. 20% of all new apprentice vacancies during the Construction Phase filled by priority groups.
- e. An average of 6% of the workforce will be female.
- f. An average of 35% of the workforce will be residents from the boroughs of Newham, Hackney, Waltham Forest and Tower Hamlets.

- g. An average of 35% of the workforce will be from a BAME background.
 - h. An average of 3% of the workforce will be disabled.
 - i. An average of 10% of the workforce will have been previously unemployed.
18. During the Operational Phase:
- a. 70% of businesses to be from the Growth Boroughs.
 - b. A minimum of 7% of units will be supported units offered at discounted rates.
 - c. 100% of Businesses to be Independent.
 - d. 50% of businesses on site to be new start up
 - e. All staff employed by Make Shift will be paid a minimum of London Living Wage.
 - f. 4 individuals will be offered work placements.
 - g. A Community Led Steering Group to regulate the operation of the project.
19. These undertakings are set out in the Service Level Agreement in the Applicant's Bundle [**Tab 6, p.42-57**].
20. In addition, the applicant has produced a Community Hire Strategy in the Applicant's Bundle [**Tab 7, p.58-67**].
21. These socio-economic factors can properly be taken into account in a licensing determination. In *R (o/a/o Hope and Glory Public House Ltd) v City of Westminster Magistrates' Court and Others* [2011] EWCA Civ 31, the Court of Appeal (per Toulson LJ) observed that [at 42]:

‘Licensing decisions often involve weighing a variety of competing considerations: the demand for licensed establishments, the economic benefit to the proprietor and to the locality by drawing in visitors and stimulating the demand, the effect on law and order, the impact on the lives of those who live and work in the vicinity, and so on.’

22. The high-level of subsidy and support the Applicant intends to provide to its disadvantaged tenants, and the community more generally, needs to be paid for. The hours now agreed with police and environmental health, which the applicant invites this sub-committee to grant, hit the economic “sweet-spot” between allowing the Applicant to meet its social obligations whilst ensuring the project is financially viable and successful.
23. A reduction in hours across the board to core-hours, as suggested in the representation from Ward Councillors, will necessarily have a direct impact on the ability of the Applicant to meet its social commitments and wishes.
24. On a connected issue, the ongoing COVID-19 pandemic is having a devastating effect on the leisure and hospitality industry. Social-distancing requirements means fewer customers can be catered for at any one-time. In order to balance the books operators, generally, will require longer hours to serve their customers.

Core-hours policy, resident concerns & mitigating risks

25. No individual resident has made a representation objecting to this application although a three-line representation on behalf of the Ward Councillors has been submitted. This was considered by the Applicant when making their revised proposals on hours and additional conditions which are now before the sub-committee.
26. Hackney’s Core-Hours policy (LP3) is not absolute. Paragraph 2.16 of the Statement of Licensing Policy states:

2.16 The Council supports the principle of flexibility in its approach to licensing hours and will consider the merits of each individual application. The hours for licensable activity will always reflect the individual merits of the application any

relevant representations received as well as the requirement to promote the licensing objectives.

27. The LP3 Policy itself indicates:

“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.”

28. The Applicant has taken a highly professional approach to mitigating any risks to the local community. In addition to the reduced hours and stringent and extensive conditions already agreed with police and environmental health, the sub-committee is invited to consider the various operating measures included within the Agenda Papers and Applicant’s Bundle as follows:

- a. Travel Plan – [**Applicant’s Bundle, Tab 8, p.68-96**].
- b. Site Management Plan – [**Applicant’s Bundle, Tab 9, p.97-110**].
- c. Feasibility Study - [**Agenda Papers, p.79-137**]
- d. Acoustic Report - [**Agenda Papers, p.138-161**]
- e. Dispersal Policy – [**Agenda Papers, p.160-161**]

29. The nearest residents to this project will be in the wider development itself. In that sense it will have to be self-policing. The landlord of the applicant will also be the landlord of the nearest residents. Andrew Atkins, on behalf of EW+S, the master developer of the permanent residential led mixed-use site, has offered his full endorsement of this licence application. His support letter is in the Agenda Papers at [**p. 162**]. Mr Atkins comments:

“The [Hackney Bridge] scheme is a central part of our place activation strategy and in doing so we have worked with [the Applicant] on the bar and

event space proposals to ensure these can be developed and operated successfully without impact on future residents.

[Hackney Bridge] will offer local people excellent opportunities for both work and recreation and help both economic and social growth in Hackney Wick. Make Shift have a proven track record in successfully developing new sites that help serve the community and local small businesses in London.

An extensive consultation exercise has been undertaken prior to this application with the community, neighbours and ourselves. A series of controls are in place through our lease of the site to Make Shift, an accompanying service level agreement and the oversight of a community led Steering Group to regulate the operation of the project.

We are therefore confident that [Hackney Bridge] will be extremely well-managed. Any risk to the four licensing objectives is mitigated by the operational policies and systems that have been developed to allow the site to deal with any issues quickly and effectively.”

30. In relation to concerns that customers will disperse into residential areas, the measures the applicant has proposed in their operating documents will mitigate that risk. Most customers will not pass through existing residential areas in any event. But if it proves necessary the Applicant will post street-marshals at strategic points on busy nights to ensure customer dispersal does not become a serious issue.
31. The Applicant is extremely pro-active in avoiding issues and is highly responsive to community concerns. If issues arise they will be dealt with quickly and effectively. The Community Led Steering Group will assist in this regard.

Conclusion

32. This is a well-planned and professionally considered application. The Council’s experts on policing and public nuisance issues do not object to its grant.

33. The hours applied for are, in part, beyond core hours but the applicant has demonstrated that it will take extensive measures to mitigate any impact on local residents.
34. The grant of this licence will provide a boon to the local economy and have positive social impacts.
35. The licensing sub-committee is respectfully invited to grant this revised application in full.

GARY GRANT
Barrister, Francis Taylor Building

14 August 2020