

**MINUTES OF LICENSING SUB COMMITTEE D
HELD ON
7.00PM THURSDAY, 25TH AUGUST 2021**

THIS MEETING WAS LIVE STREAMED AND CAN BE VIEWED HERE:

<https://youtu.be/M7hQCVETnNw>

- Chair:** Cllr James Peters
- Councillors in Attendance:** Cllr Kofo David and Cllr Emma Plouviez
- Officers in Attendance:** Amanda Nauth (Licensing and Corporate Lawyer)
David Tuitt (Licensing Service Representative)
Natalie Williams (Governance Services Officer)
- Others in Attendance:** PC Neal Hunwick (Hackney Police Licensing Unit)
- The Book Club- 100-106 Leonard Street, EC2A 4RH**
- Mr Milosz Dylawski - Premises User**
Mr Adrian Eleftheriou - Deputy Operations Manager
- Basement - 8 Stoke Newington Road, N16 7XN**
- Mr Brendan Ditzolele - Premises User**
Mr Ian Steele - Business Owner
Premises Manager

1. Election of Chair

- 1.1 Councillor James Peters was duly elected as Chair of the meeting.

2. Apologies for Absence

- 2.1 There were no apologies for absence.

3. Declarations of Interest - Members to declare as appropriate

- 3.1 There were no declarations of interest.

4. Licensing Sub Committee Hearing Procedure

- 4.1 The Chair outlined the hearing procedure to be followed for the consideration of Temporary Event Notices.

5. Temporary Event Notices - Counter Notices

5.1 **The Book Club 100-106 Leonard Street, London, EC2A 4RH. Ward: Hoxton East and Shoreditch**

1. David Tuitt, Licensing Service representative introduced the report in respect of a Temporary Event Notice (TEN) for 30 August 2021 from 0000 finishing on 30 August 2021 at 0300. Objections had been received from the police. It was confirmed that the TEN would run from midnight as the premises was licensed until this time on Sundays.
2. PC Neal Hunwick, Hackney Police Licensing Unit, made submissions in objection to the TEN on the grounds of the prevention of crime and disorder, public safety and prevention of public nuisance as set out at Appendix B of the agenda pack and raised the following points:
 - Alcohol-fuelled crime had risen to pre-covid levels following the easing of restrictions.
 - Residents in Leonard Street had been vocal in their objection to any additional licensable activity taking place within the vicinity.
 - The premises borders Great Eastern Street, a busy part of the Shoreditch Special Policy Area (SPA) but was located just outside of the SPA.
 - The police had taken the view that any extension to hours would exacerbate the existing problems of crime and disorder and public nuisance and, as such, were objecting to all TENs in the surrounding areas of: Old Street, Curtain Road, Shoreditch High Street and Great Eastern Street for the Bank Holiday weekend. It was noted that this was a novel approach to address on-going concerns and concerned the areas of Shoreditch in which the most acute problems of anti-social behaviour were experienced.
 - It was confirmed that this specific TEN had not come to the attention of residents, therefore no direct representation in objection to the Notice had been received.
 - The premises user had successfully applied for TENs for the other premises he operates which are not located within the problematic areas of the Shoreditch.
 - No other premises on Leonard Street will be opened during the proposed hours (0000-0300), however there were premises on Great Eastern Street and within central Shoreditch with later licences.
3. Adrian Eleftheriou (premises user) made submissions in support of the TEN during which he highlighted the following:

- He was an experienced and responsible operator.
- The various local community safety measures undertaken which included: membership of the local Shoreditch Pubwatch, attendance at weekly Police briefings, participation in Snow Radio CCTV systems which allowed for the direct report of any immediate crime to CCTV and to the police
- The measures taken by the venue, which included: all security personnel being Security Industry Authority (SIA) registered, robust operational policies, ongoing dialogue with local residents, efforts to reduce noise emanating from the premises, additional security measures when operating TENs and no entry and re-entry an hour before closing.
- The venue had struggled due to the on-going pandemic and lack of after work crowd and sought to capitalise on Bank Holidays and special events where possible.
- The event would assist in the staggered dispersal of patrons, who would otherwise possibly loiter and move onto other premises.
- He was amenable to restrictions the police may wish to impose including a reduction in hours.

4. Following submissions, it was confirmed to the sub-committee that:

- The premises has a licence to close at 0100 on Thursdays, 0300 Friday and Saturdays and 0000 on Sundays, however they close at 2000 on Sundays.
- The premises operate mostly 'in house' events or events organised by a pool of trusted and experienced promoters with whom they have worked for some time.
- The event in question was carnival-themed to be held over two floors and organised by a trusted promoter. Tickets would be sold on-line with a small number of tickets reserved for purchase at the door. 186 tickets had been sold to date.

5. The Chair led a discussion of the TEN, during which the following main points were discussed;

- The premises user stated that the venue was in active communication with other local licensed premises via a whatsapp group to help alleviate any crime in the area.
- PC Hunwick explained that the police response to TENs in the Shoreditch area was dependent on the location of the premises and the police were objecting only to TENs for premises within the immediate locality of the aforementioned streets.
- PC Hunwick stated that there were no specific concerns relating to the venue or the premises user.

- PC Hunwick raised concerns about the cumulative impact of a later 0300 finish on Sunday preceding Bank Holiday Monday, however the sub-committee noted that the venue was licensed to 0300 on Fridays and Saturdays.
 - The premises user stated that he did not feel that the additional two hours would add to the cumulative impact and stated that it was his belief that he could work with the police to alleviate any concerns.
 - It was noted that the financial hardship faced by the venue was not a consideration for the sub-committee
6. In his closing remarks, PC Hunwick retained his objections. He reiterated that objecting to all TENs within the surrounding areas of Old Street, Curtain Road, Shoreditch High Street and Great Eastern Street within the SPA for the Bank Holiday weekend was an evidence-based approach being trialled by the police. This approach had been put in place following mounting concerns raised by residents amid increased alcohol-fuelled crime, disorder and anti-social behaviour in the area. It was noted that he had no specific concerns relating to the premises user who he had worked with on the Pubwatch scheme and on TENs for the other premises he operated.

RESOLVED: 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,

and in particular upon consideration of the 'objection notice' given by the Metropolitan Police Service, is satisfied that the proposed event would undermine the licensing objectives. Therefore, the sub-committee has decided to issue a counter notice.

Reasons for the decision

The sub-committee took into consideration the objection received from the Metropolitan Police Service to the Temporary Event Notice for the period from 00:00 on 30th August 2021 finishing at 03:00 on 30th August 2021, which contended that this event would undermine the licensing objectives, on the grounds of crime and disorder, public safety, and prevention of public nuisance. The sub-committee carefully considered the reasons for this objection.

The sub-committee heard representations made by the Metropolitan Police Service who contended that the reopening of hospitality venues has led to

substantially increased crime and disorder and alcohol-related incidents in the area of Shoreditch, in which the premises is located. The Metropolitan Police Service told the sub-committee of large groups of people who have been congregating around these areas both during and after the opening of licensed premises. Those comments were echoed by the premises user. The sub-committee heard that these areas have reached saturation and that there are more incidents on the street which are currently difficult to manage. The Metropolitan Police Service has a duty to prevent crime and disorder and anti-social behaviour in the area to protect members of the public.

The sub-committee heard from the premises user who explained that they are an experienced and responsible operator with no previous adverse interaction with the police or with licensing officers. The premises user went on to explain that they follow the same procedures when they hold an event under a Temporary Event Notice as on any busy night that they operate Thursday to Saturday by providing extra security to keep customers safe in the area, and they try to disperse people from the area. The sub-committee noted that the objection was not specifically related to the premises but to the central Shoreditch area, which has become difficult to control and manage late at night due to the concentration of licensed premises in that area.

The sub-committee, having heard from the premises user and the Metropolitan Police Service, considered this to be an area that has a high level of alcohol-related nuisance late at night to which any further licensable activity (particularly activity extending into the night) would be likely to add, exacerbating the noise and the negative impact on the local residents.

The sub-committee felt that extending the hours of the event to 03:00 would carry a significant risk of increasing the crowd noise, alcohol consumption and crime on the streets in the area. They also concluded that allowing the proposed event to take place would risk an increase in anti-social behaviour in the vicinity, and people staying in the area for longer.

Therefore, on balance and notwithstanding the proposed mitigations presented by the premises user, the sub-committee was of the view that the event would contribute to the negative cumulative impact of licensed premises in the central Shoreditch area, and would therefore undermine the licensing objectives.

Given that the sub-committee considered that allowing the event to take place in accordance with the Temporary Event Notice would undermine the licensing objectives, it decided to issue a counter notice for the proposed event in the Shoreditch area.

5.2 **Basement, 8 Stoke Newington Road, London, N16 7XN** **Ward: Shacklewell**

1. David Tuitt, Licensing Service representative introduced the report in respect of a Temporary Event Notice (TEN) to commence at 2100 on 28 August 2021 and conclude at 0400 on 29 August 2021. Objections had been received from the police.
2. PC Neal Hunwick, Hackney Police Licensing Unit, made submissions in objection to the TEN on the grounds of the prevention of crime and disorder, public safety and prevention of public nuisance as set out at Appendix B and raised the following points:
 - The owner of the venue had a long history of non compliance with the Licensing Act and was found to be carrying out licensable activity on 11 and 22 July without licence to do so.
 - The police recently objected to a TEN submitted by the premises owner for the 7-8 August 2021 which was subsequently withdrawn.
 - It was acknowledged that there had been a breakdown of trust between the police and the premises owner.
 - The premises owner had contacted the police stating that he wished to apply for a personal licence and was advised not to submit any further TENs until this process was completed. It was reported that there was no evidence to suggest that the premises owner had progressed this matter.
 - Three TENs had been submitted for successive weekends in other people's names and concerns were raised that these were proxy applications by the premises owner so that the premises could operate as a nightclub using TENs.
 - Concerns that the premises owner had not engaged with the police in any meaningful way were raised as well as the apparent lack of expertise and knowledge of the Licensing Act 2003 and Regulations.
3. Mr Steele, the premises owner and Mr Brendan Ditzolele, premises user and the premises manager made submissions in support of the TEN as follows:
 - The premises was not a nightclub. It operated on TENs and was a venue that people hired to hold their functions and events.
 - An application for a premises licence had been submitted and was pending.
 - Mr Steele had never had a TEN refused. In the previous two years he had operated over 20 TENs all of which were until 0400.
 - He believed that the police had an ongoing personal issue with him.
 - The Designated Premises Supervisor (DPS) was also a personal licence holder. In addition, an experienced bar and club manager had been appointed. He believed these measures should mitigate any concerns the police had relating to him.

- Risk assessments were carried out prior to each event.
 - The event in question was a joint birthday party for the premises user and his mother. Guests would be able to purchase alcohol at the premises.
 - Mr Steele was undertaking the process for the personal licence in the coming days.
4. Following submissions, there was a discussion of the application during which the following points were noted:
- David Tuitt advised that he was unclear of Mr Steele's involvement in previous premises licence applications and whether these were approved or refused and on what grounds.
 - Mr Steele had not had any TENs refused over the past four years.
 - Mr Steele refuted claims he had been personally involved in unlicensed activity and explained that his son had advertised paid entry and sold alcohol during the Euro 2020 final on 22 July 2021. Mr Steele accepted overall responsibility for this.
 - The venue was described as a social club offering a variety of social events for people of all ages.
 - Mr Steele was sole director of the business Club Number 8. The lease holder was also the DPS and licence holder and was present for all licensable functions.
 - Club Number 8 had been operating for approximately four years. During which time there had been approximately 20 TENs held prior to the pandemic.
 - Security personnel were Security Industry Authority(SIA) registered and were present at all TENs. All staff, including security, were supplied by Club Number 8.
5. In his closing statement, Mr Steele highlighted that his business was a pivotal part of the African Caribbean community, catering to the needs of both young and old through a variety of events. Many of its members and associates held their events at his premises. He refuted claims that he had not worked with the police and outlined occasions when he had been proactive in doing so. It was noted that the police took no further action when attending the premises in July 2021, having witnessed unlicensed activity taking place.
6. PC Hunwick retained his objections and submitted that the TEN should be declined.
7. The sub-committee clarified that Mr Brendan Dituzolele, premises user was not experienced in running TENs or any type of licensable activities.

RESOLVED: 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

and in particular upon consideration of the 'objection notice' given by the Metropolitan Police Service, is satisfied that the proposed event would undermine the licensing objectives. Therefore, the sub-committee has decided to issue a counter notice.

Reasons for the decision

The sub-committee took into consideration the objection received from the Metropolitan Police Service to the Temporary Event Notice for the period from 21:00 on 28th August 2021 finishing at 04:00 on 29th August 2021, which contended that this event would undermine the licensing objectives, on the grounds of crime and disorder, public safety, and prevention of public nuisance. The sub-committee carefully considered the reasons for this objection.

The sub-committee heard representations made by the Metropolitan Police Service who contended that, following recent visits to the venue by the Police on the 11th July 2021 and 31st July 2021, they found that, on both occasions, the sale and supply of alcohol for consumption was taking place at the venue, without the premises being licensed (nor had a Temporary Event Notice been acknowledged). On one of those occasions, the police also observed unlicensed regulated entertainment at the premises. This was a serious concern and may have been a breach of the licensing legislation.

The sub-committee heard that Ian Steele operates a business at the premises, with a business partner, through a company called Club No. 8 Ltd. Mr Steele told the sub-committee that he is one of the leaseholders of the venue, although he then clarified that his business partner is the leaseholder. The sub-committee heard that Mr Steele was present on each incident at which the police observed licensable activity taking place at the premises with no licence. Mr. Steele initially told the sub-committee that he was unaware of the sale of alcohol at the premises on 11 July 2021, at the time, but that he

accepts that sale happened, although the Metropolitan Police Service disputed this, because officers observed Mr. Steele on the premises, at the time. Mr. Steele told the sub-committee that there was no sale of alcohol on 31st July, which was disputed by the police.

The Metropolitan Police Service described recent interaction that police officers had with Mr. Steele in relation to a Temporary Event Notice that was withdrawn during a sub-committee hearing on 3 August. The Metropolitan Police Service described correspondence that officers had with Mr. Steele in which Mr. Steele committed to build trust with the police and to obtain a personal licence. The sub-committee heard that the relevant police officer asked that, in order to build that trust, Mr. Steele refrain from giving further Temporary Event Notices.

The sub-committee heard from the premises user that he wanted to hold a private birthday party for family and friends and that Mr Steele's business would provide alcohol and food for this event, as well as security staff and bar staff. The premises user confirmed that he had no prior experience in running or holding events at a venue, and he would rely on the venue to provide what is needed for the party.

The premises user asked Mr. Steele to speak on his behalf, as a witness to speak about the venue. Mr. Steele regretted the incident that took place on 11th July, and that since then he has been working with the police to try and resolve their concerns. The sub-committee heard that Mr. Steele also committed not to give Temporary Event Notices in his own name following the recent incidents. Therefore, the individuals that want to hold events at the venue are asked to make any Temporary Event Notices.

Mr. Steele confirmed that he will be taking a training course, and he has employed a new bar manager who is experienced and holds a personal licence. Mr. Steele explained that the bar manager would be present at the event in question. The sub-committee noted that the police were not aware of the new bar manager and personal licence holder until the hearing. Therefore, the police could not comment on this. Mr. Steele also confirmed that his partner in this venue holds a personal licence and he is the Designated Premises Supervisor and is present whenever events are held at the venue. Prior to these two incidents Mr. Steele confirmed that there had been no previous incidents at the venue, and no Temporary Event Notice had been previously refused. Mr. Steele told the sub-committee that prior to the Covid-19 lockdown the venue had held events under 20 Temporary Event Notices over two years, and the venue from time to time held community events in the evening.

The sub-committee, having heard from the premises user and their witness Mr. Steele, and the Metropolitan Police Service considered that because it had heard evidence of Mr. Steele, who operates his business from the premises and will, in effect, be running the event in question, having been present at events at the unlicensed premises at which licensable activity was

taking place (both the sale and supply of alcohol and regulated entertainment), allowing the event for which the Temporary Event Notice has been issued to take place would carry a significant risk of undermining the licensing objectives. The sub-committee took into consideration that the

evidence presented by the Metropolitan Police Service suggested that on two occasions Mr. Steele failed to comply with the licensing legislation by selling and supplying alcohol for consumption and/or regulated entertainment without a licence or a Temporary Event Notice. The sub-committee takes this very seriously.

Therefore, on balance, the sub-committee considered that the event would contribute to the alcohol-related nuisance late at night that will add to the noise and negative impact of the area. Therefore, the proposed event would undermine the licensing objectives.

Given that the sub-committee considered that allowing the event to take place in accordance with the Temporary Event Notice would undermine the licensing objectives, it decided to issue a counter notice for the proposed event in the Dalston area.

Public Informative

The venue owner/ Leaseholder is advised that if they wish to continue with licensable activities at this venue, they should apply for (or pursue their existing application for) a premises licence, and continue working with the Responsible Authorities to ensure the venue is run responsibly and in accordance with the licensing objectives.

5.3 Basement, 8 Stoke Newington Road, London, N16 7XN Ward: Shacklewell

1. David Tuitt, Licensing Service representative introduced the report in respect of a Temporary Event Notice (TEN) to commence at 2100 on 4 September 2021 and conclude at 0400 on 5 September 2021. Objections had been received from the police.
2. The sub-committee noted that the police's objection was of the same nature as that of the previous notice. In addition it was also noted that one of the premises users was also a personal licence holder. The police stated that they had not yet been able to confirm this.
3. The clerk informed the sub-committee that correspondence had been received from premises users Ms Yakinie Blair & Ms Laverne Monfries confirming that in their absence, Mr Steele could make submissions on their behalf.
4. Mr Steele explained that one of the premises users had previously held an event at the premises during which the DPS and personal licence holder was present. He confirmed that should the Notice be granted, the same arrangements would apply.

RESOLVED: 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

and in particular upon consideration of the 'objection notice' given by the Metropolitan Police Service, is satisfied that the proposed event would undermine the licensing objectives. Therefore, the sub-committee has decided to issue a counter notice.

Reasons for the decision

The sub-committee took into consideration the objection received from the Metropolitan Police Service to the Temporary Event Notice for the period from 21:00 on 4th September 2021 finishing at 04:00 on 5th September 2021, which contended that this event would undermine the licensing objectives, on the grounds of crime and disorder, public safety, and prevention of public nuisance. The sub-committee carefully considered the reasons for this objection.

The sub-committee heard representations made by the Metropolitan Police Service who contended that, following recent visits to the venue by the Police on the 11th July 2021 and 31st July 2021, they found that, on both occasions, the sale and supply of alcohol for consumption was taking place at the venue, without the premises being licensed (nor had a Temporary Event Notice been given). On one of those occasions, the police also observed unlicensed regulated entertainment at the premises. This was a serious concern and may have been a breach of the licensing legislation.

The sub-committee received notification when this Temporary Event Notice was considered that the premises user was unable to attend the hearing, and they gave their consent for Mr. Steele to speak on their behalf. The premises user confirmed in their notification that they wanted to hold a private Birthday party for family and friends. The sub-committee understood from the notification that the premises user provided that they had no prior experience in running or holding events at a venue,

and they would rely on the venue to provide what is needed for the party. The sub-committee heard that Ian Steele operates a business at the premises, with a business partner, through a company called Club No. 8 Ltd. Mr Steele told the sub-committee that he is one of the leaseholders of the venue, although he then clarified that his business partner is the leaseholder.

The sub-committee heard that Mr Steele was present on each incident at which the police observed licensable activity taking place at the premises with no licence. Mr. Steele initially told the sub-committee that he was unaware of the sale of alcohol at the premises on 11 July 2021, at the time, but that he accepts that sale happened, although the Metropolitan Police Service disputed this, because officers observed Mr. Steele on the premises, at the time. Mr. Steele told the sub-committee that there was no sale of alcohol on 31 st July, which was disputed by the police.

The Metropolitan Police Service described recent interaction that police officers had with Mr. Steele in relation to a Temporary Event Notice that was withdrawn during a sub-committee hearing on 3 August. The Metropolitan Police Service described correspondence that officers had with Mr. Steele in which Mr. Steele committed to build trust with the police and to obtain a personal licence. The sub-committee heard that the relevant police officer asked that, in order to build that trust, Mr. Steele refrain from giving further Temporary Event Notices.

The premises user gave their consent for Mr. Steele to speak on their behalf, as a witness to speak about the venue. Mr. Steele regretted the incident that took place on 11 th July, and that since then he has been working with the police to try and resolve their concerns. The sub-committee heard that Mr. Steele also committed not to give Temporary Event Notices in his own name following the recent incidents. Therefore, the individuals that want to hold events at the venue are asked to make any Temporary Event Notices.

Mr. Steele confirmed that he will be taking a training course, and he has employed a new bar manager who is experienced and holds a personal licence. Mr. Steele explained that the bar manager would be present at the event in question. The sub-committee noted that the police were not aware of the new bar manager and personal licence holder until the hearing. Therefore, the police could not comment on this. Mr. Steele also confirmed that his business partner in the venue holds a personal licence and he is the Designated Premises Supervisor and is present whenever events are held at the venue. Prior to these two incidents Mr. Steele confirmed that there had been no previous incidents at the venue, and no Temporary Event Notice had been previously refused. Mr. Steele told the sub-committee that prior to the Covid-19 lockdown the venue had held events under 20 Temporary Event Notices over two years, and the venue from time to time held community events in the evening.

The sub-committee, having heard from the premises user and their witness Mr. Steele, and the Metropolitan Police Service considered that because it had heard evidence of Mr. Steele, who operates his business from the premises and will, in effect, be running the event in question, having been present at events at the unlicensed premises at which licensable activity was

taking place (both the sale and supply of alcohol and regulated entertainment), allowing the event for which the Temporary Event Notice has

been given to take place would carry a significant risk of undermining the licensing objectives. The sub-committee took into consideration that the evidence presented by the Metropolitan Police Service suggested that on two occasions Mr. Steele failed to comply with the licensing legislation by selling and supplying alcohol for consumption and/or regulated entertainment without a licence or a Temporary Event Notice. The sub-committee takes this very seriously.

Therefore, on balance, the sub-committee considered that the event would contribute to the alcohol-related nuisance late at night that will add to the noise and negative impact of the area. Therefore, the proposed event would undermine the licensing objectives.

Given that the sub-committee considered that allowing the event to take place in accordance with the Temporary Event Notice would undermine the licensing objectives, it decided to issue a counter notice for the proposed event in the Dalston area.

Public Informative

The venue owner/ Leaseholder is advised that if they wish to continue with licensable activities at this venue, they should apply for (or pursue their existing application for) a premises licence, and continue working with the Responsible Authorities to ensure the venue is run responsibly and in accordance with the licensing objectives.

End of Meeting.

Duration of the the meeting: 19:00 - 21:08

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