



REPORT OF THE GROUP DIRECTOR, NEIGHBOURHOODS AND HOUSING

LICENSING SUB-COMMITTEE: 25/01/2022	Classification DECISION	Enclosure
Application for Review of Premises Licence: Off Broadway, 63-65 Broadway Market, E8 4PH	Ward(s) affected London Fields	

1. SUMMARY

Applicant: Robert Gardner (on behalf of the Licensing Authority)	In SPA: Not Applicable
Date of Application 22nd October 2021	
The Grounds for Review: <ul style="list-style-type: none"> The prevention of public nuisance 	
Current Premises Licence Details: Premises Licence permitting <ol style="list-style-type: none"> Plays Films Recorded Music Supply of Alcohol See Appendix D	
Current Capacity	Unknown
Policies Applicable	LP1 (General Principles), LP2 (Licensing Objectives), LP3 (Core Hours), LP5(Planning Status), LP6 (External Areas and Outdoor Events)and LP11(Cumulative Impact – General)
List of Appendices	Appendix A– Application requesting the review of the premises licence and supporting documents (Exhibit RG/1 to RG/33) Appendix B – Representations from responsible authorities Appendix C – Representations from other persons Appendix D – Current Licence Appendix E – Location map
Relevant Representations	<ul style="list-style-type: none"> Metropolitan Police Authority Other Persons

2. APPLICATION FOR REVIEW OF PREMISES LICENCE

- Robert Gardner (on behalf of the Licensing Authority) under the Licensing Act 2003, have applied for the review of the premises licences granted for the premises known as **“Off-Broadway” 63-65 Broadway Market, E8 4PH** on the grounds of prevention of public nuisance.
- Representations supporting the review have been received from the Metropolitan

Police Authority (see Appendix B) and from the local residents (see Appendix C).

3. CURRENT POSITION/ HISTORY

- 3.1 The premises have been in possession of a Premises Licence since November 2008. The premises licence holder(s) are Mr Stephen Selby and Mr Rupert Selby. The designated premises supervisor is Mr Byron Knight.
- 3.2 The current premises licence is attached as Appendix D.
- 3.3 No TENs have been submitted in respect of the premises in this calendar year.

4. REPRESENTATIONS: RESPONSIBLE AUTHORITIES

From	Relevant Representations details
Environmental Health Authority (Environmental Protection)	No representation received
Environmental Health Authority (Environmental Enforcement)	Have confirmed no representation on this application
Environmental Health Authority (Health & Safety)	Have confirmed no representation on this application
Weights and Measures (Trading Standards)	No representation received
Planning Authority	No representation received
Area Child Protection Officer	No representation received
Fire Authority	No representation received
Police Appendix B	Representation received on the grounds of Prevention of Crime and Disorder, The Prevention of Public Nuisance and Public Safety
Licensing Authority	N/A
Health Authority	No representation received

5. REPRESENTATIONS: INTERESTED PARTIES

From	Details
A total of 91 Representations have been received from and on behalf of local residents including 2 video clips as follows: Appendix C1 to C4 are in support of the review and; Appendix C5 to C87 are Opposing the review. Attached as a separate document.	Representation received on the grounds of Prevention of Crime and Disorder, The Prevention of Public Nuisance and Public Safety

6. REPRESENTATIONS: LICENSEE

- 6.1 A letter on behalf of the Landlord including copies of the freehold title have been received (See Appendix D)

7. POLICY CONSIDERATIONS

- 7.1 The Licensing Sub-Committee is required to have regard to the Hackney Statement of Licensing Policy (“the Policy”) adopted by the Licensing Authority.
- 7.2 Extracts from Licensing Policies are reproduced at the front of the agenda for this meeting.
- 7.3 The Policy applies to applications where relevant representations have been made. With regard to this application, policies, LP1 (General Principles) and LP2 (Licensing Objectives), LP3 (Core Hours), LP5 (Planning Status), LP6 ((External Areas and Outdoor Events) and LP11(Cumulative Impact – General) are relevant.

8. GUIDANCE CONSIDERATIONS

- 8.1 The Licensing Authority is required to have regard to any guidance issued by the Secretary of State under the Licensing Act 2003.

9. OFFICER OBSERVATIONS

- 9.1 The applicant is seeking revocation of the Premises Licence.

10. REASONS FOR OFFICER OBSERVATIONS

- 10.1 N/A

11. LEGAL IMPLICATIONS

- 11.1 A legal representative will be in attendance to advise Members.

12. LEGAL COMMENTS

- 12.1 The Council has a duty as a Licensing Authority under the Licensing Act 2003 to carry out its functions with a view to promoting the following 4 licensing objectives;
- The Prevention of crime and disorder
 - Public Safety
 - Prevention of public nuisance
 - The protection of children from harm
- 12.2 It should be noted that each of the licensing objectives have equal importance and are the only grounds upon which a relevant representation can be made and for which an application can be refused or terms and conditions attached to a licence.

12.3 HUMAN RIGHTS ACT 1998 IMPLICATIONS

There are implications on Article 6, Article 8, Article 14 and the First Protocol of Article 1.

13. MEMBERS DECISION MAKING

13.1 Members must, having regard to the application and any relevant representations, take such steps (if any) as it considers necessary for the promotion of the licensing objectives.

13.2 The steps are:

- A. Option 1
Take no action**
- B. Option 2
Modify the conditions of the premises licence.**
- C. Option 3
Exclude a licensable activity from the scope of the premises licence.**
- D. Option 4
Remove the designated premises supervisor.**
- E. Option 5
Suspend the premises licence for a period not exceeding three months.**
- F. Option 6
Revoke the licence.**

14. CONCLUSION

14.1 That Members decide on the application for review of the premises licence.

GROUP DIRECTOR, NEIGHBOURHOODS AND HOUSING	Ajman Ali
Lead Officer (holder of original copy):	Sanaria Hussain Senior Licensing Officer Licensing Service 1 Hillman Street E8 1DY Telephone: 020 8356 4972

LIST OF BACKGROUND PAPERS RELATING TO THIS REPORT

The following document(s) has been relied upon in the preparation of the report.

Description of document	Location
Office File: "Off-Broadway" 63-65 Broadway Market, E8 4PH	Licensing Service 1 Hillman Street London E8 1DY

Printed matter
Licensing Act 2003
LBH Statement of Licensing Policy

Application for the review of a premises licence or club premises certificate under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary. You may wish to keep a copy of the completed form for your records.

I Robert Gardner (on behalf of the Licensing Authority)

(Insert name of applicant)

apply for the review of a premises licence under section 51 / apply for the review of a club premises certificate under section 87 of the Licensing Act 2003 for the premises described in Part 1 below (delete as applicable)

Part 1 – Premises or club premises details

Postal address of premises or, if none, ordnance survey map reference or description

“Off-Broadway”

63-65 Broadway Market

Post town

London

Post code (if known)

E8 4PH

Name of premises licence holder or club holding club premises certificate (if known)

Mr Rupert Selby and Mr Stephen Selby

Number of premises licence or club premises certificate (if known)

LBH-PRE-T-0979

Part 2 - Applicant details

I am

Please tick ✓ yes

1) an individual, body or business which is not a responsible authority (please read guidance note 1, and complete (A) or (B) below)

2) a responsible authority (please complete (C) below)

X

3) a member of the club to which this application relates

(please complete (A) below)

(A) DETAILS OF INDIVIDUAL APPLICANT (fill in as applicable)

Please tick ✓ yes

Mr Mrs Miss Ms Other title
(for example, Rev)

Surname

First names

Please tick ✓ yes

I am 18 years old or over

**Current postal
address if
different from
premises
address**

Post town

Post Code

Daytime contact telephone number

**E-mail address
(optional)**

(B) DETAILS OF OTHER APPLICANT

Name and address

Telephone number (if any)

E-mail address (optional)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address

Robert Gardner

Enforcement and Business Regulation Manager

Community Safety, Enforcement and Business Regulation Service

Hackney Service Centre

1 Hillman Street

London

E8 1DY

Telephone number (if any)

020 8356 8567

E-mail address (optional)

robert.gardner@hackney.gov.uk

This application to review relates to the following licensing objective(s)

Please tick one or more boxes ✓

- 1) the prevention of crime and disorder
- 2) public safety
- 3) the prevention of public nuisance
- 4) the protection of children from harm

X

Please state the ground(s) for review (please read guidance note 2)

The application is made on the grounds of the prevention of public nuisance.

Please provide as much information as possible to support the application (please read guidance note 3)

This application is being made due to ongoing concerns amongst authorities and persistent complaints from local residents.

The Licensing Service received 5 complaints from local residents between 4 July 2020 and 7 August 2020. The complaints are in relation to anti-social behaviour, noise and nuisance and are attached as exhibits RG/1 to RG/5.

A further complaint received on 6 April 2021 is attached as exhibit RG/6 and another complaint received 10 April 2021 is attached as exhibit RG/7. The complaint received 10 April 2021 is the first to make reference to an outdoor area created at the rear of the site.

Following the premises being permitted to reopen indoors on 12 April 2021, Licensing Officer David TUITT visited the site on 20 April 2021 to liaise with the licensees in relation to the complaints being received and to the use of the outdoor space located to the rear of the site. Rupert SELBY contacted David TUITT by telephone on 21 April 2021.

The Licensing Service noted an increase in the number of complaints being received, with emails being received on 22 April 2021, 23 April 2021, two on 30 April 2021 and two on 7 May 2021. These are attached as exhibits RG/8, RG/9, RG/10, RG/11, RG/12 and RG/13 respectively.

David TUITT sent a letter to the licensee by email on 10 May 2021. A copy of this is at exhibit RG/14

Further complaints received on 11 May 2021 is attached as exhibit RG/15

The response to this received on 12 May 2021 from Rupert SELBY via email is at exhibit RG/16

On 12 May 2021, David TUITT visited the premises and served a closure notice under Section 19 of the Criminal Justice and Police Act 2001. A photograph of the notice as left at the premises is at exhibit RG/17.

A further complaint received on 15 May 2021 is attached as exhibit RG/18

An additional complaint received on 15 May 2021 is attached as exhibit RG/19

A further complaint received on 16 May 2021 is attached as exhibit RG/20

A further complaint received on 18 May 2021 is attached as exhibit RG/21

A further complaint received on 19 May 2021 is attached as exhibit RG/22

On 25 May 2021 Metropolitan Police Officer PC Sian GILES supplied David TUITT with a copy of a warning letter addressed to the premises. A copy of this is at exhibit RG/23

A further complaint received on 29 May 2021 is attached as exhibit RG/24

An additional complaint received on 29 May 2021 is attached as exhibit RG/25

A further complaint received on 1 June 2021 is attached as exhibit RG/26

An additional complaint received on 1 June 2021 is attached as exhibit RG/27

A further complaint received on 3 June 2021 is attached as exhibit RG/28

A further complaint received on 10 June 2021 is attached as exhibit RG/29

An additional complaint received on 10 June 2021 is attached as exhibit RG/30

A further complaint received on 14 June 2021 is attached as exhibit RG/31

A further complaint received on 20 June is attached as exhibit RG/32

An additional complaint received on 20 June is attached as exhibit RG/33

Despite the interventions detailed above, problems have persisted and further complaints have been received. The persistent negative impact, evidence of non-compliance and complaints from local residents suggest that the premises are a blight on the local area. This has led to the conclusion that the prevention of public nuisance is being undermined. Furthermore, paragraph 11.10 of the Guidance issued by the Home Office under s182 of the Licensing Act 2003 states: "*Where authorised persons and responsible authorities have concerns about problems identified at premises, it is good practice for them to give licence holders early warning of their concerns and the need for improvement, and where possible they should advise the licence or certificate holder of the steps they need to take to address those concerns. A failure by the holder to respond to such warnings is expected to lead to a decision to apply for a review. Co-operation at a local level in promoting the licensing objectives should be encouraged and reviews should not be used to undermine this cooperation.*"

The licensee has not demonstrated an appetite to change behaviour despite authority engagement and continues to demonstrate poor character. I therefore have no confidence in the licensee and feel that the Licensing Sub-Committee will have no choice but to revoke the premises licence in the first instance.

Please tick ✓ yes

Have you made an application for review relating to the premises before

No

If yes please state the date of that application

Day	Month	Year
<input type="text"/>	<input type="text"/>	<input type="text"/>

If you have made representations before relating to the premises please state what they were and when you made them

N/A

Please tick ✓ yes

- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate Yes
- I understand that if I do not comply with the above requirements my application will be rejected Yes

IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.

Part 3 – Signatures (please read guidance note 4)

Signature of applicant or applicant’s solicitor or other duly authorised agent (please read guidance note 5). **If signing on behalf of the applicant please state in what capacity.**

Signature



Date: 05/07/2021

Capacity: on behalf of the Licensing Authority

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 6)

Robert Gardner
Enforcement and Business Regulation Manager
Community Safety, Enforcement and Business Regulation Service
Hackney Service Centre
1 Hillman Street

Post town

London

Post Code

E8 1DY

Telephone number (if any) 020 8356 8567

If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)

Notes for Guidance

1. A responsible authority includes the local police, fire and rescue authority and other statutory bodies which exercise specific functions in the local area.
2. The ground(s) for review must be based on one of the licensing objectives.
3. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
4. The application form must be signed.
5. An applicant’s agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
6. This is the address which we shall use to correspond with you about this application.



Licensing (Shared Mailbox) <licensing@hackney.gov.uk>

Off Broadway

4 July 2020 at 21:52

To: licensing@hackney.gov.uk

Hello,

Hope you are well.

To inform you of Completely unregulated drinking at Off Broadway today (bar on Broadway market)- no social distancing, benches obstructing the entire pavement, mass grounds drinking in the street in large groups all day and night and noise disturbing all street residents.

The bar are not regulating their clients and the entire street has turned into a drinking strip, rather than a residential market street.

Best wishes,



Licensing (Shared Mailbox) <licensing@hackney.gov.uk>

Off Broadway, Broadway Market

4 July 2020 at 18:43

To: licensing@hackney.gov.uk

Dear Licensing Team

I am aware that restrictions regarding licensing has been relaxed, however I fear that the crowds around this establishment are always too large and rowdy, which is making the noise unbearable in our place of residence.

Please clarify what the situation is with drinking on the street outside the establishment. The whole pavement is also obstructed with their seating.

Best wishes

Best wishes,

16/06/2021

London Borough of Hackney Mail - Off Broadw



Licensing (Shared Mailbox) <licensing@hackney.gov.uk>

Off Broadway

10 July 2020 at 22:12

To: licensing@hackney.gov.uk

Hello,

Again, tonight, Off Broadway bar has large crowds drinking, sprawled all over the street.

Drinkers have spread down the pavement under nearby flats, with the noise implications for residents after 10pm.

Many thanks,

A black rectangular redaction box covering the sender's name and signature.



Licensing (Shared Mailbox) <licensing@hackney.gov.uk>

Off Broadway

19 July 2020 at 22:51

To: licensing@hackney.gov.uk

Hello,

Yet again, Off Broadway have large crowds drinking outside, making lots of late night noise.

Is their license for only 4 people outside, as it reads online?

Best wishes,

[Redacted signature]



Licensing (Shared Mailbox) <licensing@hackney.gov.uk>

Complaint: "Off BroadwayLtd"

7 August 2020 at 14:33

[REDACTED]
To: "Licensing (Shared Mailbox)" <licensing@hackney.gov.uk>

Cc: David Tuitt <david.tuitt@hackney.gov.uk>, [REDACTED]

Good afternoon

I am writing to complain about the Bar Off Broadway Ltd (63-65 Broadway Market E8 4PH)

I note that at present they have tables blocking the entire width of the pavement. This creates an obstruction forcing pedestrians in to the road. While the street is closed to through traffic it is not traffic free and this obstruction is a breach of trading regulations.

At present they do not have a street-traders permit displayed – they may have one but it is not on display so the allowed space permitted, if any is unclear.



Further this outside space is being used for the consumption of alcohol sold from their premises.



I don't see a reference in their license to their being external space allowed for consumption of alcohol. Condition 20 of their license says that there should be a defined space in order to allow no more than 4 patrons to smoke. I don't see from their license that they have an outside seating area and no reference is made in the licence to one. I see no variations added or pending that would permit this external seating area.

I would ask therefore that a complaint be logged against Off Broadway, that the pavement obstructions are removed and that action is taken in relation to the breach of license recorded on this occasion.

Many thanks

[REDACTED]

[REDACTED]



Licensing (Shared Mailbox) <licensing@hackney.gov.uk>

Problem Report: Alcohol queue in residential street

1 message

6 April 2021 at 04:57

To: Hackney Council <licensing@hackney.gov.uk>

A new problem in your area has been reported by a Report A Problem user.

New problem in your area

A user of Report A Problem has submitted the following report of a local problem that they believe might require your attention.

[Show full report](#)

Reported by:

Name [Redacted]
Email [Redacted]

Replies to this message will go directly to [Redacted] the user who reported the problem.



Alcohol queue in residential street



Category: Alcohol

Off Broadway bar will be opening for take away open-top alcohol sales again from 12th April. When they last did this prior to the most recent lockdown, they had no regard for local residents and had customers queuing in front of our houses on residential [Redacted] making it difficult for us to leave our homes in a COVID-safe manner. They only addressed this when we raised it with them - their first response being to tell customers to actually wait in the middle of the road, regardless of the cars coming through. They have updated their website today - photo attached - to tell people once again to queue into [Redacted]

There are also numerous other licensing issues being reported about Off Broadway Ltd which directly impact residential

16/06/2021

London Borough of Hackney Mail - Problem Report: Alcohol queue in residential street

[REDACTED] ut these are reported separately.

Location:



Powered by FixMyStreet

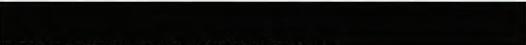


Licensing (Shared Mailbox) <licensing@hackney.gov.uk>

Off Broadway, Broadway Market

1 message

10 April 2021 at 22:56


To: licensing@hackney.gov.uk

Dear Hackney Licensing

This licensed business has created an extension at the rear of their property, on which a first floor veranda with outdoor seating has been erected - for the purpose of having customers consume alcohol. An outdoor bar has also been created at the rear of the property.

Their existing licence is only for a handful of customers to be standing at the **front** of the property, on Broadway market itself. The licence is explicit that there must be no activity at the rear of the property that may disturb neighbouring private residents.

Would you be able to advise me whether it is within this business' alcohol licence to sell and serve alcohol to customers at the private rear of the property? My concern is that the sale and consumption of alcohol in an area facing residential properties is explicitly prohibited in the existing licence and will cause really significant disruption to residents.

I am most grateful for your response.

Best wishes





Licensing (Shared Mailbox) <licensing@hackney.gov.uk>

Further Issues: Noise Report 2676833 - Off Broadway, E8 4PH - LIC-ENF-2021-0007

1 message

22 April 2021 at 16:34

[REDACTED]

Hello,

Further to my complaint on Saturday night, I unfortunately need to raise a further noise issue with Off Broadway.

They have created a beer garden at the rear of their premises, on the residential [REDACTED] side. We are not aware that they have permission to do this.

The area has 10 garden tables (not socially distanced) and comes right up to my garden fence. The responsible licensee, Rupert Selby (Off Broadway Ltd), wants there to be 40-60 covers total in the area.

Currently 3 of 10 tables are occupied with patrons (less than 10 people total). Mr Selby himself is at another table with 3 team members.

It is a cold, but sunny afternoon. I would expect higher capacity when the weather is better.

The noise is coming directly into my home [REDACTED] both the general talking noise, as well as the sounds such as a glass breaking, etc.

This is disruptive to the general quiet enjoyment that I should be able to have at home on a quiet residential street on weekday afternoon.

Additionally, it is also disrupting my ability to conduct professional calls as I am currently working from home.

Having a window slightly open for ventilation on warmer days will not be an option, unless I wish to let even more noise into the home.

(Note: The issue not only impacts myself, but also [REDACTED] Broadway Market who rely on the quiet at the rear of their homes where their bedrooms are.)

I really don't want to be using up your time have a running series of noise complaints against Off Broadway and their patron's use of the [REDACTED] side - both on the pavement and in the beer garden. (They have also made other changes, such as moving their ice machine from lower ground to ground level so that the hum when it is in operation is now audible in my home.)

Please advise if there is a way to gather issues together, or if it is best that they are logged individually.

Thanks,
[REDACTED]

[REDACTED]

Begin forwarded message:

From: [REDACTED]
Subject: Your report has been logged: [REDACTED]
Date: 17 April 2021 22:51:00 BST
[REDACTED]

Thanks for logging your report

Your report has been logged

Your report to Hackney Council has been logged on Report A Problem.

It has been marked as private and will not be visible to the general public; you may view it using the link below, or if you sign in using the email address associated with the report.

The report's reference number is [REDACTED]. Please quote this if you need to contact the council about this report.

[View my report](#)



[REDACTED]

Reporter address: [REDACTED]

Reporter availability: Weekday or weekend or evening, by email

Kind of noise: Noise on the road
Noise details: The Off Broadway Bar is not controlling the patrons at all and there is a lot of shouting.

Where is the noise coming from? A shop, bar, nightclub, building site or other commercial premises

Noise source: (51.537327, -0.061449), Medium (200yd / 180m)

Is the noise happening now? Yes
Does the time of the noise follow a pattern? No

When has the noise occurred? Off Broadway Bar have the fire door open.



Licensing (Shared Mailbox) <licensing@hackney.gov.uk>

LIC-ENF-2021-0007

1 message

23 April 2021 at 13:00

[Redacted]

[Redacted]

Dear Sir/Madam,

This tweet is currently on Off Broadway's Twitter feed:

'Off Broadway (@baroffbroadway) Tweeted: We lost the licence application. But revenge is never far away...

Don't worry, we'd never do that.

<https://twitter.com/baroffbroadway/status/609116732704329729?s=20>

This threatening tweet, in response to the rejection to Off Broadway's application to extend its licence in 2015, could not be further from the licensing objectives and the way in which a licensed premises is required to engage with local residents. It demonstrates the attitude of Off Broadway towards residents and local councillors, and I read it as a threat.

Best wishes,

[Redacted]



Licensing (Shared Mailbox) <licensing@hackney.gov.uk>

Problem Report: Off Broadway allowing people to drink not seated in groups of greater than 6 on there premises

1 message



30 April 2021 at 19:17

To: Hackney Council <licensing@hackney.gov.uk>

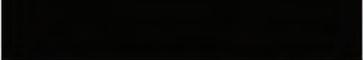
A new problem in your area has been reported by a Report A Problem user.

New problem in your area

A user of Report A Problem has submitted the following report of a local problem that they believe might require your attention.

[Show full report](#)

Reported by:

Name 
Email 

Replies to this message will go directly to Anonymous user, the user who reported the problem.



Off Broadway allowing people to drink not seated in groups of greater than 6 on there premises

Category: Alcohol

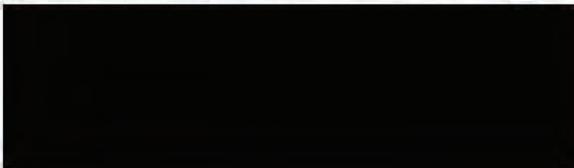
Breach of coronavirus regulations

Location:

Easting/Northing: 534546/183832

(51.537364, -0.061426)

Nearest road to the pin placed on the map (automatically generated by Bing Maps): 





Licensing (Shared Mailbox) <licensing@hackney.gov.uk>

LIC-ENF-2021-007

1 message

30 April 2021 at 16:35



Dear Sir/Madam,

Off Broadway does not respect the terms of its individual licence or The Licensing Act 2003. It is illegal to dispense alcohol directly into the mouth, but Off Broadway is confident enough to glamorise this in its promotional Instagram account, and calls it 'spectacular'. Off Broadway's customers cause a public nuisance for nearby residents, and Off Broadway is responsible for their behaviour.

Best wishes,





Licensing (Shared Mailbox) <licensing@hackney.gov.uk>

Off Broadway (REF: LIC-ENF-2021-007) - Photos

1 message

7 May 2021 at 14:47

To: licensing@hackney.gov.uk

Dear Sir/Madam,

Further to my recent email, please see attached video and photographic evidence of a few of the problems caused by Off Broadway's use of the pavement on Dericote St.

Video 1: A drunken customer of Off Broadway using the new entrance on Dericote St and knocking into someone passing by. People might reasonably expect this on Broadway Market, but not on a residential street.

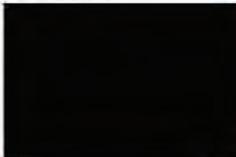
Photo 1: The new entrance on Dericote St and the commercial bins on the pavement of Dericote St.

Photo 2: Sick on the pavement in the area that Off Broadway's customers now use on Dericote St. This had been left on the pavement for 4 days when the photo was taken.

Photo 3: Grease spilling out from Off Broadway's unauthorised beer garden onto Dericote St.

Photo 4: Bin and stain left on the pavement on Dericote St next to the new doorway.

Best wishes,



5 attachments**Photo 1.jpeg**
129K



Photo 2.jpeg
119K



Photo 3.jpeg
132K



Photo 4.jpeg
91K

 **Video 1.mp4**
1105K



Licensing (Shared Mailbox) <licensing@hackney.gov.uk>

Off Broadway (REF: LIC-ENF-2021-007)

1 message

7 May 2021 at 14:46

To: licensing@hackney.gov.uk

Dear Sir/Madam,

REF: LIC-ENF-2021-007

Please see the email below about the public nuisance being caused by Off Broadway's use of the rear garden of 63-65 Broadway Market as a beer garden, and the creation of a new entrance on a residential street.

Off Broadway have created a new entrance on a residential street by using the fire exit on Dericote St as the only entrance to Off Broadway. This fire door was previously kept closed.

Off Broadway have made a major change to the layout of the bar area. This change comprises:

- (i) The entrance has changed from the normal entrance on Broadway Market to the fire door on a residential street (Dericote St).
- (ii) A new doorway has been created in the wall at the back of Off Broadway, leading to the garden.
- (iii) A new bar has been built in the outside space.
- (iv) An ice machine has been moved and is now audible inside neighbouring properties.

I understand that these changes to the layout require an application for a full variation of the premises licence. Can you please confirm that Off Broadway made this application please?

I understand that the Business and Planning Act 2020 makes provision for the consumption of alcohol in outside areas. It does not seem to include any provision to create a new entranceway on a residential street. I understand that this would still require an application for a full variation of the premises licence.

Furthermore, I understand that if any planned changes could impact on the licensing objectives, then an application for a full variation must be made.

In this case, the new use of the fire door on a residential street is indisputably causing a public nuisance, please see the below email (sent to Mr O'Sullivan at Hackney Shop Fronts) for evidence of some of the nuisance caused so far.

The use of the rear garden as a beer garden, and the use of the fire door as the entrance, are turning residential [redacted] into a commercial area and causing problems of public nuisance. The email below gives details and evidence of some of this public nuisance, this includes nuisance from noise, threats to community safety and litter.

Separate complaints from neighbours have also highlighted the public nuisance caused by cigarette smoke from the beer garden, which now comes in through the [redacted] it is well known that secondhand cigarette smoke is particularly harmful to young children. Their health should not be put at risk within their own bedrooms.

Neighbours have also witnessed customers from Off Broadway coming out of the new doorway on Dericote St and urinating on the pavement [redacted] This is an obvious public nuisance and leaves an unacceptable smell on the pavement of our residential street.

I understand that another licensing objective is the protection of children from harm, and that this specifically includes protecting them from early exposure to strong language and sexual expletives. It is not possible to protect the children in the neighbouring properties from hearing the strong language and sexual expletives that come from the beer garden. As the beer garden is in the middle of a residential area and adjacent to their gardens, and only a few metres from neighbouring homes, this language can now easily be heard both inside the neighbouring houses and in the neighbouring gardens. Specifically, the language can clearly be heard both inside the bedrooms and living rooms [redacted]

It is clear that these recent changes made by Off Broadway are impacting on at least two of the licensing objectives (the prevention of public nuisance and the protection of children from harm), and would therefore require an application for a full variation.

In order for Off Broadway to comply with the licensing objectives Off Broadway need to:

- (i) Stop using the fire exit on Dericote St as an entrance to Off Broadway.
- (ii) Stop using the rear garden of 63-65 Broadway Market as a beer garden.
- (ii) Prevent customers of Off Broadway from drinking on Dericote St.

This would still allow Off Broadway plenty of opportunity to thrive as a business, but just on Broadway Market, where it is licensed to be, instead of in a residential area.

Off Broadway have frontage on Broadway Market, this is the only place their customers should be. This would allow Dericote St to retain its character as a quiet residential street much loved by its residents.

Many of the neighbours have repeatedly tried to appeal to the owner of Off Broadway, and have pointed out the public nuisance that his recent changes have caused. He appears indifferent to our concerns, and has refused to limit his trading to Broadway Market, and continues to use the new entrance on Dericote St.

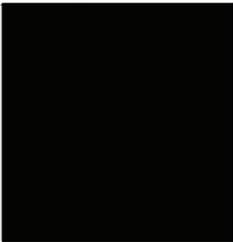
If Off Broadway have not yet made an application for a full variation of their premises licence then whose responsibility is it to stop them from acting in breach of their existing licence please?

If Off Broadway should choose, in the future, to apply for a full variation of their premises licence to allow them to create a new entrance on Dericote St, then at least everyone who is detrimentally impacted by the change would have an opportunity to make a representation.

I have included below the email to Mr. O'Sullivan at Shop Fronts, as it includes specific details of some of the public nuisance being caused by Off Broadway's recent changes.

I will send a separate email with the photos.

Thank you for your help,



Begin forwarded message:



Subject: Off Broadway (LICENSING REF: LIC-ENF-2021-007)

Date: 6 May 2021 at 16:24:39 BST

To: daniel.o'sullivan@hackney.gov.uk

Dear Mr. O'Sullivan,

Off Broadway has recently made a number of changes to its commercial operations, this is negatively impacting the residents of Dericote St. I would like to check the details of their shop front trading licence please.

There is no shop front trading licence displayed in its window, and I haven't been able to find it on-line anywhere.

I would like to check the details of any current licence they hold, so that I can see if they have permission for their new commercial activity on Dericote St.

I know that they applied, and were rejected, for 2 pavement licences in 2020.

Off Broadway have created a new entrance to their premises on residential Dericote St. This door was previously a fire door, and was kept closed. They have removed the "fire door / keep closed" sign from the door, and now leave it propped open. This is used as the only entrance to their new unauthorised 60 capacity beer garden which they are now operating in direct breach of their planning conditions.

A planning enforcement case file has been opened concerning the unauthorised use of the garden as a beer garden. I would like to check whether their commercial use of the pavement on Dericote St is also a breach of any current licence they hold please.

Previously, customers used the normal entrance on Broadway Market to enter Off Broadway and to access the toilets. Reverting to that original entrance, and closing the fire door, would help to reduce the disturbance on Dericote St.

Drinkers from Off Broadway now congregate on Dericote St outside the new entrance. This spread of the drinking area from Broadway Market to Dericote St is causing a change to the character of our quiet and residential street.

On 17th April 2021 the police were called to Off Broadway as customers and staff from Off Broadway were causing an unacceptable disturbance by congregating on the pavement by the new entrance on Dericote St, and were playing amplified music in the street.

When Off Broadway's application for a pavement licence was refused in September 2020, the following reasons were given:

"Objections raised from local residents, Met Police, Licensing and Street Scene in relation to the impact and conduct during the pandemic of the premises on the public highway in relation to social-gathering and social distancing leading to anti-social behaviour."

This new commercial use of the pavement outside Off Broadway on Dericote St is causing a great disturbance to the families who live nearby and will result in a permanent change to the character of this residential street within a conservation area.

Can I please check if Off Broadway are permitted to have a new entrance on this residential street please? Also, are they permitted to carry out this commercial activity of letting their customers consume take away drinks on the pavement adjacent to the premises? Could you please confirm whether any licence that Off Broadway currently holds permits them to allow their customers to drink just on the Broadway Market side, or if it also permits drinking on the pavement of Dericote St too please?

I would be very grateful if you could let me know the exact details of what their current shop front licence allows, and what precise area it covers please.

If Off Broadway do not have a shop front licence for Dericote St, then what is the procedure for stopping them from carrying out their commercial activity on Dericote St please?

Dericote St is a quiet residential street with many young families. Previously, families walking home from London Fields Primary School would carefully shepherd their children through Broadway Market, and then let them freely run or scoot along the pavement on Dericote St to their homes. Now that Off Broadway have commercialised part of Dericote St with their new entrance and crowds of customers on the pavement, the children are no longer free to safely enjoy their own street.

If Off Broadway do not have a shop front licence for Dericote St, then I am concerned that they may not have public liability insurance cover. Whilst walking my own children home from school I have previously had a very near miss when my child was nearly burnt by the cigarette of one of Off Broadway's customers on the pavement on the Broadway Market side. It is easy to imagine that this could also happen on Dericote St now.

Since Off Broadway have started to use the area to the rear as an unauthorised beer garden, they have been keeping their commercial bins on Dericote St. Is this commercial use of the pavement of Dericote St permitted under their current licence please?

Off Broadway have not been clearing up after themselves or their customers on Dericote St. The attached photographs show grease which leaked from the rear garden of 63-65 Broadway Market on to the pavement of Dericote St and vomit and urine and dirt. When these photographs were taken, the pavements had been left in this state for four days. Please can you advise whose responsibility this now is.

If you could confirm whether or not Off Broadway have the appropriate permission to carry out this commercial activity on residential Dericote St, then that would be greatly appreciated.

As I'm sure you can imagine, Off Broadway's current usage is causing a great disturbance to everyone who lives nearby, and to everyone who wants to enjoy the peace, quiet and safety of, ordinarily residential, Dericote St.

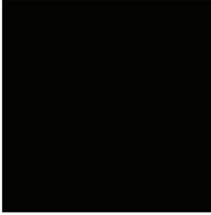
I will send a separate email with the photos.

16/06/2021

London Borough of Hackney Mail - Off Broadway (REF: LIC-ENF-2021-007)

Thank you very much for your help.

Best Wishes,



Licensing Service
Hackney Service Centre
1 Reading Lane
London
E8 1DY

Mr Rupert Selby/Mr Stephen Selby
C/O "Off Broadway"
63-65 Broadway Market
London
E8 4PH

020 8356 4942
david.tuitt@hackney.gov.uk

10 May 2021

Dear Sirs,

Ref: LIC/ENF/2021/0007

**Licensing Act 2003 s136 - Alleged unauthorised licensable activity
"Off Broadway", 63-65 Broadway Market, London E8 4PH**

I write further to my visit to the above site on 20 April 2021 and subsequent correspondence in relation to the creation of an external area to the rear of the above site.

I can inform you that the Licensing Service has continued to receive complaints from local residents as a result of the use of this external area. This suggests that the licensing objective of the prevention of public nuisance may be being undermined. Furthermore, as explained previously, this new area appears to have:

- Created a new customer drinking and dining area
- Extended the overall capacity of the premises
- Added a new entrance/exit leading directly to Dericote Street

This would suggest that the layout of the premises which is annexed to the premises licence (ref: LBH-PRE-T-0979) has undergone substantial alteration without a variation to the licence being granted. This may therefore result in unauthorised activity being carried on.



Please be aware that under s136 of the Licensing Act 2003:

A person commits an offence if—

- (a) he carries on or attempts to carry on a licensable activity on or from any premises otherwise than under and in accordance with an authorisation, or**
- (b) he knowingly allows a licensable activity to be so carried on.**

A person, upon conviction for an unauthorised activity, can face an unlimited fine and/or receive up to 6 months imprisonment. Therefore, please take this letter as a warning that the Licensing Service can take further action in the event of evidence of continued non-compliance.

Please also note that the complaints as a result of the use of the new external area suggest that a public nuisance is being caused. This would appear to provide sufficient grounds for an application to review the premises licence.

I would be grateful for a response with how you intend to address the matters raised above.

Yours Sincerely,



David Tuitt
Team Leader - Licensing and Technical Support



Licensing (Shared Mailbox) <licensing@hackney.gov.uk>

Hackney Off Broadway (LIC-ENF-2021-0007)

1 message

11 May 2021 at 10:06

To: "licensing@hackney.gov.uk" <licensing@hackney.gov.uk>, "david.tuitt@hackney.gov.uk" <david.tuitt@hackney.gov.uk>, "steven.davison@hackney.gov.uk" <steven.davison@hackney.gov.uk>, "Andy.Durrant@met.pnn.police.uk" <Andy.Durrant@met.pnn.police.uk>

To Whom It May Concern,

we heard from our neighbours that there is an open case regarding Off Broadway (63-65 Broadway Market, London E8 4PH) and would like to submit some video material and point of view from our side.

cc'd to this email and myself are the owners and residents of

Since their reopening they have had shop front/ outdoor seating and the open fire door **till midnight - every single night of the week.**

To our understanding they have a license to have shop front/ outdoor seating till 10pm.

The open fire door is used to access the toilets, which could be easily accessed though there premises as well. But now that door is wide open to a residential street every night with a music speaker mounted just above on the inside.

The newly installed gate to Broadway Market, which is right next their shop front/ outdoor seating is used by their customers as a kind of extended bar as it has a flat top to put the take away drinks on. On busy nights (Thursdays, Fridays, Saturdays and Sundays) it takes another hour for their customers to leave that gate after Off Broadway closed at midnight. Not a single night they have encourage customers to leave that gat after they closed.

This hole situation is also contributing to a massive increase of taxi pickups through the residential street of Dericote which is ongoing till 1am in the morning. Broadway Market is open for cars and customers could be picked up in front of Off Broadway instead of shifting it to the side into a residential street.

23.04. at 23:22

<https://photos.app.goo.gl/LtoEoFJsspY1H2br6>

- Customers still coming to sit down
- Wide open fire door with music

<https://photos.app.goo.gl/TAqUihHyQ3MZQxQr9>

- The usual path of customers going to the toilet – which is apparently the only reason why this door is open and we absolutely don't understand why they can't access it through their premises

21.04. at 22:34

- This is just the final scene of clearly very drunk customers spending almost an hour in front of the open fire exit

https://mail.google.com/mail/b/ALGkd0zIbVeXQ3MQ3qRUHuSGOW4F_GuPHh3WhWKFvX_8HxmDcMMN/u/0?ik=11de5240b7&view=pt&search... 1/2

16/06/2021

London Borough of Hackney Mail - Hackney Off Broadway (LIC-ENF-2021-0007)

- Not a single time Off Broadway encouraged customers to go back in front and on top of that even served them out of that fire exit.

<https://photos.app.goo.gl/KRatpfnCXL8ZXWs78>

08.05. at 00:02

- Customers are still sitting
- The gate is used as a gathering point – the last group left at 01:30

<https://photos.app.goo.gl/aimTPbcdwEyuJjxB6>

Please let us know if you need any further supporting material.

Kind regards,





RGS/



Licensing (Shared Mailbox) <licensing@hackney.gov.uk>

Off Broadway Ltd - use of beer garden in breach of license? (LIC-ENF-2021-0007)

1 message

11 May 2021 at 12:53

To: "david.tuitt@hackney.gov.uk" <david.tuitt@hackney.gov.uk>, "andy.durrant@met.pnn.police.uk" <andy.durrant@met.pnn.police.uk>, "licensing@hackney.gov.uk" <licensing@hackney.gov.uk>

Hello David

Hope you're all well!

I am writing to you in relation to Off Broadway Ltd's (OB) creation of a beer garden to the rear of their premises at 63-65 Broadway Market. Their existing planning approval (2007/3178) specifically prevent OB using this space for such purposes - in part as the area is effecting in residential Dericote St. I do not have access to their licensing approvals to know if the same restriction affectedly applies there.

OB currently has a planning application in to use some of the area to the rear of the property as a beer garden (2021/0563). This is currently in consultation.

The responsible licensee, Mr Rupert Selby, tells us that he is allowed to use this temporary beer garden under the COVID regulations - *Business and Planning Act 2020 (c.16)*.

To the best of our knowledge, this act refers to a "*relevant highway*" directly adjacent to the premises - not non-highway land that already has a usage restriction applied to it.

Mr Selby says that he expects to have an add 40-60 covers to his capacity via use of the beer garden - but he has not confirmed how this impacts his licensing or if he has applied for any sort of licensing extension for the increased covers/area.

We have alerted Planning to the fact that the actual area being used by OB is actually more than 50% larger than what they have included in their planning application.

Attached is a diagram I submitted with my planning objection showing the areas in question - as well as some photos of the beer garden.

The area OB are currently using as a beer garden is not just the area outlined in RED, but also the YELLOW area.

They have 10 garden tables outside - 8 of which are in the yellow area omitted from their planning application.

The beer garden area goes to literally the other side of my garden fence, and has removed the ability to have the quiet enjoyment one should be entitled to on a residential street - esp on a Sunday afternoon when the market isn't on.

To provide access to the beer garden, they are currently keeping their fire doors into Dericote St held open - effectively creating a new entrance in residential Dericote St. The beer garden is in operation from 12:00 - 18:00, but the doors are open until midnight to provide access to toilets for people drinking at their front pavement tables.

(Note: staff are not wearing masks and customers are not being requested to wear masks when they go inside to use the toilets.)

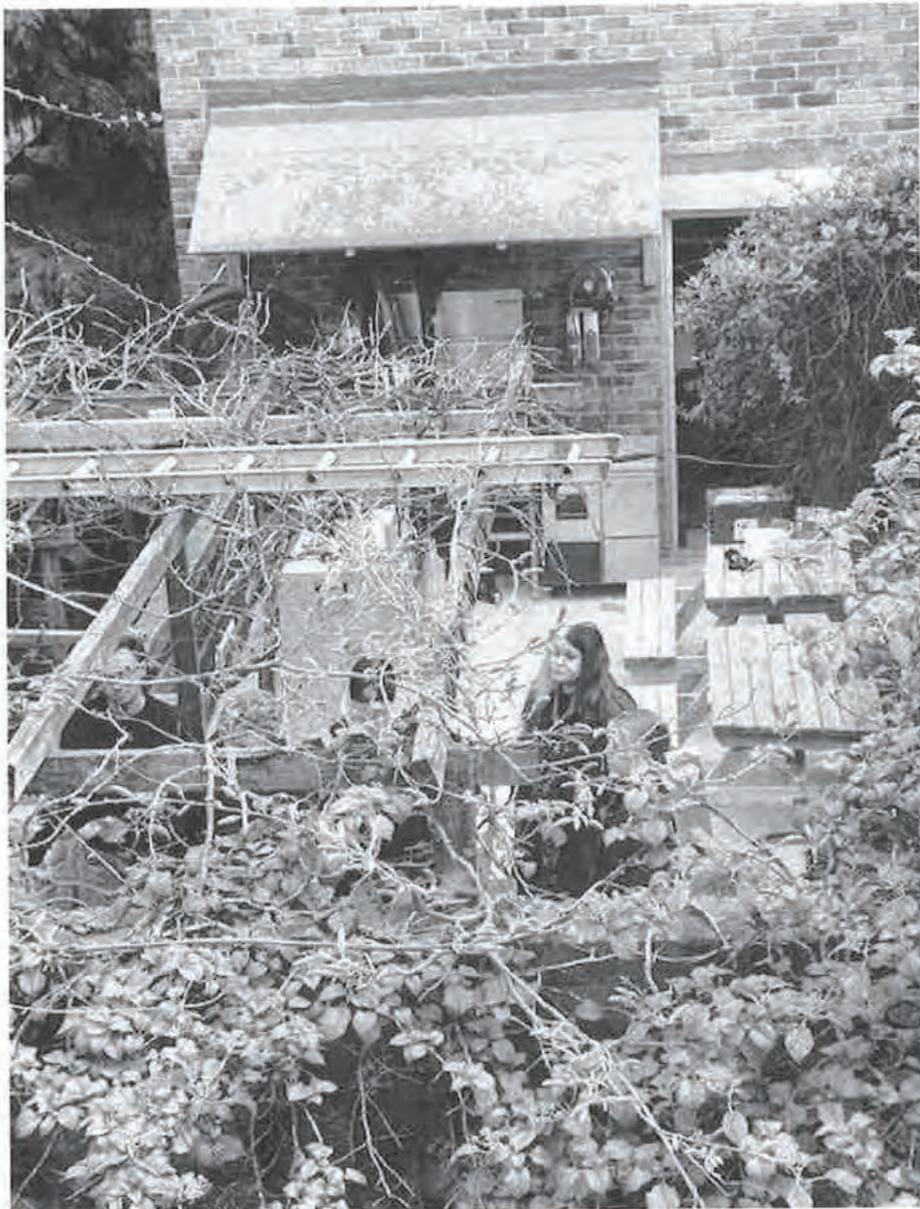
Myself and several neighbours have already raised objections in relation to the noise from the beer garden. There have also been issues in relation to people peeing in the street, general rubbish, bins left out on the street, etc.

Whilst I appreciate that most of these issues do not fall under the remit of Licensing, I'd be really grateful if you could advise if OB are actually allowed to operate the beer garden under their current license?

Additionally, does the *Business and Planning Act 2020* override the license and allow the usage?

I appreciate that it is still difficult to access some documents following last year's cyber attack, but any guidance you could provide would be much appreciated as it will help us collectively determine how best to constructively work with our neighbour.





22:29



BAROFFBROADWAY
Posts



baroffbroadway
Off Broadway



159 likes

baroffbroadway Last post didn't do the fact we have a brand new beautiful beer Garden out the back justice! So here we are...

View all 13 comments

baroffbroadway @ellanodwell no Ella it's Walk ins for now xxx

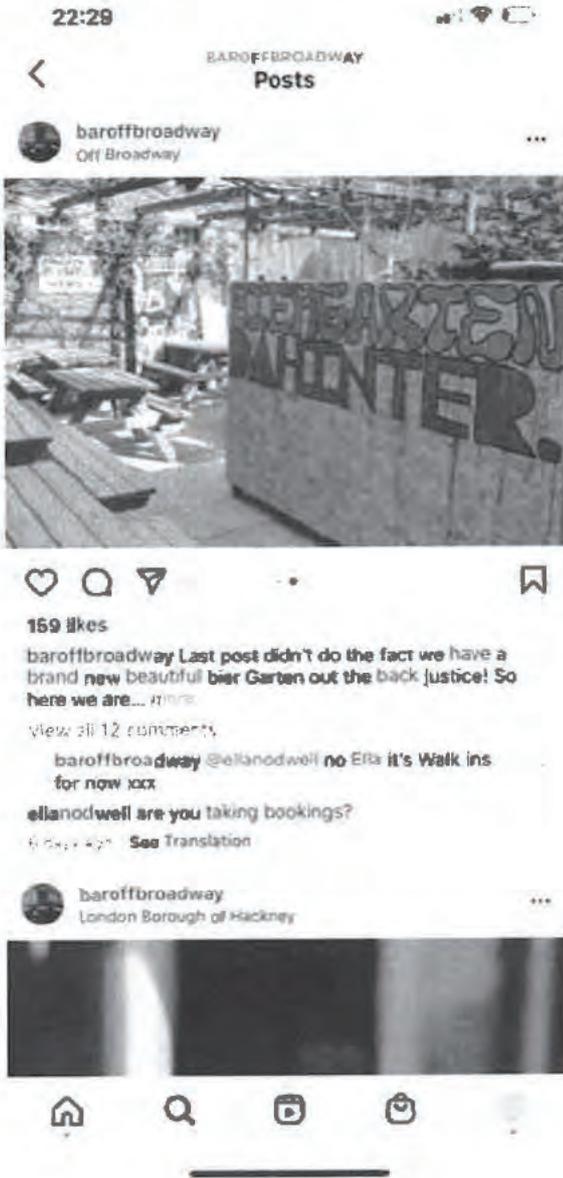
ellanodwell are you taking bookings?

See reply · See Translation



baroffbroadway
London Borough of Hackney





 2021 0563 Off Broadway - Area in Scope for Changed Usage.pdf
3705K

----- Forwarded message -----

From: **Rupert Selby** [REDACTED]
Date: Tue, 11 May 2021 at 16:02
Subject: Re: Plans
To: David Tuitt <David.Tuitt@hackney.gov.uk>

Dear Mr Tuitt

Thank-you for your email. Unfortunately some of the newer members of our community did not realise that Broadway Market is one of the busiest and loudest streets in London. Please see how Hackney Council is encouraging this (night-time) economy:

https://consultation.hackney.gov.uk/licensing/licensing-policy-consultation/supporting_documents/Evening%20and%20Night%20Time%20Economy%20%20a%20Cost%20Benefit%20Analysis.pdf

I have been here since 1974.

Please explain how I am misunderstanding the following:

Following the announcement on 25 June 2020
(<https://www.gov.uk/government/news/government-outlines-support-for-pubs-cafes-and-restaurants>) and ratified in the Business and Planning Act 2020 on 22 July 2020, specifically:

"Pubs and restaurants will be able to use car parks and terraces as dining and drinking areas, using their existing seating licenses."

In order to answer your points:

- • Created a new customer drinking and dining area

I am allowed to do this under the above act.

- • Extended the overall capacity of the premises

An obvious result of the above.

- • Added a new entrance/exit leading directly to Dericote Street

This will be closed on 21 June. Temporary measure by agreement of nearest neighbour.

Please can you come round to the bar and see all of the measures we have put in place.

Yours sincerely

Rupert Selby
Managing Director
Off Broadway

12 May 2021 at 19:42:51
62 Broadway Market
London
England
E8 4QJ
United Kingdom



MADE UNDER SECTION 15 OF
CRIMINAL JUSTICE AND POLICE ACT 1997

Date and time of notice: 12.05.2021 (19:42:51) Ref No: _____
Sale witnessed Or within last 24 hours

Name (if applicable) and address of the affected premises:
" OFF BROADWAY "
63 - 65 BROADWAY MARKET
LONDON
E8 4PH

Alleged unauthorised use of the premises:
SALE / SUPPLY OF ALCOHOL BEING CARRIED ON IN A MANNER THAT IS NOT IN ACCORDANCE WITH THE PREMISES LICENCE (REF: LB11-PRO-T-0979). NEWLY CREATED GARDEN WITHIN THE PERIMETER OF THE SITE, ADDITIONAL FIXED SEATING, ACCESS & EGRESS VIA ADELPH STREET.

Step which may be taken to end the alleged unauthorised use of the premises, or to prevent it from re-occurring:
CEASE USE OF NEWLY CREATED GARDEN AREA UNTIL SUCH TIME AS LICENCE VARIATION HAS BEEN APPROVED.

Person notice served on: HAROUN THOMSON
Position: DUTY MANAGER
Signature: _____
Officer name: DAVID TUIT
Officer signature: _____



Licensing (Shared Mailbox) <licensing@hackney.gov.uk>

Use of Beer Garden at Off Broadway

1 message

15 May 2021 at 16:30

To: "Licensing (Shared Mailbox)" <licensing@hackney.gov.uk>
Cc: David Tuit <david.tuit@hackney.gov.uk>

Dear David

I was attending off Broadway to note evidence of their breaches of Shop Front licence.
It appeared that there was a significant number of people in their beer garden and this was audible from the street.

To my knowledge they have not yet varied their licence and this is not covered by their off sales so this would represent a breach of their licence.

I would ask the Council to investigate this breach.

I noted this noise at 16.15 on the 15.5.21

Many thanks



RG/1



Licensing (Shared Mailbox) <licensing@hackney.gov.uk>

Problem Report: Off Broadway take away alcohol

1 message

15 May 2021 at 21:02

To: Hackney Council <licensing@hackney.gov.uk>

A new problem in your area has been reported by a Report A Problem user.

New problem in your area

A user of Report A Problem has submitted the following report of a local problem that they believe might require your attention.

Show full report

Reported by:

Name [Redacted]
Email [Redacted]

Replies to this message will go directly to [Redacted] the user who reported the problem.



Off Broadway take away alcohol



Category: Alcohol

Customers buying take away alcohol from Off Broadway but sitting & lingering on Dericote Street

Location:
Easting/Northing: 534543/183824
(51.537294, -0.061475)
Nearest road to the pin placed on the map (automatically generated by Bing Maps): [Redacted]



Licensing (Shared Mailbox) <licensing@hackney.gov.uk>

Problem Report: Off Broadway encouraging street drinking

1 message

16 May 2021 at 20:00

[Redacted]

To: Hackney Council <licensing@hackney.gov.uk>

A new problem in your area has been reported by a Report A Problem user.

New problem in your area

A user of Report A Problem has submitted the following report of a local problem that they believe might require your attention.

Show full report

Reported by:

Name [Redacted]
Email [Redacted]

Replies to this message will go directly to [Redacted] the user who reported the problem.



Off Broadway encouraging street drinking



Category: Alcohol

Off Broadway canopy on Dericote Street opened up on a rainy Sunday to encourage patrons to stay dry with take away alcohol and cigarettes. The tables are positioned on Broadway Market only but this canopy actively encourages alcohol to be consumer on Dericote Street

Location:

Easting/Northing: 534542/183825 (51.537306, -0.061493)
Nearest road to the pin placed on the map (automatically generated by Bing Maps): [Redacted]

[Redacted]



Licensing (Shared Mailbox) <licensing@hackney.gov.uk>

Off Broadway Ltd - issues from the weekend (LIC-ENF-2021-0007)

1 message

18 May 2021 at 22:39

To: "david.tuitt@hackney.gov.uk" <david.tuitt@hackney.gov.uk>, "andy.durrant@met.pnn.police.uk" <andy.durrant@met.pnn.police.uk>, "licensing@hackney.gov.uk" <licensing@hackney.gov.uk>

Hello David and team,

Hope you're well!

Just wanted to give you an update on the weekend issues with Off Broadway Ltd (OB).

I live at [REDACTED] We are very directly impacted by some of the current OB activities - even though we are living in what should be a quiet residential street.

I know some of the issues below may seem trivial, but together they demonstrate a lack of care and neighbourly behaviour by the responsible licensee of OB.

Outside of the beer garden issue, we encountered five other issues on the weekend:

1. People **peeing on the pavement** in the corner at the rear off OB - this is just next to my gate and an area I [REDACTED] the responsible licensee said that he would put a sign on the wall saying that the area was under CCTV. The very temporary one he did fell off weeks ago and he has not bother to replace it. I am also waiting for confirmation that his CCTV is actually working in that area as it wasn't a few weeks back when he was first opening the beer garden.
2. People **drinking outside my home** - photos taken by a neighbour.
3. **Pavement tables out until midnight**. (Neighbours have video footage of this.)
4. Groups of **people noisily loitering on the street until 1am** on Friday and Saturday night between OB and El Ganso. Some of the people in this group had been drinking at OB. (Neighbours have video footage of this.)
5. **Broken glass** on the pavement in Dericote St.

Whilst some of the above issues may not directly be from alcoholic beverages purchased from OB, the way they allow people to purchase take away beverages and drink on the street outside the venue - effectively increasing their "pavement capacity" by 2-4 times - actively encourages other people to congregate there. Basically, it acts as an extension of their bar area.

Attached is some evidence of the drinking and broken glass outside my home.

On a plus side, the inclement weather did mean that the beer garden was quieter than on sunny days. [REDACTED]

If there are any more issues this week, I'll group them together on a single email again as I know you're super busy.

Thanks,













Licensing (Shared Mailbox) <licensing@hackney.gov.uk>

Off Broadway - Enforcement LIC-ENF-2021-007

1 message

19 May 2021 at 20:18

To: licensing@hackney.gov.uk, david.tuitt@hackney.gov.uk, Andy.durrant@met.pnn.police.uk
Cc: Enforcementsupport@hackney.gov.uk

Dear All

I understand a Closure Notice has been issued against the bar Off Broadway, E8, in relation to the unlawful use of the newly created rear terrace (breaching the licence and planning conditions).

I attach a photo taken at 17:21 this afternoon showing the terrace is still being used by patrons today in spite of the closure notice.

I would be grateful if you could confirm receipt of the attached and share the details or the terms of the enforcement notice.

Kind regards



image0.jpeg
199K

**METROPOLITAN
POLICE**

Off Broadway
63-65 Broadway Market
Hackney
London
E8 4PH

CE Licensing Unit
Shoreditch Police Station
Hackney

Telephone: 07796 183078
Email: CE-Licensing@met.police.uk
www.met.police.uk

25/05/2021

Dear Mr Selby

On the evening of Saturday 22 May 2021 going into the morning of Sunday 23rd May 2021 at around 00:00 hours myself and PC Leban visited your venue and observed the following-

- 1-Two customers being served at the bar; This is a breach of current covid regulations which stipulates customers, whether indoors or outdoors, should be seated at tables for the ordering and consumption of food and drink.
- 2- Poor dispersal outside, the one member of SIA was standing inside the venue holding the door to stop anyone coming in but was failing to encourage those already left to leave the area. He had to be asked to do this by us.
- 3- During the visit it was noted that your manager Mr Matteo Vaccargiu did not have an adequate understanding of the licensing act. Without this knowledge it is difficult to see how your staff are able to uphold, promote and safeguard the four licensing objectives. Please can this be looked into to ensure all staff are aware of the Licensing Act 2003.
- 4- Breach of condition 9 of your licence in relation to CCTV as no one at the venue was able to access or operate this.
- 5- Breach of condition 16 of your licence as an incident log couldn't be located
- 6- Breach of condition 11 as customers were seen wearing such items.
- 7- Your staff also failed to provide police with a full copy of your premise licence, this needs to be kept on premises as detailed in the Licensing Act 2003 Section 57 which states

(2)The holder of the premises licence must secure that the licence or a certified copy of it and a list of any relevant mandatory conditions applicable to the licence are kept at the premises in the custody or under the control of—

(a)the holder of the licence, or

(b)a person who works at the premises and whom the holder of the licence has nominated in writing for the purposes of this subsection.

8- Another observation is that you only have part of your licence summary displayed (see picture), this is an offence against section 57 of the Licensing Act 2003 which states

The holder of the premises licence must secure that:

- *the summary of the licence or a certified copy of that summary (certified by solicitor/notary), and*
- *a notice specifying the position held at the premises by any person nominated for this purpose (the notice from the company/premises licence holder giving the manager responsibility for looking after the licence).*

Both documents must be prominently displayed in full at the premises for customers to be able to read clearly.

These issues need to be addressed and rectified. If you have any questions or seek clarification on the issues raised do not hesitate to get in contact with us.

Yours sincerely,

CE Licensing Unit

**Re: Reference Service Request LIC/ENF/2021/0007 Re:Off Broadway, Broadway Market**

1 message

29 May 2021

To: Sanaria Hussain <sanaria.hussain@hackney.gov.uk>
Cc: licensing@hackney.gov.uk

Dear Sanaria

I am attaching a video demonstrating the ongoing use of the rear of Off Broadway for the sale and consumption of alcohol, taken this afternoon. This is despite the warnings issued. Ple could you delineate the next steps in forcing Off Broadway to desist?

Best wishes

Dear Sanaria

This really is greatly appreciated.

Best wishes

On 10 May 2021, at 15:53, Sanaria Hussain <sanaria.hussain@hackney.gov.uk> wrote:

I have just been informed that a final warning letter is being sent this week before escalation to formal actions.

Let me know if you have any questions.

Kind Regards
Sanaria Hussain
Senior Licensing Officer
Hackney Service Centre
1 Hillman Street
London E8 1DY
Direct Line:020 8356 4972
Duty Line:020 8356 2431
www.hackney.gov.uk/licensing



We have launched the new Hackney Nights portal for licensees. This portal will help us rebuild a safer, stronger and more connected night time economy for everyone and give access to free training and guidance on a range of key night time economy safety issues as well as provide updates from the council.
Sign up here to receive access.

On Mon, 10 May 2021 at 13:26, Sanaria Hussain <sanaria.hussain@hackney.gov.uk> wrote:

I will look into this and get back to you.

Please bear with me.

Let me know if you have any questions in the meantime.

Kind Regards
Sanaria Hussain
Senior Licensing Officer
Hackney Service Centre
1 Hillman Street
London E8 1DY
Direct Line:020 8356 4972
Duty Line:020 8356 2431
www.hackney.gov.uk/licensing



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On Sun, 9 May 2021 at 21:47, [REDACTED]

Dear Sanaria

Thank you for your email on 20th April. Are you able to provide me with an update? I believe they are in breach of their licence conditions and the customers at the back of the business are causing significant disruption to my daily life.

Many thanks

[Redacted]

I refer to our telephone conversation yesterday in respect of your email dated 10th April 2021. Apologies for the delay in getting back to you. I can advise that a file has now been set up and a site inspection will be carried as soon as possible. We will update you in due course. In the meantime, please feel free to get in touch should you have any further queries.

Kind Regards
Sanaria Hussain
Senior Licensing Officer
Hackney Service Centre
1 Hillman Street
London E8 1DY
Direct Line:020 8356 4972
Duty Line:020 8356 2431
www.hackney.gov.uk/licensing

On 10 Apr 2021, at 22:56 [Redacted]

Dear Hackney Licensing

This licensed business has created an extension at the rear of their property, on which a first floor veranda with outdoor seating has been erected - for the purpose of having customers consume alcohol. An outdoor bar has also been created at the rear of the property.

Their existing licence is only for a handful of customers to be standing at the front of the property, on Broadway market itself. The licence is explicit that there must be no activity at the rear of the property that may disturb neighbouring private residents.

Would you be able to advise me whether it is within this business' alcohol licence to sell and serve alcohol to customers at the private rear of the property? My concern is that the sale and consumption of alcohol in an area facing residential properties is explicitly prohibited in the existing licence and will cause really significant disruption to residents.

I am most grateful for your response.

Best wishes
[Redacted]



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Disclaimers apply, for full details see: <https://hackney.gov.uk/email-disclaimer>



Foster for Hackney
Foster Care Fortnight 10-23 May 2021

Call: 0800 0730 418
Visit: www.hackney.gov.uk/fostering
Email: fostering.recruitment@hackney.gov.uk



Licensing (Shared Mailbox) <licensing@hackney.gov.uk>

Breach of Closer Motive Off Broadway Bar

1 message

[REDACTED] 29 May 2021 at 16:24



Hi all,

Please see below images of this afternoon at Off Broadway Bar.

I am current not home but the residents are obviously really annoyed and frustrated as their is much noise nuisance.

I believe they have a closer Notice currently in place to not use the Outdoor area/garden due to both breaches of there planning and licensing regulations.

I have notified the Police.







Many thanks for following this up.

Take care out there.





Licensing (Shared Mailbox) <licensing@hackney.gov.uk>

Re: Off Broadway - Enforcement LIC-ENF-2021-007

1 message

1 June 2021 at 12:07

To: "Licensing (Shared Mailbox)" <licensing@hackney.gov.uk>, David Tuitt <david.tuitt@hackney.gov.uk>, Andy.durrant@met.pnn.police.uk, "Enforcement Support (Shared Mailbox)" <Enforcementsupport@hackney.gov.uk>

Dear All

We were in our garden yesterday afternoon and could hear shouting including swear words (we are [REDACTED] [REDACTED] could quite clearly hear the language being used, so this is extremely uncomfortable when when it is clear that Off Broadway's use of the garden is in breach of both Planning conditions and their License.

From other neighbours I understand a closure notice was issued in regards to the new terrace but there seems to have been no change and the terrace is being used every day. Please could someone reply with an update to confirm the status of enforcement action?

Regards

[REDACTED]

On Sun, 30 May 2021 at 14:58, [REDACTED]

Hello

Further to my email below, the rear garden of Off Broadway is in use again today. I understand that police officers in the area addressed this breach yesterday.

In addition, I did not receive an acknowledgement reply or reference to my email below. Please could someone provide a response?

Many thanks

[REDACTED]

On 19 May 2021, at 20:18, [REDACTED]

Dear All

I understand a Closure Notice has been issued against the bar Off Broadway, E8, in relation to the unlawful use of the newly created rear terrace (breaching the licence and planning conditions).

I attach a photo taken at 17:21 this afternoon showing the terrace is still being used by patrons today in spite of the closure notice.

I would be grateful if you could confirm receipt of the attached and share the details or the terms of the enforcement notice.

Kind regards

[REDACTED]

<image0.jpeg>



Sign up here to receive access.

On Mon, 10 May 2021 at 13:26, Sanaria Hussain <sanaria.hussain@hackney.gov.uk> wrote:

[Redacted]

I will look into this and get back to you.

Please bear with me.

Let me know if you have any questions in the meantime.

Kind Regards
Sanaria Hussain
Senior Licensing Officer
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1 Hillman Street
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Sign up here to receive access.

On Sun, 9 May 2021 at 21:47, [Redacted]
Dear Sanaria

Thank you for your email on 20th April. Are you able to provide me with an update? I believe they are in breach of their licence conditions and the customers at the back of the business are causing significant disruption to my daily life.

Many thanks
[Redacted]

On 20 Apr 2021, at 14:09, Sanaria Hussain <sanaria.hussain@hackney.gov.uk> wrote:

[Redacted]

I refer to our telephone conversation yesterday in respect of your email dated 10th April 2021. Apologies for the delay in getting back to you.

I can advise that a file has now been set up and a site inspection will be carried as soon as possible. We will update you in due course.

In the meantime, please feel free to get in touch should you have any further queries.

Kind Regards
Sanaria Hussain
Senior Licensing Officer
Hackney Service Centre
1 Hillman Street
London E8 1DY
Direct Line:020 8356 4972
Duty Line:020 8356 2431
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On 10 Apr 2021, at 22:56, [Redacted]

Dear Hackney Licensing

This licensed business has created an extension at the rear of their property, on which a first floor veranda with outdoor seating has been erected - for the purpose of having customers consume alcohol. An outdoor bar has also been created at the rear of the property.

Their existing licence is only for a handful of customers to be standing at the front of the property, on Broadway market itself. The licence is explicit that there must be no activity at the rear of the property that may disturb neighbouring private residents.

Would you be able to advise me whether it is within this business' alcohol licence to sell and serve alcohol to customers at the private rear of the property? My concern is that the sale and consumption of alcohol in an area facing residential properties is explicitly prohibited in the existing licence and will cause really significant disruption to residents.

I am most grateful for your response.

Best wishes
[Redacted]


Re: Reference Service Request LIC/ENF/2021/0007 Re:Off Broadway, Broadway Market

1 message

To: Sanaria Hussain <sanaria.hussain@hackney.gov.uk>
 Cc: "Licensing (Shared Mailbox)" <licensing@hackney.gov.uk>

Dear Sanaria

This business is consistently and seriously breaking the conditions of their licence and continue to use the rear garden to serve alcohol. It continues to have a hugely detrimental impact the alcohol licence for this business be reviewed? What further action will be taken to force them to comply? This issue has now been ongoing for almost two months, and I do not cons proper to hold a alcohol licence. Is there anything us neighbours can do to help you enforce?

Best wishes

On 1 Jun 2021, at 12:19, Sanaria Hussain <sanaria.hussain@hackney.gov.uk> wrote:

We acknowledge receipt of your email and attachment.

This has been noted on our records.

Please bear with us while we are investigating this issue.

Let me know if I can be of further assistance.

Kind Regards
 Sanaria Hussain
 Senior Licensing Officer
 Hackney Service Centre
 1 Hillman Street
 London E8 1DY
 Direct Line:020 8356 4972
 Duty Line:020 8356 2431
 www.hackney.gov.uk/licensing



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On Sat, 29 May 2021 at 13:25, Oliver Tomkins <olivet.tomkins@gmail.com> wrote:
 Dear Sanaria

I am attaching a video demonstrating the ongoing use of the rear of Off Broadway for the safe and consumption of alcohol, taken this afternoon. This is despite the warnings is: could you delineate the next steps in forcing Off Broadway to desist?

Best wishes

On 10 May 2021, at 19:38,

Dear Sanaria

This really is greatly appreciated.

Best wishes

On 10 May 2021, at 15:53, Sanaria Hussain <sanaria.hussain@hackney.gov.uk> wrote:

I have just been informed that a final warning letter is being sent this week before escalation to formal actions.

Let me know if you have any questions.

Kind Regards
 Sanaria Hussain
 Senior Licensing Officer
 Hackney Service Centre
 1 Hillman Street
 London E8 1DY
 Direct Line:020 8356 4972
 Duty Line:020 8356 2431
 www.hackney.gov.uk/licensing

We have launched the new Hackney Nights portal for licensees. This portal will help us rebuild a safer, stronger and more connected night time economy for everyone and give access to free training and guidance on a range of key night time economy safety issues as well as provide updates from the council.



Licensing (Shared Mailbox) <licensing@hackney.gov.uk>

Off Broadway (LIC-ENF-2021-0007)

1 message

3 June 2021 at 12:23

To: david.tuitt@hackney.gov.uk
Cc: licensing@hackney.gov.uk

Dear David,

Thank you for all your work dealing with the problems caused by Off Broadway.

After all the warnings that this pub has received, everyone was hugely disappointed that Off Broadway chose to continue with their breach and ruin each of the three days of the bank holiday weekend.

People had been looking forward to being able to once again enjoy their own homes and gardens, this was not possible with the unlawful beer garden operating in our residential street.

This pub is causing a significant harm to nearby residents, must be a huge drain on the council's resources, and provides no public benefit. The only benefit is to the owner himself, who collects the profit from the unlawful beer garden at everyone else's expense.

When this pub first applied for planning and a licence, they strongly petitioned local residents that the premises would be an art gallery and a community hub, serving as a meeting place for the local community. The current situation could hardly be further from that. They seem determined to persistently cause a great nuisance to the local residents, and offer no benefit at all to the local community.

The customers of the unlawful beer garden are, on the whole, not local residents but people who have come into the area specifically to drink alcohol in our residential street. They are not local residents and certainly do not represent the diverse local community. To allow this to continue is to prioritise these drinkers, and the profit motive of the owner, above the wellbeing of the local people.

After these recent breaches it does seem like this pub is unwilling to be controlled by Hackney Council.

This out-of-control pub, with its unlawful beer garden, is going to be causing even greater harm as we enter the summer months.

In addition to the public nuisance being caused, this out-of-control rogue pub is setting a very bad example in the area. How can nearby competing pubs be expected to stick to their licensing terms if this rogue pub continues to operate in plain sight in this out-of-control fashion?

This pub has clearly demonstrated by its persistent and flagrant breaches of both the terms of its licence and its planning conditions, that it has no regard whatsoever for the wellbeing of its neighbours. It has been given ample opportunity to make amends and act within the law, hopefully it is possible to now put a stop to the harm it is causing.

Thank you very much for all your help with this matter.

Best wishes,



Licensing (Shared Mailbox) <licensing@hackney.gov.uk>

Fwd: Off Broadway (LIC-ENF-2021-0007)

1 message

10 June 2021 at 13:24

To: david.tuitt@hackney.gov.uk, licensing@hackney.gov.uk

Dear David,

Please see the email below with details and video evidence of further ongoing problems being caused by Off Broadway.

This pub is becoming a more serious problem and the neighbours are scared because these drunk and threatening customers of Off Broadway are not under control and any request (not unreasonable as it was past midnight on a Wednesday night) is met with aggressive and threatening behaviour.

Best wishes,

Begin forwarded message:

Subject: Off Broadway (LIC-ENF-2021-0007)**Date:** 10 June 2021 at 12:32:08 BST**To:** Daniel O'Sullivan <daniel.osullivan@hackney.gov.uk>**Cc:** Derek Fergus <derek.fergus@hackney.gov.uk>

Dear Daniel,

Thank you very much for all your help.

Unfortunately Off Broadway are still causing a problem by keeping their tables and benches out past 22:00, which is leading to people loitering late into the night.

Please see the attached video taken last night at just after midnight.

This noisy disturbance has been going on for the last three nights. When a neighbour tried to ask the bar staff about it, they said that they have no control over it - which is quite worrying. When the drinkers saw the neighbour talking to the bar staff it led to abusive and intimidating behaviour with a lot of swearing from the drinkers towards the neighbour who cannot sleep through this noise.

Whilst this neighbour was brave enough to try and politely resolve the issue, there are a lot of other affected neighbours who are too scared to try and do anything about this situation that is having such a hugely detrimental impact on their lives. It's not pleasant to be faced with such threatening and abusive behaviour right outside your home - "I don't give a f**k about you. And I don't give a f**k about your neighbours" was repeatedly said by one of the drinkers. This confrontational and threatening behaviour is worrying enough, but the real fear is that if nothing is done about this pub then this behaviour could escalate to something much more serious.

This pub is clearly still in breach of its shop fronts licence and is clearly failing to satisfy the premises licensing objectives despite all the warnings they have had.

I hope this evidence is useful in helping to support your case.

Thank you,

 **VIDEO-2021-06-10-08-10-08.mp4**
3435K



Licensing (Shared Mailbox) <licensing@hackney.gov.uk>

Off Broadway (LIC-ENF-2021-0007)

1 message

10 June 2021 at 15:11

To: david.tuitt@hackney.gov.uk, steven.davison@hackney.gov.uk, andy.durrant@met.pnn.police.uk
Cc: licensing@hackney.gov.uk, Daniel O'Sullivan <daniel.osullivan@hackney.gov.uk>

Dear David and colleagues,

Following my email earlier today to licensing (below), I'd like to submit this evidence, which gives some idea of why the neighbours are so scared.

Prior to last night's complaints to the bar staff from a neighbour, Off Broadway had not posted on their Instagram account since 17th May 2021. Since the complaint, and all the threatening abuse from Off Broadway's customers, Off Broadway have decided to update their Instagram account the very next day with a post which it is hard not to see as a threat (post attached below).

To explain the context of Off Broadway's message - the Mitchell brothers were mostly known for their violent and threatening behaviour, this is the description from wikipedia:

"Of the two brothers Grant was the more volatile, but both had a sense of physical danger about them, and both displayed stereotypical masculinity, thuggish behaviour and a tendency to resolve problems through violence."

I have also included a post from the instagram account of one of these customers [REDACTED] showing him and his gang drinking on Dericote St.

Some of the neighbours have already said that they are too scared to give their names to the authorities. People are scared by the threatening behaviour, and fearful of potentially violent repercussions to them and their families.

Off Broadway have crossed over from causing a nuisance and affecting people's quality of life to a position of threatening people, and putting us all in a state of genuine worry about our properties and our safety.

Thank you,

[REDACTED]

Begin forwarded message:

[REDACTED]
Subject: Fwd: Off Broadway (LIC-ENF-2021-0007)
Date: 10 June 2021 at 13:24:23 BST
To: david.tuitt@hackney.gov.uk, licensing@hackney.gov.uk

Dear David,

Please see the email below with details and video evidence of further ongoing problems being caused by Off Broadway.

This pub is becoming a more serious problem and the neighbours are scared because these drunk and threatening customers of Off Broadway are not under control and any request (not unreasonable as it was past midnight on a Wednesday night) is met with aggressive and threatening behaviour.

Best wishes,

Begin forwarded message:

Subject: Off Broadway (LIC-ENF-2021-0007)

Date: 10 June 2021 at 12:32:08 BST

To: Daniel O'Sullivan <daniel.osullivan@hackney.gov.uk>

Cc: Derek Fergus <derek.fergus@hackney.gov.uk>

Dear Daniel,

Thank you very much for all your help.

Unfortunately Off Broadway are still causing a problem by keeping their tables and benches out past 22:00, which is leading to people loitering late into the night.

Please see the attached video taken last night at just after midnight.

This noisy disturbance has been going on for the last three nights. When a neighbour tried to ask the bar staff about it, they said that they have no control over it - which is quite worrying. When the drinkers saw the neighbour talking to the bar staff it led to abusive and intimidating behaviour with a lot of swearing from the drinkers towards the neighbour who cannot sleep through this noise.

Whilst this neighbour was brave enough to try and politely resolve the issue, there are a lot of other affected neighbours who are too scared to try and do anything about this situation that is having such a hugely detrimental impact on their lives. It's not pleasant to be faced with such threatening and abusive behaviour right outside your home - "I don't give a f**k about you. And I don't give a f**k about your neighbours" was repeatedly said by one of the drinkers. This confrontational and threatening behaviour is worrying enough, but the real fear is that if nothing is done about this pub then this behaviour could escalate to something much more serious.

This pub is clearly still in breach of its shop fronts licence and is clearly failing to satisfy the premises licensing objectives despite all the warnings they have had.

I hope this evidence is useful in helping to support your case.

Thank you,

3 attachments



Instagram 10June21.pdf
4558K



Instagram 1.pdf
1720K



VIDEO-2021-06-10-08-10-08.mp4
3435K



Licensing (Shared Mailbox) <licensing@hackney.gov.uk>

Off Broadway (LIC-ENF-2021-0007)

1 message

14 June 2021 at 12:50

To: Daniel O'Sullivan <daniel.osullivan@hackney.gov.uk>, david.tuitt@hackney.gov.uk
Cc: Derek Fergus <derek.fergus@hackney.gov.uk>, licensing@hackney.gov.uk, steven.davison@hackney.gov.uk

Hi Daniel and David,

Thank you very much for all your help.

I definitely won't trouble you with daily updates, but I thought this video might be useful evidence.

It was filmed just before midnight on Friday (11th June 2021); it shows:

- Off Broadway continuing to breach their shop front licence by leaving their tables out past 22:00 and letting their customers use them.
- The problems caused by Off Broadway's off-sales.
- Off Broadway's complete (and admitted) lack of control over their customers, and no effort being made to stop them causing a public nuisance.

Off Broadway's behaviour is causing regular public disorder at the end of residential Dericote St. This happened every night last week.

Off Broadway are transforming this area, which is full of families with young children and also older people who have lived here for decades, into a notorious attraction for raucous and drunken behaviour, and whenever residents try to talk to Off Broadway's staff they admit that the situation is beyond their control and are also met with hostility and abuse from the customers.

In the end residents had no choice but to call the police, the threat of the police coming was finally enough to move them away from Dericote St.

I know you are working very hard to make things better, hopefully this evidence will help.

Thank you,

 **Video OB 11th June 21.mp4**
5535K

LIC-ENF-2021-0007 - Complaint about Off Broadway, 10 June 2021

1 message

20 June 2021 at 11:12

To: "licensing@hackney.gov.uk" <licensing@hackney.gov.uk>, "david.tuitt@hackney.gov.uk" <david.tuitt@hackney.gov.uk>, "andy.durrant@met.pnn.police.uk" <andy.durrant@met.pnn.police.uk>

Dear Andy, David & other Licensing/Enforcement colleagues,

See attached latest video evidence of further breaches of licensing by Mr Selby and Off Broadway. The previous two nights it was the same issue.

Residents are having to make repeated complaints, over a period of months and years, about clear breaches of licence, noise, ASB late at night. It's taking hundreds of hours of your and our time. And it's costing us as rate payers/tax payers (while OB and other businesses have a business rates freeze due to covid).

(After this email, I will send a 2nd email/video from 2 days later, of even louder & later noise & anti-social behaviour, which went on between 11pm and 2am.)

Licensing Breaches on 10 June:

1. It is after midnight, and here is video evidence of the bar open and tables out.

2. At end of video, evidence of still serving drinks.

3. Noise/nuisance. No security during week nights, or efforts to control anti-social behaviour. Evidence of one customer playing a loud, hand-held amplified sound system. The noise was sufficient to wake me from sleep in my bedroom around 80 metres away. I got out of bed and went down the street asked the staff politely what they were doing staying open 2 hours after their license. They said "Sorry, we can't control it, we don't have any security staff and we can't get them to stop. We can't make them leave."

4. Anti-social behaviour. When I was seen talking to staff, several drink or drug-affected customers approached me. They shouted that "you shouldn't have moved in here if you didn't want this". I briefly pointed out that most of the residents on the street had lived there for many decades longer than this bar, or most of the other many licensed premises on the top part of the market). And that me and my family, and many other residents were terribly affected by this late night noise in a residential area. I explained there were numerous elderly neighbours who were badly affected. I mentioned one elderly neighbour in his 70s who had severe cancer, had recently lost his wife and was repeatedly disturbed. Another lady in her 70s with anxiety and sleeping problems whose life was a misery due to the bar. A well-spoken and well-dressed male customer shouted at me, "I don't give a f*** about you and I don't give a f*** about your neighbours...I don't give a f*** about you and I don't give a f*** about your neighbours".

It's a real community on these streets. Kind considerate neighbours who care for each other and the community. Off Broadway wants no part of this and has a proven track record of persistently breaking the terms of their license. We all like to have a good time, and sometimes make some noise, or have a party. But the issue is that this isn't once in a while - it's every week: whether it's building and operating a 'beer garden' without license or considering the extreme disruption to neighbours, getting customers paralytically drunk and vomiting/shouting/partying, permanently staining the paving on Dericote Street with heavy waste grease, loud amplified music either from within the bar or from customers on sound systems, fire door or safety exit breaches, dangerous wiring, serving and leaving out tables in breach of licence or not controlling ASB, or - above all - frequent loud noise of drink or drug affected customers partying on our street hours past closing time.

It's part of a wider issue. The Council has now issued licenses to I think around 15 premises on the top section of Broadway Market alone - it is clearly over-saturated, and the consequences in terms of late night drunk behaviour in the Market and in the London Fields park is inevitable and a persistent public nuisance, and high cost in terms of security, enforcement and policing.

The attitude of the OB management too all this, is simply rude and utterly dismissive of residents, denigrating them, denying the evidence, and just doing it again. And they - and their customers - can come in and make/spend their money, then go home - and leave us as residents with all the impacts.

Thanks for your work on this particular Off Broadway case, and the wider challenge.

Best regards,

129
[Redacted]
Sent from my iPhone

 **IMG_1050.MOV**
1704K

2nd complaint (this week, that is): LIC-ENF-2021-0007 - Off Broadway, 12 June 2021

1 message

20 June 2021 at 11:20

To: "licensing@hackney.gov.uk" <licensing@hackney.gov.uk>, "david.tuitt@hackney.gov.uk" <david.tuitt@hackney.gov.uk>, "andy.durrant@met.pnn.police.uk" <andy.durrant@met.pnn.police.uk>

Dear All,

Another complaint/breach by Off Broadway, 12 June 2021.

2nd video from 0.45am from two nights after my previous email/video.

Between 11pm and 1am there was raucous, large drunken crowd and extreme noise/sound system outside Off Broadway bar.

Breach of licence hours. Breach of noise levels with no efforts by bar to control noise or disperse crowd. At the time of this video the Bar had closed its shutters but many of the crowd are its customers.

The police had been called so the party moved to London Fields where it continued after 2am (also equally disturbing in noise and ASB to local residents as we live next to both BM and LF).

Best regards,

On 20 Jun 2021, at 11:12,

Dear Andy, David & other Licensing/Enforcement colleagues,

See attached latest video evidence of further breaches of licensing by Mr Selby and Off Broadway. The previous two nights it was the same issue.

Residents are having to make repeated complaints, over a period of months and years, about clear breaches of licence, noise, ASB late at night. It's taking hundreds of hours of your and our time. And it's costing us as rate payers/tax payers (while OB and other businesses have a business rates freeze due to covid).

(After this email, I will send a 2nd email/video from 2 days later, of even louder & later noise & anti-social behaviour, which went on between 11pm and 2am.)

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1. It is after midnight, and here is video evidence of the bar open and tables out.
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Thanks for your work on this particular Off Broadway case, and the wider challenge.

Best regards,



RESPONSIBLE AUTHORITY REPRESENTATION: APPLICATION UNDER THE LICENSING ACT 2003

RESPONSIBLE AUTHORITY DETAILS

NAME OF AUTHORITY	Metropolitan Police service
ADDRESS OF AUTHORITY	Licensing Unit, Stoke Police Station 33 Stoke Newington High Street London N16 8DS
CONTACT NAME	PC 3691CE Kerrie RYAN
TELEPHONE NUMBER	07796 183078
E-MAIL ADDRESS	hackneylicensing@met.police.uk

APPLICATION PREMISES

NAME & ADDRESS OF PREMISES	Off Broadway 63-65 Broadway Market London E8 4PH
NAME OF PREMISES USER	Rupert SELBY & Stephen SELBY

COMMENTS

I make the following relevant representations in relation to the above application to vary the Premises Licence at the above address.

- 1) the prevention of crime and disorder ◆
- 2) public safety ◆
- 3) the prevention of public nuisance ◆
- 4) the protection of children from harm

Representations (which include comments and/or objections) in relation to:

Police make the following representations in relation to the application for a review on the Premises Licence at OFF BROADWAY, 63-65 BROADWAY MARKET, LONDON, E8 4PH for the following reason(s);

This statement summarises numerous visits made by police to the premises over the past 9-10 months. There have been numerous other visits in between these where police have continued to engage with the staff and management over various issues, including customers drinking outside on the street and more recently social distancing and breaches of COVID legislation.

In July 2020 England saw the re-opening of pubs, bars and restaurants after the National Lockdown. During this period police observed enormous crowds in Broadway Market outside the licensed premises, but especially Off Broadway. Police licensing officers repeatedly engaged with the staff and management to request that they pro-actively encourage social distancing, but very little was done. The following months had several changes in COVID legislation, rules and restrictions, which were followed up by regular updates from police and local authority officers.

The second national lockdown ended in November 2020, after which the following visits were conducted by police;

On 25th August 2020, police submitted representations in relation to a pavement licence application submitted by the premises for an area nearby, this was on the grounds that we had regularly seen overcrowding and drinking on the streets and the granting of this licence would be likely to encourage the continuation of this behaviour.

5th November 2020 (Also the start of 2nd Lockdown) – Police licensing officers visited the venue and observed lots of customers from Off Broadway drinking in the street and a lack of social distancing.

On 20th November 2020 – Police Licensing Officers attended and issued a Prohibition Notice for the issues observed on the previous visit on 5th November and up to this date.

22nd November 2020 at 1820hrs, again Police Licensing Officers visited and observed the breaching of the Prohibition Notice. The manager was challenged on this, and he stated that he was aware, and would be putting different measures in place the following day. He told police that he didn't have sufficient staff to enforce it tonight.

On 30th November 2020 police licensing officers attended and again witnessed COVID breaches. Police engaged with the management of the premises, stating that we wished to see an improvement.

On 19th December 2020 (Tier 4 restrictions announced and coming into force on 21st December 2020) police licensing officers visited the premises and again witnessed COVID breaches in relation to social distancing, no QR codes and customers not pre-ordering alcohol, but buying direct through the window.

The following few months then saw tougher restrictions as the government brought the 4 Tier System into force.

However, on 27th March 2021, police attended the premises and discussed with the management, the need for improvement around social distancing, overcrowding outside and large queues. A request for their COVID risk assessment was also submitted.

On 17th April 2021 at approximately 1535hrs, police licensing officers visited the premises again and spoke with management. During the visit it was observed that the rear garden was being used to accommodate customers, some of which were obviously sat in groups larger than 6, contrary to COVID legislation and there was very little social distancing being practiced or enforced.

On 11th May 2021, police licensing officers received a letter of complaint from a local resident in relation to the crowds, the high noise levels and the lack of actions around dispersal from the staff and management of the premises.

On 22nd May 2021, this was observed by police licensing officers who conducted a visit and saw crowds drinking outside again – despite being told about it numerous times previously, poor dispersal and the lack of a COVID Risk Assessment on the premises.

This visit was followed up by a warning that was sent on 28th May 2021. Previous to this though, police made a telephone call to Mr Rupert SELBY to discuss the issues with him to co-ordinate a plan of action and/ or assist with matters of concern. During this phone call Mr SELBY was rude and argumentative and refused to engage with police, stating that he would just wait for the warning letter.

Police feel that every effort has been made to engage with the venue and discuss our concerns, but have seen little to no improvement. There has been constant non-compliance with COVID legislation and no action taken by the premises despite several warnings. Police feel that the operator has no regard for the promotion of the licensing objectives and the operation has had a negative impact on the local area and residents.

The above representations are supported by the following evidence and information.

Personal Knowledge. Conducting visits at the premises.

Are there any actions or measures that could be taken to allay concerns or objections? If so, please explain.

Signed
PC 3691CE RYAN
(By E-mail)

Name (printed)



This premises licence has been issued by:
 Licensing Service
 1 Hillman Street
 London
 E8 1DY

Premises licence number LBH-PRE-T-0979

Part 1 - Premises Details

Postal address of premises, or if none, ordnance survey map reference of description

Off Broadway
 63-65 Broadway Market

Post town

London

Postcode

E8 4PH

Telephone number

Where the licence is time limited the dates

Not applicable

Licensable activities authorised by the licence

Plays
 Films
 Recorded Music
 Supply of Alcohol

The times the licence authorises the carrying out of licensable activities

Plays

Standard Hours

Mon 10:00-23:00
 Tue 10:00-23:00
 Wed 10:00-23:00
 Thu 10:00-23:00
 Fri 10:00-23:00
 Sat 10:00-23:00
 Sun 10:00-23:00

Films

Standard Hours

Mon 10:00-23:00
 Tue 10:00-23:00
 Wed 10:00-23:00
 Thu 10:00-23:00
 Fri 10:00-23:00
 Sat 10:00-23:00
 Sun 10:00-23:00

Recorded Music**Standard Hours**

Mon 10:00-23:00
Tue 10:00-23:00
Wed 10:00-23:00
Thu 10:00-23:00
Fri 10:00-23:00
Sat 10:00-23:00
Sun 10:00-23:00

Supply of Alcohol**Standard Hours**

Mon 10:00-00:00
Tue 10:00-00:00
Wed 10:00-00:00
Thu 10:00-00:00
Fri 10:00-00:00
Sat 10:00-00:00
Sun 10:00-00:00

The opening hours of the premises**Standard Hours:**

Mon 09:00-00:00
Tue 09:00-00:00
Wed 09:00-00:00
Thu 09:00-00:00
Fri 09:00-00:00
Sat 09:00-00:00
Sun 09:00-00:00

Where the licence authorises supplies of alcohol whether these are on and/or off supplies

On Premises

Part 2

Name, (registered) address, telephone number and email (where relevant) of holder of premises licence

Mr Stephen Selby
63-65 Broadway Market
London
E8 4PH

And;

Mr Rupert Selby
63-65 Broadway Market
London
E8 4PH

Registered number of holder, for example company number, charity number (where applicable)

N/A

Name, address and telephone number of designated premises supervisor where the premises licence authorises the supply of alcohol

Mr Byron Knight

Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises the supply of alcohol

Date of grant: 04/11/2008

**David Tuitt
Team Leader - Licensing**

Annex 1 - Mandatory Conditions Supply Of Alcohol (On/Both)

1. No supply of alcohol may be made under the premises licence:
 - (a) At a time when there is no designated premises supervisor in respect of the premises licence.
 - (b) At a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.
2. Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.
3. (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
(2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises -
 - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to;
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
 - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
 - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
 - (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner.
 - (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).
4. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
5. 5.1. The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sales or supply of alcohol.

5.2 The designated premises supervisor in relation to the premises licences must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.

5.3. The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either:-

- A. a holographic mark or
- B. an ultraviolet feature.

6. The responsible person shall ensure that:

a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures:

- beer or cider: 1/2 pint;
- gin, rum, vodka or whisky: 25ml or 35ml; and
- still wine in a glass: 125ml; and

a. these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and

b. where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

Minimum Drinks Pricing

7. 7.1 A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

7.2 For the purposes of the condition set out in paragraph 7.1 above -

(a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;

(b) "permitted price" is the price found by applying the formula - $P = D + (D \times V)$ Where -

(i) P is the permitted price,

(ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and

(iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;

(c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence -

(i) the holder of the premises licence,

(ii) the designated premises supervisor (if any) in respect of such a licence, or

(iii) the personal licence holder who makes or authorises a supply of

alcohol under such a licence;

(d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and

(e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.

7.3 Where the permitted price given by Paragraph 8.2(b) above would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub- paragraph rounded up to the nearest penny.

7.4 (1) Sub-paragraph 7.4(2) below applies where the permitted price given by Paragraph 7.2(b) above on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.

(2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

Exhibition Of Films

8. Admission of children (under 18) to the exhibition of any film must be restricted in accordance with: -

(a) Recommendations made by the film classification body where the film classification body is specified in the licence, or

(b) Recommendations made by the licensing authority where the film classification body is not specified in the licence, or the relevant licensing authority has not notified the holder of the licence that this subsection applies to the film in question.

"film classification body " means person(s) designated under s4 of the Video Recordings Act 1984(c.39).

Mandatory Condition - Door Supervision

9.Each individual who is to carry out a security activity at the premises must be licensed by the Security Industry Authority.

Annex 2 - Conditions consistent with the Operating Schedule

9. The premises shall maintain a comprehensive CCTV system as per the minimum requirements of a Metropolitan Police Crime Prevention Officer. 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 the Police or authorised officer. 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 are open to the public. This staff member shall be able to show Police recent data or footage with the absolute minimum of delay when requested.
10. The venue will operate a Challenge 25 policy.
11. Premises to operate a no baseball caps or hooded tops policy and no alcohol promotions eg Happy hour or 2 for 1.
12. The amount of people coming outside the venue to smoke to be limited by appropriate means to prevent people spilling onto a thoroughfare.
13. Premises to operate a zero tolerance policy to drugs and comply with the Hackney Police/ Hackney Council Community Safety Unit Drugs and Weapons Policy
14. The premises will also, in cooperation with Hackney Police and no later than 3 months following granting of the premises licence, regularly facilitate a premises drug audit using the iron itemiser or similar device.
15. Notices to be displayed at exits requesting patrons respect the needs of local residents and leave the premises and the area quietly.
16. An incident log shall be kept at the premises, and made available immediately to an authorised officer of the Hackney Borough Council or the Police, which will record the following: (a) all crimes reported to the venue (b) all ejections of patrons (c) any complaints received (d) any incidents of disorder (e) seizures of drugs or offensive weapons (f) any faults in the CCTV system or searching equipment or scanning equipment (g) any refusal of the sale of alcohol (h) any visit by a relevant authority or emergency service. (i) SIA booking on - off times / Full Badge number / contact phone number..
17. Security (SIA licensed door supervisors) is to be considered on a continual basis, on Friday and Saturday one (1) SIA will be employed from 2100 Hours at a ratio of one (1) SIA per one hundred (100) customers or part thereof until close. They will remind customers to be courteous and quiet when leaving the premises.
18. Children to be accompanied by an adult at all times.

19. An acoustic report to be produced to detail works that need to be completed to ensure the property does not cause noise nuisance to nearby neighboring residential properties: such report to be received and approved by the pollution team before regulated entertainment is permitted on the premises.

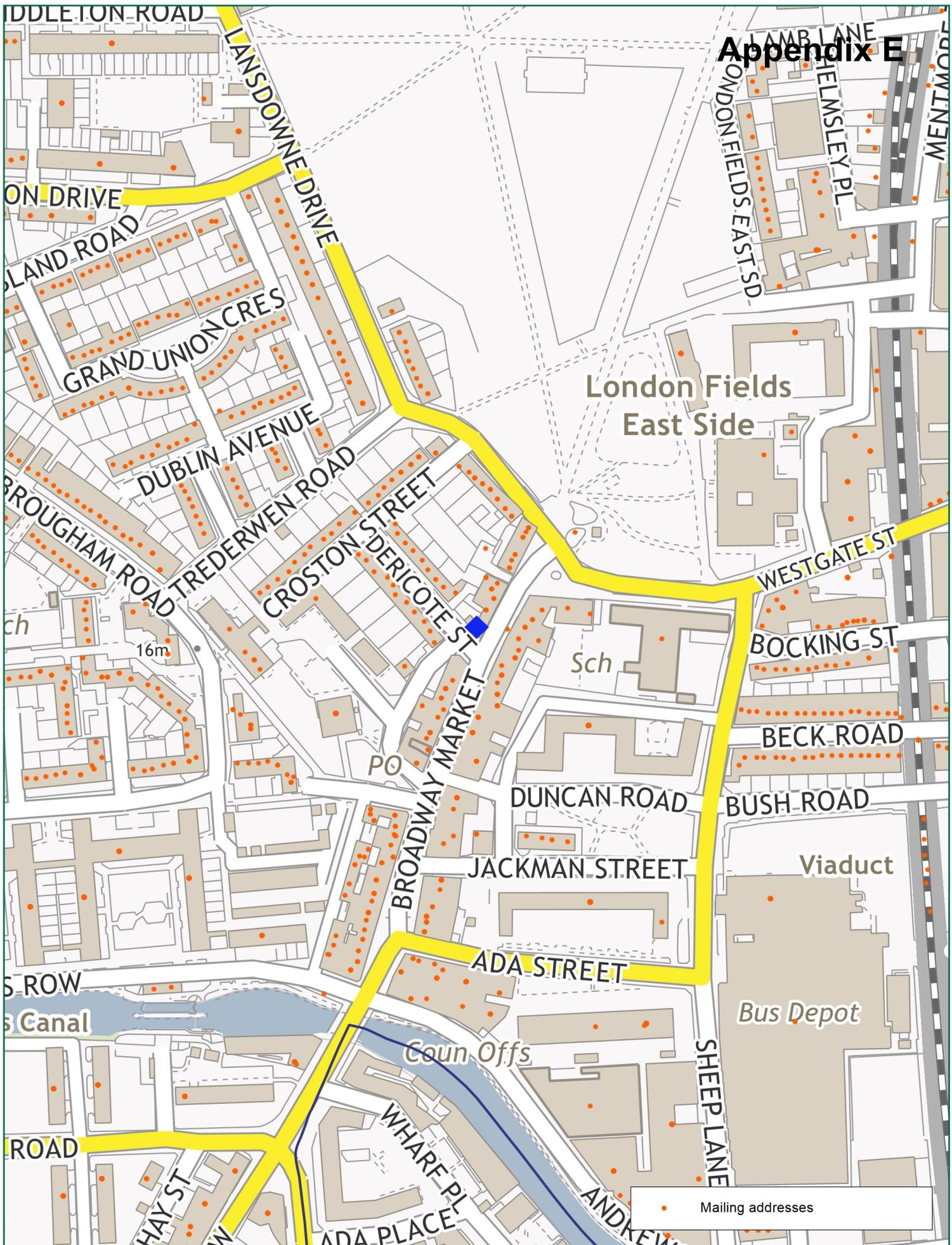
20. A defined space, no less than two metres, be made available at the front of the premises in order to allow no more than 4 patrons to congregate and smoke.

21. The capacity of the basement shall be limited to no more than 40 patrons at any one time.

Annex 3 - Conditions attached after a hearing by the licensing authority
Not Applicable

Annex 4 - Plans

PLAN/LBH-PRE-T-0979/TBC



 NORTH

Scale: 1:2500 at A4

 Hackney

Off Broadway, 63-65 Broadway Market, E8 4PH

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Wednesday, January 12, 2022	email:	