

Application for a Premises Licence – The Fixagon, Mono Tower, 130 Bridport Place, London, N1 5FD – APPROVAL

The decision of 9th September 2021

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; and
- 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 the proposed conditions set out in paragraph 8.1 of the report, with the following amendments:

- The hours for licensable activity are:

The opening hours of the premises:

Monday - Thursday	08:00 - 22:30
Friday - Saturday	08:00 - 23:00
Sunday	11:00 - 22:00

Supply of Alcohol (On Sales):

Monday - Sunday	11:00 - 21:00
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Plays:

Monday - Sunday	11:00 - 21:00
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Films:

Monday - Sunday	11:00 - 21:00
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Live Music:

Monday - Sunday	11:00 - 21:00
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Recorded Music:

Monday - Sunday 11:00 - 21:00

- Remove off sales of alcohol from the application
- Remove conditions 8-17 of the report from the licence because they are operational details not conditions

Additional conditions

- No off-sales of alcohol for consumption off the premises is permitted.
- The use of the external area shall cease by 1900 hours and all street furniture including tables and chairs shall be removed.
- There shall be no glass drinks or open containers taken from the premises at any time.
- Events with 80 patrons standing shall be pre-booked or ticketed.
- The licensee shall hold and publicise quarterly liaison meetings with local residents to address any concerns or complaints about the premises.
- The maximum number of persons permitted on the premises at any one time shall not exceed 80 (excluding staff) at any one time.
- There shall be no deliveries made to the premises between the hours of 18:00 and 08:00.
- There shall be a written dispersal policy, a copy of which shall be kept on the premises and made available to the police or other authorised officers upon request.
- The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of a Metropolitan Police Crime. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Recordings shall be made available immediately upon the request of police or authorized officers throughout the preceding 31 day period. The CCTV system should be updated and maintained according to police recommendations.
- A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open

to the public. This staff member must be able to show a Police or authorized council officer recent data or footage when requested.

- Signs will be prominently displayed at all entrance and exit points reminding customers to leave quietly and respect local residents.
- An incident log shall be kept at the premises, and made available on request to an authorised officer of the council or the police, which will record the following:
 - a. All crimes reported.
 - b. All ejections of patrons
 - c. Any complaints received.
 - d. Any incidents of disorder.
 - e. Seizure of drugs or offensive weapons.
 - f. Any faults in the CCTV system.
 - g. Any refusal of the sale of alcohol.
 - h. Any visit by a relevant authority or emergency service.
- All instances of crime and disorder witnessed or reported to staff are to be reported by the Designated Premises Supervisor or responsible member of staff, to the police.
- All staff shall receive training on the legislation relating to the sales of alcohol to underage persons and drunken persons and shall have refresher training every 12 months. There shall be written records of such training which will be kept on the premises and produced to a police officer or other authorised officer upon request.
- The premises shall at all times operate a Challenge 25 policy to prevent any customers who attempt to purchase alcohol and who appear to the staff member to be under the age of 25 years without having first provided identification. Only a valid British driver's licence showing a photograph of the person, a valid passport or proof of age card showing the 'Pass' hologram are to be accepted as identification. Military ID Cards can also be accepted. Notices and/or posters advertising the Challenge 25 policy shall be placed in prominent positions at the premises.
- The use of the external area shall cease at 1900 hours save for a maximum of 5 smokers.
- External doors shall be kept closed at all times.
- There shall be food available at the venue at all times when alcohol is for sale.
- There shall be no DJ led events or club nights. All events at the venue shall be pre booked or ticketed events.

- The maximum capacity of the venue shall be 60 seated OR 80 standing.
- The licence holder shall maintain and advertise a dedicated telephone number of the Designated Premises Supervisor for use by any person who may wish to make a complaint.
- SIA door supervisors shall be employed on an operational risk assessment basis whenever licensable activity is taking place. 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 times they commence and conclude working. If the door supervisor is provided by an agency, the name, registered business address and contact telephone number will also be recorded. This register will be made available to police or other authorised officer upon request.

Reasons for the decision

The sub-committee noted that the Environmental Protection had withdrawn their representation following the applicant's agreement to reduce the start time for the Supply of Alcohol "on" the premises to 11:00.

The sub-committee took into account that the Responsible Authorities (the Metropolitan Police Service and the Licensing Authority) made representations against the application, The sub-committee also took into consideration that 30 representations had been received from and on behalf of Other Persons (local residents).

The sub-committee heard that the police maintained their objection on the grounds of crime and disorder and of public nuisance. The police made submissions that the premises is situated in a block with commercial and residential spaces and close to Shoreditch Park and Regents Canal.

The sub-committee heard that the Licensing Authority made representations also on the grounds of public nuisance because the premises could introduce a drinking establishment with an extensive external seating area directly beneath and opposite a residential block of properties.

The sub-committee heard submissions and considered the written representations of the Other Persons who did not object to a cafe. However they feared that the applicant intended to run an all day and late night drinking and music venue, serving alcohol inside and outside with live music. They felt this would result in a disturbance to the local residents who live in the two blocks of flats above the premises, and a public nuisance in the area.

The sub-committee heard representations from the applicant that they wanted to operate a cafe with a strong community focus and provision of work space. The primary use of the premises would always be as a cafe, and they intended to

schedule complementary events and classes which may involve live performances, recorded and live music and other licensable activities. It was noted that there would be no provision of alcohol without food also being available.

The sub-committee noted the applicant's written submissions that they had originally sought later opening times to enable phased dispersal of events so that customers do not all leave simultaneously. They were prepared to now reduce these and accept additional conditions. The applicant had submitted letters of support from arts organisations, and wanted the opportunity to show that they were capable of operating the premises responsibly.

The applicant acknowledged that some of the information about their previous operation in Haringey had been confusing and may have led to some of the objections.

The sub-committee, after hearing from the applicant, the Responsible Authorities, and the Other Persons, was satisfied that the premises would not unduly impact the area if the hours for licensable activity were reduced and robust additional conditions applied. Specific conditions on the use of the outside area would help overcome any negative impact on local residents above and close to the premises. The sub-committee felt that the applicant agreeing to remove off-sales of alcohol from their application would help prevent public nuisance in the area.

The sub-committee took into consideration that the applicant was willing to work with the police and local residents to ensure they did not hold events that would be a public nuisance or unduly impact on local residents. Conditions would require ongoing liaison and the facilitation of complaints.

The sub-committee felt that by granting this licence with the reduced hours and substantial conditions, the licensing objectives would be upheld. The applicant would also be given an opportunity to prove that they are a responsible operator who can promote the licensing objectives.

Public Informative

1. The licence holder is encouraged to engage in meaningful dialogue with the local residents to resolve any issues relating to the premises, and for the licence holder to play their part in reducing any impacts of noise emanating from the premises, particularly during the evening and late at night.
2. The licence holder is strongly encouraged to use sustainable cutlery, plates, cups, food containers, and recyclable disposable materials to avoid using single use disposable items to protect the local area, to prevent litter, and to protect the environment.