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MINUTES OF THE MEETING OF THE LICENSING SUB COMMITTEE C

THURSDAY 10TH DECEMBER, 2020

Councillors Present:

**Cllr Sharon Patrick
Cllr James Peters**

Officers in Attendance:

**Amanda Nauth, Legal Officer, Suba
Sriramana, Acting Principal Licensing
Officer and Jessica Feeney, Governance
Services Officer**

Also in Attendance:

**Ms Lindon- Applicant
Ms Robertson - Applicant**

**Mr Grech - Other Person
Mr Kibling - Other Person
Mr O'brien - Other Person**

1. Election of Chair

Councillor James Patrick was duly elected to Chair the meeting.

2. Apologies for Absence

There were no apologies for absence.

3. Declarations of Interest

There were no declarations of interest

4. Minutes of the Previous Meeting

There were no minutes of the previous meeting.

5. Licensing Sub Committee Hearing Procedure

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

6. Application for a New Premises Licence: Museum of Home Kingsland Road

6.1 Subangini Sriramana, Acting Principal Licensing Officer introduced the report. The Museum of Home made an application for a premises licence under the Licensing Act 2003, to provide regulated entertainment , to authorise the supply of alcohol for consumption on and off the premises and late night refreshment. The Committee were informed that Licensing had withdrawn their representation as a noise management plan had been agreed by the Applicant, however the other persons representations still stood.

6.2 Mrs Lindon, the applicant made submissions speaking in favour of the application, highlighting that this was an application for a new premises licence. She highlighted the following:

- The Museum of Home is a vital part of london and has been named the Jewel of Hackney
- The Museum had been under refurbishment and was due open in Spring 2021, the refurbishment would allow for more space to hold exhibitions and other events
- The Business has been under strain due to Covid and more than now the Business must be able to earn and fundraise income to keep the premises open.
- It was highlighted that the applicants had accepted all conditions and recommendations made by the authorities in this application and previous applications.
- The applicant advised that they were in frequent contact with nearby neighbours providing sending general updates on the capital project and programme, as well as open days for face to face discussions.

6.3 The 'Other Persons' (Appendices C1-C5) made submissions in objection to the application, highlighting the following points:

- Residents declared that there was no communication from the Museum to residents regarding this application, residents also advised that there were no signs posted around, unlike previous applications.
- When events are on, the main disturbance was from the outside space, and that the noise nuisance was mainly from recorded music and DJ's, and occasionally crowd noise.
- It was felt that the approval of this premises licence would result in an increase in anti social behaviour.
- Residents felt that giving permission to the applicant's to hold outdoor events 7 days a week from 9am - 11pm would cause a lot of disturbance to the nearby residents.
- Residents were mainly concerned by music being played outside the premises from Monday - Friday after 7pm.

6.4 Following all submissions, a discussion of the application ensued, during which the following points were raised:

- Councillor Peters discussed the closing time of the premises and the sale of alcohol being at the same time, it was suggested that the sale of alcohol should cease 30 minutes prior to the closing time, the applicants agreed that they were happy for this to take place.
- The Committee discussed recorded music and background music, attendees were advised that recorded music and background music did not require a licence prior to 11pm, however if there were over 500 people it would require a licence, the applicant said that they generally would not put on an event with this number of attendees. Legal advised that to restrict the use of recorded music outdoors a review hearing would need to take place. Residents queried whether a condition could be imposed to prevent patrons drinking outside after a certain time. The Committee discussed a time that would be appropriate for licensable activities to finish outside the premises. The Committee felt that 9:30pm was an appropriate time for both parties.
- A discussion took place around the takeaway element of alcohol , Ms Lindon advised that the reason for this part on the licence was due to concealed alcohol being sold in the museum.
- The Committee discussed a number of complaints that had been received from 2019, Ms Lindon explained that a few complaints were received regarding an outside theatre and another was about an outside fitness class and the music from that, Ms Lindon said she had not received any complaints from Sovereign Mews.
- Councillor Peters questions if security staff would be on site, Mrs Lindon agreed that according to their policies any events outside of the

museum hours (Tues - Sunday, 9am - 5:30pm) require SIA door supervisors.

- The Committee discussed an out of hours number, Ms Lindon advised that an out of hours number was available on the website.
- Residents felt that the communication was poor with regards to this application, Ms Lindon advised that her maternity cover put a notice in the newspaper and posted the notice in the residential area. Residents expressed that the applicant did not contact any local residents.

6.5 During the closing statements the, the following was noted:

- The local residents retained their objection to recorded music being played in the outside gardens until 11pm, the local residents asked the committee to consider those local residents living nearby who had children.
- The Applicant advised that they could work with the 9.30pm finish from Thursday - Sunday, it was asked if the weekday could be extended to 7.30pm. The Applicant thanked the residents for their comments and working with the Museum.

6.6 **RESOLVED**

Application for a Premises Licence – The Geffrye Museum Trust, Museum of the Home, 136 Kingsland Road, London, E2 8EA – APPROVAL

The decision of 10th December 2020

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 together with the proposed conditions as 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 Sunday 10:00 - 23:00 hours

Supply of Alcohol (on and off the premises):

Monday to Sunday 10:00 - 22:30 hours

- All Licensable activities ceasing no later than 22:30 with the site cleared of guests by 23:00.
- No patrons are permitted in the external area: after 17:30 hours Sunday to Wednesday and after 21:30 Thursday to Sunday except for the maximum of four (4) smokers at any one time.
- All noise-generating events to be monitored by museum staff.
- Amplified music shall not be permitted on the premises, and where loud volume is key for the event guests wireless headphones shall be used for cinema, silent disco, and similar events.
- No amplified bands shall be permitted in outdoor spaces. Any live music must be strictly acoustic, with sign-off by Museum management on the specifics (instruments, length and number of sets played) ahead of the event.
- Condition 50 to be amended and to read as follows:

“ A contact telephone number and email address must be available to all local residents, including on the website of the Museum of Home, and on the premises, which they can use to report noise disturbances to a responsible person at the venue as and when they occur. The phone line shall be available at all times including when the licence will be in use”.
- Condition 53 to be deleted because it replicates condition 63.
- Conditions 24 and 27 to be deleted because they replicate condition 64.
- Condition 54 to be deleted because it replicates condition 48.

Reasons for the decision:

The application has been approved, as amended with the agreement of the applicant, because the Licensing sub-committee was satisfied that the licensing objectives would not be undermined.

The sub-committee took into consideration that Environmental Enforcement and the Metropolitan Police had withdrawn their objections in advance of the hearing and agreed conditions with the applicant. The Licensing Authority had withdrawn its objections in advance of the hearing based on a Noise Management Plan that had been agreed with the applicant. Five representations were received on behalf of local residents regarding issues of noise nuisance that were experienced while the premises were operating.

The sub-committee noted that the premises was a much loved museum that had a time-limited licence from 2018 which expires at the end of December 2020. The sub-committee was disappointing to hear that the operator had not built confidence and trust with the local residents during this period, and there had been a breakdown in communication.

The sub-committee noted that the premises has been closed due to the pandemic and was due to re-open in Spring 2021. The sub-committee noted the applicant's statements explaining that the premises tended to be busier during the day and that evening events were few and far between. The sub-committee also noted that the applicant was seeking early hours for the sale of alcohol to allow it to sell alcohol in the gift shop, in sealed containers, the sub-committee was told that the containers are not allowed to be opened and consumed on the premises.

The sub-committee also noted that the applicant intended to close the museum on Tuesday to Sunday at 17:00 hours and did not intend to open 7 days per week. The applicant also told the sub-committee that it allows limited corporate and wedding events but that weekday events constituted an important part of its fundraising. The applicant told the sub-committee that it had undertaken substantial works to create a sustainable museum. The applicant stated that they did not intend to upset local residents, and was sorry for the breakdown in communication.

The sub-committee carefully considered all the representations presented to them from the local residents (Other Persons) and the applicant. The sub-committee considered that the evidence provided by those residents gave rise to material concerns about whether the operation of the premises with a licence, as applied for, would undermine the licensing objectives. The sub-committee considered evidence related to noise complaints, specifically from residents of Sovereign Mews in Pearson Street close to the premises. On the basis of that plausible and substantial evidence, the sub-committee was concerned about noise nuisance emanating from the premises if the outside areas were used for licensable activities in the evenings. The applicant agreed to a restriction of access to outside areas by patrons while licensable activity was happening during the evening. In light of those restrictions, the sub-committee is satisfied that, on balance, the applicant's operation of the premises for licensable activity should not undermine the licensing objectives provided that patrons are prevented from using the outdoor area during the times at which noise nuisance had been most problematic in the past.

The sub-committee felt that by reducing the hours during which patrons would use the outdoor areas of the premises to 17:30 Monday to Thursday and 21:30 on Thursday to Sunday, this would reduce the risk of noise nuisance, and it would be a reasonable compromise to protect local residents, including families and children. As

discussed with the operators of the premises at a previous sub-committee hearing, if the operators build a positive relationship with residents of neighbouring properties and use the licence without causing a noise nuisance, they may be able to persuade the licensing authority to grant a more extensive licence in the future. The sub-committee was disappointed that the applicant had not taken the opportunity of the previous, time-limited licence to build positive relations with its neighbours, and had failed to persuade them that it could be a responsible licensee.

However, the evidence presented by the premises' neighbours meant that the sub-committee could not be satisfied that the operators would use a more extensive licence without undermining the licensing objectives.

The sub-committee considered and was satisfied with the measures and agreed conditions that have been put in place and agreed by the applicant to ensure that the premises are run responsibly, and to monitor how the premises is operating. The sub-committee considered that the licence, as granted, presented an acceptably low risk of noise nuisance affecting local residents in the area. The sub-committee hopes that the applicant will take this further opportunity to demonstrate to its neighbours that it can comply with the hours and measures put in place without undermining the licensing objectives.

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

Public Informative

The applicant is encouraged to engage in meaningful dialogue with the local residents regarding issues relating to the premises, and for the applicant to play their part in reducing any impacts of noise emanating from the premises, particularly during the evening.