

Counter Notice (Temporary Event Notice)

Patel & Sons, 101 Great Eastern Street, London, EC2A 3JD

The decision of 17th December 2020

The Licensing sub-committee in considering 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;

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

Reasons for the decision

After hearing from both the Metropolitan Police, and the licensee, the Licensing sub-committee were satisfied that allowing the premises to be used in accordance with the notice would undermine the licensing objectives, and they decided to issue a counter notice. It was noted that these premises are situated in the Shoreditch Special Policy Area (Shoreditch SPA).

The sub-committee took into consideration the objection from the Metropolitan Police objecting to the Temporary Event Notice being granted at this premises for the period from 26th December 2020 to 1st January 2021, which contended that it would undermine the licensing objectives. The sub-committee carefully considered the reasons for the objection to any increase in the hours already granted on the licence. The sub-committee understood that the London area has from 16th December 2020 moved into Tier 3 under the Covid-19 regulations due to the infection rate currently rising which is a risk to Public Safety.

The sub-committee also took into consideration that bars and clubs are not permitted to open under Tier 3. However they are permitted to sell and supply off sales in accordance with the Covid-19 regulations. The Metropolitan Police explained that since these came into force, this has led to increased street drinking in some areas, and general anti-social behaviour including noise nuisance, public urination due to the lack of available toilets, together with groups mingling and people staying in the area for longer therefore risking the spread of the virus.

The sub-committee also took into consideration that the premises already has a licence with hours to sell alcohol from Monday to Sunday up to 00:00 hours which already exceed those stated in Hackney's Statement of Licensing Policy LP3.

The sub-committee considered the representations made by the applicant's legal representative, and the offer to provide additional security with a minimum number of members of staff during the period. However, on balance the sub-committee felt that the risks to public health and safety under the Tier 3 Covid-19 regulations were too great, and accepted the objection raised by the Metropolitan Police to this event.

In the circumstances, refusal was the appropriate course of action to prevent street drinking late at night at a time when people are currently advised under government guidance to stay at home. The sub-committee felt that the applicant had not made a good case that they would not end up encouraging more people to be out late at night during the current Covid-19 restrictions.

The sub-committee also felt that by not granting this event it would prevent anti-social behaviour, in terms of more people coming into the area, consuming alcohol, and staying in the area for longer which would contribute to increasing public nuisance, and crime and disorder in this part of the Shoreditch SPA.

The Licensing Sub-committee took into consideration, when deciding to issue a counter notice, the acute alcohol related problems and issues continually experienced in the Shoreditch SPA which has resulted in increased public nuisance, and crime and disorder regularly affecting the local residents. Therefore, the licensing objectives would be further undermined.