

DRAFT MINUTES OF THE MEETING OF LICENSING SUB COMMITTEE E

TUESDAY 7 DECEMBER, 14:00 HOURS

THIS MEETING WAS LIVE STREAMED AND CAN BE VIEWED AT:

<https://youtu.be/GasuhXt7Eag>

Councillors Present: Councillor Anya Sizer (agenda item 6 only),
Councillor Peter Snell (Chair) and Councillor
Penny Wrout (substitute)

Officers in Attendance: Amanda Nauth - Licensing and Corporate Lawyer
Suba Sriramana - Acting Principal Licensing Officer
Gareth Sykes - Governance Services Officer

Also in Attendance: **Item 6 Blondies**
Applicant:
Licensee Business Partner - Sharmaine Cox
Agent - Liam O'Hare
Noise Consultant - Richard Vivian

Responsible Authority:
Police Constable David Atkins

Other persons:
Councillor Ian Rathbone
Jett Glozier
Jenny Preston

Item 7 Browns
Applicant
Legal Representative - David Dadds

Responsible Authority:
Police Constable Neal Hunwick

1. Election of Chair

- 1.1 Councillor Snell was duly elected to Chair the meeting.

NOTED

2. Apologies for Absence

- 2.1 There were no apologies for absence.

NOTED

3. Declarations of Interest

- 3.1 Councillor Wrout declared an interest: the Councillor was on the Board of Trustees for Shoreditch Town Hall. Councillor Sizer declared an interest: the TEN at agenda item 6 was in the Councillor's ward. Councillor Sizer would withdraw from the meeting at the start of agenda item 6.

NOTED

4. Minutes of the Previous Meeting

- 4.1 There were no Licensing Sub-Committee meeting minutes for approval at the meeting.

NOTED

5. Licensing Sub Committee Hearing Procedure

- 5.1 Councillor Snell outlined hearing procedure type A to all the meeting participants, as set out in the published agenda pack.

NOTED

6 Application to Vary a Premises Licence: Blondies 205A Lower Clapton Road, E5 8EG

- 6.1 Subangini Sriramana, Acting Principal Licensing Officer introduced the report in respect of an application for a variation on a premises licence made by Blondies 205A Lower Clapton Road, E5 8EG. The Licensing Sub-Committee noted that only the Police, as the Responsible Authority, had made a representation on the grounds of prevention of crime and disorder and the prevention of public nuisance.

- 6.2 The Sub-Committee noted that additional information from the applicant and responsible authorities had been circulated and published.
- 6.3 Mr Liam O'Hare, the agent for the applicant, made a brief submission in support of the application. Mr O'Hare confirmed that this application was different to a previous application that had been submitted, it contained 14 new conditions.
- 6.4 The Authorities, the police, spoke next and were represented by Police Constable David Atkins. He briefly outlined the reasons for their submission and why they were opposed to the application on the variation on the premises licence.
- 6.5 In response to queries raised by the Sub-Committee, Police Constable Atkins voiced concerns about smokers outside the front of the premises because of the tendency for people to congregate in crowds outside. He acknowledged that the premises had run several Temporary Event Notices (TENs) in the past without incident. Police Constable Atkins highlighted a recent incident, that occurred two weeks ago, where a number of people were congregating outside the premises in the early hours of the morning.
- 6.6 Other persons, represented by Hackney Councillor Ian Rathbone and Ms Jenny Preston, who raised concerns about the application and its potential impact on local residents and the community.
- 6.7 During the discussion phase of the Licensing Sub-Committee meeting a number of points were raised including the following:
- The agent for the applicant confirmed that the incident mentioned by the Police from two weeks ago was a Halloween event. Since that incident security measures had been improved
 - The Noise Consultant gave a brief overview about the installation of a sound limiter on the premises. They reputed an earlier claim that the premises was in a tranquil backwater of the borough, there was a lot of sound emanating from, for example, traffic
 - The agent confirmed that the rear of the premises would be closed at 21:00 hours
 - The installation of the limiter was done so by condition at a level agreed with the relevant Hackney Council Officer
 - The agent for the licensee gave a brief overview of the safety initiatives that the venue had in place for women customers and staff, for example 'Ask for Angela'
 - The venue was an intimate rock bar staffed by a dedicated team who had all undertaken staff induction training. The agent added that the licensee was looking to enhance some of the measures already in place e.g Challenge 25
 - The Sub-Committee members suggested a trial period for extending the opening hours on Thursdays, however, the Legal Officer added that a trial period was not a condition that was part

of the application. Mr O'Hare added that a 1:00am closing time on Thursdays was early for a licensing premises in the Borough

- The other persons spoke of how in the past there had been lack of trust between the venue and local residents. The residents had contacted the venue to complain about the noise no one had answered the phone
- Live music at the venue would finish at 22:00hours and would only be held in the early part of the week and any live sets were only 45 minutes long and were run twice only in the same evening
- The Sub-Committee members noted that the Limitator was not a catch all device
- The agent for the licensee welcomed the idea of bi-monthly meetings between the licensee and local residents. Contact details for the venue could be given to local residents to address any immediate concerns
- Mr O'Hare explained that the venue's dispersal policy was a 'live' document that could be improved if need be. The frequency of the meetings with local residents would be changed according to the availability of local residents. The licensee's attendance at these meetings would be compulsory
- The capacity for the premises would be 55 persons
- Non-Standards Hours would be removed from the application.

6.8 In their closing statement the other persons felt that some of their concerns had been addressed by Mr O'Hare and Mr Vivian and the local residents were keen to continue to work with the venue to address any issues.

6.9 In their closing statement the Police Constable Atkins reiterated the points he had made earlier about the incident that had occurred at the venue two weeks ago and issues around customers congregating outside the front of the premises.

6.10 Mr O'Hare reiterated the number of the conditions that the licensee had agreed to e.g. more detailed dispersal and as well as their efforts to work more closely with the local residents and the Police.

The decision

The Licensing Sub-Committee in considering this decision from the information presented to it within the report and at the hearing today has determined that having regard to the promotion of all the licensing objectives:

- The prevention of crime and disorder;
- Public safety;
- Prevention of public nuisance; and
- The protection of children from harm,

the application to vary a premises licence has been partially approved in accordance with the Council's Statement of Licensing Policy and the proposed conditions set out in paragraph 8.1 of the report, with the following amendments:

- Remove non-standard hours from the application.
- Condition 17 on the licence shall be amended and read as follows:

“The sound limiting device shall be used at all times that regulated entertainment is taking place. No regulated entertainment shall be provided at the premises unless /until a sound limiting device has been installed to the satisfaction of the Council's Pollution Team”.

And additional conditions:

- The Licensee shall hold and publicise liaison meetings with local residents every 2 months to attempt to address any concerns or complaints.
- The maximum number of smokers permitted at the front of premises at any one time shall not exceed 12 persons.
- At least one SIA registered door supervisor/s shall be employed at the premises from 21:00hrs on Thursday to Saturdays. Additional SIA door supervisors shall be employed on an operational risk assessment basis. All door supervisors shall enter their full details in the premises daily register at the commencement of their work. They shall record their full name, their SIA registration number and the times they commence and conclude working. If the door supervisor is provided by an agency, the name, registered business address and contact telephone number will also be recorded. This register will be made available to police or other authorised officers upon request.
- All doors shall remain closed at all times when regulated entertainment is taking place.
- There will be no drinks at the front of the premises after the tables have been taken in at 2200hrs.
- There shall be use of the outside space after 2200hrs.
- The premises shall have a written dispersal policy. This policy will include the duties of staff and/or SIA to disperse patrons towards the nearest public transport hub quickly and quietly.
- Blondie operate "Ask Angela" and will further commit to all Welfare and Vulnerability Engagement Training as developed by Met Police, Safer Sounds & Safer Business Network Blondies is a signatory of the Mayor of London's

Women's Night Safety Charter and will engage in all programs dedicated to reducing crime against women.

- Door supervisors and other members of staff verbally request customers as they exit the premises to leave quietly and respect local residential neighbours.
- All bar staff who are engaged or employed as cashiers will receive formalised training in the sale of age restricted products and training records evidencing such training will be kept and maintained in the bar available for inspection by a representative of the statutory authorities for not less than 2 years. Such training is to be refreshed at intervals not exceeding twelve months.
- Where a person appears to be under the age of 25. Identification in the form of a passport, photo driving licence or a proof of age card bearing the PASS hologram will be sought and if not provided, service of alcohol shall be refused.
- Prominent, clear notices shall be displayed at the point of entry to the premises and in a suitable location at any points of sale indicating that where a person appears to be under the age of 25, identification will be sought and if not provided, service of alcohol will be refused.
- Children under the age of 18 year old shall not be allowed on the premises after 20:00 unless accompanied by a parent or guardian.

Reasons for the decision

The sub-committee heard representations made by the Metropolitan Police Service against the application. The sub-committee also took into consideration that there were 6 Other Persons (local residents) who made representations opposing the variation and 16 Other Persons who made Representations in support of the application.

The sub-committee took into consideration the representations made by the Metropolitan Police Service whose main concerns were about dispersal from the premises, and later hours at the weekend. The Metropolitan Police Service acknowledged that the premises had run several Temporary Event Notices in the past without incident. They also highlighted a recent incident, that occurred two weeks ago, where a number of people were congregating outside the premises in the early hours of the morning.

The sub-committee noted that the Environmental Protection had not made written representations in time, therefore their representations could not be taken into consideration.

The sub-committee heard representations made on behalf of Other Persons, who raised concerns about the application and its potential impact on local residents and the community.

The sub-committee after carefully considering all the representations from the applicant's representative, the Metropolitan Police Service, and the Other Persons (local residents) found that the objections and representations made by local residents and the Metropolitan Police Service were credible and have been proven.

The sub-committee felt that they could only approve the amendment to condition 17 and add some conditions for the benefit of local residents. The sub-committee felt additional controls relating to noise would improve the quality of life for local residents in the area, in particular those local residents that reside very close to the premises.

The sub-committee took into consideration the representations made by Other Persons (local residents) who had concerns and welcomed regular meetings with the licence holder to try and resolve their concerns. The sub-committee was not persuaded that increasing the hours of the supply of alcohol would assist the local residents.

The sub-committee took into account that each application is considered on its own merits.

Having taken all the above factors into consideration, the sub-committee was satisfied that by granting this partial variation to this premises licence, the licensing objectives would continue to be promoted.

Public Informative

1. The licence holder is encouraged to engage in meaningful dialogue with the local residents to resolve any issues relating to the premises, and for the licence holder to play their part in reducing any impacts emanating from the premises, particularly during the evening and late at night.
2. If after 12 months (1 year) the local residents have not been able to resolve any issues relating to the premises with the Licence holder, the local residents can contact the Licensing Authority who will investigate their concerns.

Councillor Sizer withdrew from the Licensing Sub-Committee for agenda item 7 as the TENS was at a premises located in her ward.

7. Temporary Event Notice: Browns, 1 Hackney Road, London E2 7NX Ward: Hoxton East and Shoreditch

- 7.1 Subangini Sriramana, Acting Principal Licensing Officer introduced the report in respect of an application for a TEN for Browns, 1 Hackney Road, London E2 7NX. The Responsible Authority, the Police had given the Licensing Authority and the premises user notice of objection to the TEN for an event to

be held on 15 December 2021 from 02:00am finishing on 19 December 2021 at 04:00am on the premises.

- 7.2 Police Constable Neal Hunwick outlined the Police's objection to the application on the grounds of crime and disorder, public safety, the prevention of public nuisance and the protection of children from harm. The Police explained that there had been a significant increase in criminal activity and anti-social behaviour in Shoreditch since post-Covid re-opening, including alcohol-fuelled violence and public disorder. This in turn had apparently put a strain on Police resources. Police Hunwick highlighted that there was no provision by Transport for London (TFL) for resuming the night tube which would exacerbate the problems around customers dispersal from the area. It was highlighted that at the time of the meeting there was industrial action under way by tube staff every weekend which would further hinder travel.
- 7.3 Mr David Dadds, representing the Premises User, made his submission in support of the TEN application. Mr Dadds stressed the need for each application to be considered on its own merits and that the Police were applying a blanket policy to an entire area was not particularly fair or reasonable and that the Police had not provided any primary evidence of a crime occurring, either inside or outside, Browns.
- 7.4 DuringThe sub-committee entered the discussion phase of the Licensing Sub-Committee meeting wherein a number of points were raised including the following:
- The Chair of the Sub-Committee reassured the meeting participants that the Sub-Committee would make its decision based on the merits of the TEN before them
 - Mr Dadds reiterated that the Police's blanket policy came with a bias towards his client's establishment. He added that the consumption of alcohol only played a small part of the venue's s business
 - The Licensing Sub-Committee understood that Browns was not a vertical drinking establishment, it was a Sexual Entertainment Venue (SEV) and that it was not within the so-called 'Shoreditch Triangle'
 - It was suggested by the Sub-Committee that the venue closing at 4:00am may assist the Police, as other venues in the area would be closing and dispersing their customers an hour earlier. Police Constable Hunwick replied that Browns was not the only venue in the area that would be closing at 4:00am
 - The Police refuted the claim that their approach was a blanket policy. They reiterated their concerns about the negative impact of the spillover of customers from the other licensed premises in the area and the drain this was having on Police resources

- On the issue of the TEN and its potential cumulative impact on the area, Mr Dadds explained that the venue would not be adding new people to the area. The venue had applied for TENs before and it was reiterated that the Police had not provided any primary evidence of crime occurring inside and near to the venue
- The Sub-Committee noted that not all clients at Browns would be pre-booked and that alcohol was not the main driver for customers attending the venue. The venue clientele were mostly corporate and wished to be more discreet when arriving and leaving. The venue had a well established clientele
- Police Constable Hunwick explained that historically there had been issues with crime in the area of Shoreditch especially at the weekends
- The Chair of the Committee suggested that it would be useful for some future work to be undertaken to analyse which areas of Shoreditch were showing the highest levels of anti-social behaviour and alcohol-related crime
- Mr Dadds reiterated that Browns' clientele were different from those at other nearby licensed premises and that the TEN must be considered on its own individual merits

7.5 Police Constable Neal Hunwick had nothing further to add in his closing statement.

7.6 Mr Dadds reiterated his concerns over the Police's apparent blanket policy in the area. In his view it was felt to be unlawful and that the Licensing Sub-Committee must treat each TEN application on its own individual merits.

Decision

The Licensing sub-committee, in considering this decision from the information presented to it within the report and at the hearing today, has determined that having regard to the promotion of all the licensing objectives:

- The prevention of crime and disorder;
- Public safety;
- Prevention of public nuisance; and
- The protection of children from harm

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

Reasons for the decision

The sub-committee took into consideration the objection received from the Metropolitan Police Service to the Temporary Event Notice for the period from 02:00 on 15th December, and finishing at 05:00 on 19th December 2021, which contended that this event would undermine the licensing objectives, on the grounds of crime and disorder, public safety, and prevention of public nuisance. The sub-committee carefully considered the reasons for this objection.

The sub-committee heard representation from the Metropolitan Police Service (the police) that there had been a significant increase in criminal activity and anti-social behaviour in Shoreditch since post-Covid re-opening, including alcohol-fuelled violence and public disorder. There were issues with large groups congregating in the streets, dispersal and the exploitation of crowds of vulnerable drunk people. The sub-committee heard submissions from the police that longer opening hours of premises meant more alcohol consumed making patrons more vulnerable and/or at risk of causing nuisance.

The sub-committee believes that the needs of the premises have been met by the variation hours that were previously increased. The sub-committee did not agree that the hours should be increased or that they should agree to allow opening hours to creep later in the Shoreditch Special Policy Area contrary to the Council's Licensing Policy.

The sub-committee felt that the premises user's legal representative gave no assurances about how dispersal would be dealt with and how the premises use would prevent the cumulative impact in the Shoreditch Special Policy Area. The sub-committee felt that the premises user did not take on board the current increased anti-social behaviour, and the impact it was having on Shoreditch Special Policy Area.

The sub-committee therefore considered that allowing the event to take place in accordance with the Temporary Event Notice would undermine the licensing objectives. It determined that it was therefore necessary and proportionate to issue a counter notice.

End of Meeting

Duration of Meeting: 14:00 - 16:35 hours

Chair of the meeting: Councillor Peter Snell

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