



**MINUTES OF THE MEETING OF THE LICENSING SUB COMMITTEE E
TUESDAY, 4 MAY 2021**

THIS MEETING WAS LIVE STREAMED AND CAN BE VIEWED AT:

<https://youtu.be/TnrcvrpAUvA>

Councillors Present: Councillor Brian Bell (in the Chair)
Cllr Penny Wrout

Officers in Attendance: Subangini Sriramana (Principal Licensing Officer),
Amanda Nauth (Legal Services Officer), David Tuitt
(Licensing Service) and Rabiya Khatun
(Governance Services Officer).

Also in Attendance: Asitha Ranatunga- Applicant's Legal Representative
Marcus Lavell - Applicant's Solicitor
Nick Pring- Owner/Operator
Pete Mortimore- Operations Manager
Simon Gamble- Premises Manager

PC Ryan - Metropolitan Police Service

Frank McGoldrick - Other Persons
Alexis Vrahimis - Other Persons

1 Election of Chair

1.1 Councillor Bell was duly elected to Chair the meeting.

2 Apologies for Absence

2.1 Apologies for absence were received from Councillor Snell.

3 Declarations of Interest - Members to declare as appropriate

3.1 Councillor Wrout declared a non-pecuniary interest as the Chair of
Shoreditch Town Hall Trust.

4 Licensing Sub-Committee Hearing Procedure

4.1 The Chair outlined the Licensing Sub-Committee hearing procedure.

5 Bar Kick, 127 Shoreditch High Street, E1 6JE

5.1 Subangini Sriramana, Principal Licensing Officer, introduced the report in respect of a new premises licence application within the Shoreditch Special Policy Area (SPA) seeking authorisation for the proposed licensable activities of films, indoor sporting events, recorded music, late night refreshment and the supply of alcohol for consumption on and off the premises. Ms Sriramana reported that representations remained from the Licensing Authority, Metropolitan Police Service and Other Persons. The applicant had submitted additional information, which had been circulated to all parties prior to the meeting and all parties agreed for the Police to share a video at the meeting, which due to technical difficulties could not be viewed by some prior to the meeting.

5.2 Asitha Ranatunga, the applicant's legal representative outlined the application and made the following points:

- The application was being made by a new operator applying for a new premises licence, which would secure the future of the premises;
- The applicant proposed to further reduce the hours within the submitted application in order to address the concerns raised and the amendments were as follows: Monday to Thursday - 01:00 terminal hour, Friday and Saturday - 02:00 terminal hour; and no extension sought for Sundays;
- The applicant was proposing additional conditions to address the concerns raised by the responsible authorities and residents;
- Condition 32 provided no entry or re-entry to the premises after midnight to minimise public nuisance;
- The applicant was an experienced operator having previously owned the Real Pub and was the current owner of Urban Pubs and Bars Limited operating high end gastro pubs and city bars with food offering and alcohol at all its venues;
- The manager had extensive experience in managing licensed premises;
- The applicant had invested £650k in refurbishing the premises
- The sale of premium alcohol at higher prices and substantial hot food offering contained within new condition 31 was intended to attract high-end clientele and minimise the potential for negative impact within the SPA;
- The age profile of the target clientele was expected to be between 25-35 years old;
- The proposed measures were intended to address the concerns raised and also ensure that the proposals did not add to the negative cumulative impact in the area,

public nuisance and/or crime and disorder;

- The basement area would mostly be used for corporate events and clients, and close at 01.00 hours;
- There were no recorded incidents related to the premises;
- There would be no DJ led events;
- Condition 30 allowed for a total of four SIA security would be deployed inside and outside the premises on Fridays and Saturdays;
- Environmental Health had made no representation to the application or expressed any concerns of public nuisance; and
- The proposed extended hours would enable the applicant to create eight new jobs.

5.3 Mr Ranatunga indicated that following the amended terminal hours it would not be financially feasible to employ four SIA door supervisors on Thursdays and therefore requested that condition 30 be amended to remove Thursdays.

5.4 A member sought further clarification regarding capacity. Mr Ranatunga replied that the fire risk assessment assessed a maximum of 220 persons inside the premises including 110 persons in the basement.

5.5 David Tuitt, Licensing Service, objected to the application on the grounds of the prevention of crime and disorder, and prevention of public nuisance. He made the following points in his submission:

- The premises was located within the Shoreditch SPA, and the proposed extended hours of operation would add to the negative cumulative impact, which had been caused by a concentration of licensed premises in the area;
- Concerns were expressed about the additional licensable activity at premises;
- The premises had an existing premises licence for the sale of alcohol, which exceeded the core hours within the Council's LP3;
- Although he welcomed a reduction in the terminal hours and was satisfied with the dispersal plans, he expressed concern that people would remain on the streets consuming alcohol in the early hours and in particular, during the peak times for crime and disorder in Shoreditch. Reference was made to the applicant's independent licensing report that identified an increase in crime in the area, especially violent offences from 2am on Fridays and Saturdays; and
- Clarification was sought regarding the proposed licensable activities to be carried out in communal parts of the building and an area of the public pavement on Shoreditch High Street.

5.6 PC Ryan, Metropolitan Police Service, objected to the application on the grounds of the prevention of crime and disorder and prevention of public nuisance, and shared a video at the meeting of policing in Shoreditch during the weekends. She made the following points in her submission:

- The video footage between 23 August 2020 to 13 September 2020 were of the police responding to violent incidents during the weekends from 23.30 until 04.00 hours on the streets close to the premises;
- Shoreditch had a high footfall each and every night especially at weekends as thousands of people travelled into the area to visit pubs, bars and clubs;
- The premises was located in an extremely busy area in Shoreditch and was particularly busy during the evenings attracting groups of people into the area which were loitering, drinking on the streets or meeting friends. The footways were often overcrowded leading to violent confrontations and aggressive behaviour fuelled by alcohol and people not complying with the social distancing rules;
- The premises was located within close proximity to Rivington Street where there were serious issues of crime including violence, sexual assaults, disorder and public nuisance;
- The authorised licensable activity in the existing premises licence already exceeded those hours permitted within the Council's LP3;
- The proposals would encourage more consumption of alcohol in the early hours and add to the crime and disorder and negative cumulative impact experienced in a special policy area; and
- Concerns were expressed regarding the dispersal of people from the area after the premises closed and in particular after the lockdown measures were lifted and footfall returned to pre-pandemic levels.

5.7 In response to a question from a member, PC Ryan replied that the footage of violence and disorder were typical weekends of policing the streets in Shoreditch, irrespective of the weather.

5.8 Mr McGoldrick and Mr Vrahimis, the Other Persons objected to the application on the grounds of the prevention of public nuisance, public safety, the protection of children from harm and prevention of crime and disorder. They highlighted the following points in their submission:

- Mr McGoldrick was a resident and architect living above the premises for approximately three years and had triple glazed his flat. The premises was inadequately soundproofed to minimise noise nuisance and it was transmitting through the entire building. The extended hours would disrupt local residents and children's sleep and have a detrimental impact on their work and studies;
- Although they welcomed the investment in the area, the extended hours would exacerbate the existing problems experienced in the area including increasing levels of crime, noise and public nuisance, anti-social behaviour and dispersal issues;
- The noise especially the singing and cheering from the bar area was impacting on local residents living within the vicinity of the premises;
- The footage played at the meeting were a daily reality for local residents and the proposed hours would add to the negative cumulative impact in the area;
- The applicant needed to be engage better with the local community to address their concerns; and

- The dispersal strategy would be ineffective, as the applicant had no control after patrons left the premises.

5.9 In response to questions during the discussion phase, Mr Ranatunga replied as follows:

- He argued that the proposed hours and the nature of the operation would minimise any negative impact including a winding down period to facilitate the gradual dispersal of patrons from the area. Other measures would include the last entry condition, SIA staff to manage behaviour in the external areas and the dispersal policy;
- There had been no previous incidents or any level of serious violence, disturbance and anti-social behaviour in and immediately around the premises;
- There had been no review of the premises;
- The applicant was a responsible operator and the crime and disorder in the area was not primarily related to this premises. The proposed extended hours would not have a negative cumulative impact on the area;
- Although the fire exit was in a communal area, it was used by staff to access the premises outside opening hours;
- It was confirmed that the applicant had a pavement licence to use the area of the public pavement on that Shoreditch High Street as detailed within the plan;
- The footage of violence and disorder in July 2020 had occurred after the first reopening following lockdown and was not representative of the area;
- SIA staff would monitor people at the premises to ensure gradual dispersal from the premises and area;
- The incidents of crime and disorder in the area occurred after the premises closed;
- The capacity in the basement area was 110 persons and people would be permitted to move to other areas within the premises;
- The basement area would mostly be used for pre-booked corporate events and reserved for City clients; and
- The applicant had proposed measures to minimise noise nuisance including the installation of a noise limiter.

5.10 Mr McGoldrick emphasised that the music was transmitting through the entire building and any sound limiter would have little impact. The applicant had also refused to fit a noise-reducing device to the extraction system near his flat due to cost. Mr Ranatunga indicated that the applicant would be willing to work with Mr McGoldrick to minimise the noise nuisance.

(The meeting adjourned at 15.11 hours to allow the applicant to discuss the proposals suggested by Councillor Wrouth and reconvened at 15.20 hours.)

5.11 In response to Councillor Wrout's proposals, Mr Ranatunga replied as follows:

- The applicant would be willing to agree to a capacity of 220 persons including 110 persons on the ground floor and 110 persons in the basement but the premises layout could change in the future;
- The applicant had already reduced the weekdays hours to 00.30 hours from Monday to Thursday but the applicant maintained the proposed hours being sought for Fridays and Saturdays;
- The applicant agreed to risk assess the deployment of SIA staff from Monday to Thursday;
- The applicant agreed to amend condition 33 to incorporate the wording "alcohol to be sold in sealed containers";
- The applicant agreed to revised wording for condition 30;
- The applicant would be willing to cease off sales at 23.00 hours; and
- The applicant would set the noise limiter on the musical amplification system at a level that does not disturb residents living in the building.

5.12 In their closing statements, the Responsible Authorities and Other Persons indicated that the reduced hours and measures did not allay their concerns relating to the additional activities, the proposed hours extending into the peak times of crime and disorder between 02.00-04.00 hours, the negative cumulative impact in the area and more people consuming alcohol on the streets. Mr Ranatunga highlighted that there had been no incidents related to the premises, and that under section 51 Licensing Act 2003 any responsible authority or interested party could make an application for review of the premises licence.

5.13 The Chair emphasised that the sub-committee appreciated the applicant's effort to engage and further reduce the proposed hours within the application in order to address the concerns expressed by all parties.

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 to vary a premises licence has been refused in accordance with Licensing Policies LP1, LP2, LP3 and LP10 within the Council's Statement of Licensing Policy.

Reasons for the decision

The Licensing Sub-committee, having heard from the applicant, Responsible Authorities (the Licensing Authority and the Metropolitan Police Service) and Other Persons, believed

that granting the application would be likely to result in the licensing objectives being undermined, and would have a negative impact on the Shoreditch Special Policy Area (Shoreditch SPA).

The committee took into consideration the evidence of the Metropolitan Police Service who objected to this application due to the impact it would have on people having greater access to alcohol and staying in the area for longer late at night, which could lead to anti-social behaviour, public nuisance and crime and disorder in the Shoreditch SPA.

The committee also took into consideration the Licensing Authority and Other Persons objections on the grounds of public nuisance, noise, potential crime and disorder and that the premises are in the Shoreditch SPA.

The committee heard evidence that local residents live above and around the premises, and that they are already affected by noise nuisance, emanating from the street, but also specifically from Bar Kick, every weekend.

The committee heard submissions from Other Persons regarding existing noise issues within the building. The committee determined that some of these were not a matter for it, but reminded the Other Person that the options of review or civil proceedings were available.

The committee carefully considered the representations made by the applicant's representative. The committee felt that the extension of weekend hours was a major concern, and that the applicant would have to demonstrate that these would not add to the cumulative impact already being experienced. In addition the sub-committee took into consideration that the proposed bringing into use of the basement would substantially increase (double) the capacity of the premises.

The committee had particular concerns about the cumulative impact of anti-social behaviour and crime and disorder in the area after considering the evidence presented by the police.

The committee questioned whether the applicant's proposals would sufficiently allay the concerns raised by the Responsible Authorities and Other Persons. They also queried whether the applicant had offered adequate conditions, to justify them making an exception within the Shoreditch SPA.

The committee heard submissions from the Licensing Authority that while they welcomed the additional concessions made by the applicant, these were not sufficient to mitigate concerns about the additional activity at the premises.

The committee noted that the Metropolitan Police Service maintained their objections and believed that granting the licence would undermine the licensing objectives, and would lead to more crime and disorder in the Shoreditch SPA with dispersal happening at a later time, when crowds and the potential for anti-social behaviour was at its peak.

The committee also noted that the premises has an existing licence with hours to sell alcohol from Monday to Thursday up to 00:00 hours and from Friday to Saturday up to 01:00 hours which were already in excess of core hours in the Council's Statement of Licensing Policy LP3.

The committee anticipated that once the Covid restrictions were lifted, it was likely footfall would return to pre-lockdown levels in time.

The committee noted that the applicant had reduced their weekday hours during the hearing. However, they felt the applicant has not been able to justify the weekend hours which the Metropolitan Police Service and Licensing Authority believed would add to negative impact late at night in the Shoreditch SPA. The sub-committee took into

consideration that in determining any application the issue of financial “need” cannot override the licensing objectives.

The committee felt that by not granting this application it would help prevent anti-social behaviour, resulting from more people coming into the area, consuming alcohol, and staying in the area for longer. These already contributed to the cumulative impact within the Shoreditch SPA. The doubling of capacity by bringing the basement into use was a particular concern.

The committee took into consideration that when determining an application, each case must be decided on its merits. The committee believed that the licensing objectives could not be promoted by granting this application, and as such concluded it was appropriate to refuse the application in its entirety.

6 Temporary Event Notices - Standing Item

6.1 There were no temporary event notices.

Duration of the meeting: 14.00- 15.47

Contact:

Rabiya Khatun

Governance Services Officer

rabiya.khatun@hackney.gov.uk