

Dear Licensing

Representation Re: Off Broadway (review hearing)

I am the Chair of the London Fields User Group, a body recognised by Hackney Council as being a properly constituted Group representing the interests of London Fields park, users of the park and residents of surrounding streets.

The User Group has made several complaints to Licensing and Shopfronts relating to Off Broadway including, but not limited to:

- obstruction of pavements with tables
- blockage of fire exits
- use of external tables for consumption of alcohol although not thus licensed
- breach of COVID distancing
- unlicensed establishment and use of the rear as a Beer Garden.

I wasn't able to make a direct representation during the Review Consultation Period.

However as ██████████ did make submissions and was attending I was satisfied for her to make representations on my behalf. However due to oversight it wasn't stated in writing or verbally that ██████████ is a co-opted member of the London Fields User Group Committee and as such her submissions were also representations on the part of LFUG.

This submission is made on that basis, i.e. a witness submission by an organisation represented at the hearing by ██████████. We would like the opportunity to present this witness statement in person but if unable to do so would ask that the Sub-committee consider this submission.

Given the repeated and numerous breaches of the Licence and the Licensing Principles that we and others have recorded there is *prima facie* evidence that Off Broadway not operating within its licence.

These serious, repeated breaches of the licence and the resultant distress, nuisance and antisocial behaviour should give good grounds for the revocation of the licence as requested by the Police and initially requested by Licensing Authority.

We were shocked and dismayed that the Licensing Authority opened their submission by apparently accepting a reduction in complaints equated with an improvement in management and therefore obviated the need for revocation. We see no evidence of such improved management nor a willingness to do so.

If instead of revocation a decision is made to apply weak additional conditions this gives two deeply unpalatable messages. To us, the User Group, it gives the message that it is pointless to spend time and energy collecting evidence, writing to the Licensing Authority and raising concerns because, even when an overwhelming body of incontrovertible evidence demonstrating systemic breaches of the licence is presented the Licensee is only going to get a slap on the wrists.

To Licensees it seems to give the message that you can flout the rules, increase capacity, breach your

hours and cause nuisance with impunity. There aren't any consequences beyond possibly additional conditions on a licence – a licence whose terms have already been breached.

Neither of these messages are ones that we would want to be the key outcome from this review and therefore we would urge the Committee to rethink the decision to step away from revocation given the long and persistent pattern of breaches.

If, as we fear, a decision is made to prefer additional enforceable conditions on the licence then there are several we would want to see introduced.

It would have been desirable if, as part of the hearing, such proposed conditions could have been drafted ready for discussion. However as this hasn't happened these are our proposals.

### **1: outright ban on off-sales**

We note the suggestion that off-sales be restricted to drinks in sealed containers only. We don't see this measure as making a significant difference as a bottle of beverage with a cap on it is easily opened and so is no real impediment to street drinking.

We are also aware that there is a grey area which has allowed outside seating permitted under a shopfronts licence to be used for the consumption of takeaway alcohol.

The benches or tables outside are not part of the Licensed Premises and therefore on-sales should not be consumed there. However Licensees can make off sales and then allow these to be drunk on the tables, arguing these are off-sales.

As the tables are not part of the Licensed Premises there is no scrutiny of the numbers of people using them or how this relates to capacity.

We have already asked Hackney Council Shopfronts team to amend their rules for Shopfront Licence to prohibit the consumption of take-away alcohol on tables placed under a Shopfront Licence.

This has yet to be actioned and, until it is there is no effective management of this loophole.

We would therefore ask that a complete ban on Take-away alcohol be imposed on Off-Broadway. Should they wish to seek permission for drinking to take place on the benches outside they should seek a variation of the Premises Licence to include these areas, and this would enable the Sub Committee to state the number of tables allowed, times, number of patrons and other conditions.

Most recently the same discussion came up when Route on Broadway Market sought their licence and a restriction on Off-sales was added for this reason and Route had not been responsible for any nuisance or ASB at that time.

### **2: drinking up time**

Based on the current licence the premises are open from 09:00 to midnight and the sale of alcohol can take place on or off premises from 10:00 to midnight.

This means that (a) there is no effective dispersal process in place and (b) no drinking up time and (c) pitches customers out at times when public transport has wound down increasing reliance on private hire cars in the area.

To remedy these inadequacies in the Licence we would propose adding conditions that:

- no alcohol is served after 11pm
- premises close at 11:30 pm

### **3: Lower Ground Floor Use/Dispersal**

The licence states that the Lower Ground floor can be used for specific licensable activities but this is at odds with Planning Ref 2010/2814 which placed restrictions on the times for which the lower ground could be used. The hours permitted under the Planning Consent for such use of the “Art Gallery” is 10:00-16:00; the Licence allows for 10:00-23:00, which would not be permitted under their Planning Consent.

This issues needs to be regularised and in any event there should be a dispersal process so that both bars don't close at the same time and result in large numbers of people leaving at 13:00

### **4: premises outline**

We requested a copy of the plan showing the Licensed Premises but this is apparently unavailable. As part of this review we would like to see a premises diagram drawn up which clearly shows areas covered by the premises, their capacity, fire exits, location of CCTV. It would also make explicit that the outside garden and the front benches do not form part of the licensed premises.

### **5: capacity**

Due to the lack of a venue plan we do not know the stated capacity of the venue and this makes it unclear if the toilet, staffing and security levels are appropriate to the venue.

We request that the revised Licence states the capacity for both floors and that the toilet capacity is assessed to ensure it meets requirements for this capacity.

### **6: removal of external tables**

The Shopfront licence currently allows tables to remain outside until 10pm

As noted previously we request that there be an outright ban on off-sales of alcohol and therefore these tables will not be used for alcohol consumption.

In order to reduce gathering and street-drinking we would want to ensure that these tables are removed from use at 10pm.

We would want the licence to further stipulate that after this time a maximum of three smoking customers can gather outside **without** alcoholic drinks in a designated area.

### **7: security**

In light of the repeated and frequent breaches of licence, and apparent inability of the Premises to manage antisocial behaviour we would ask that the Licence mandates SIA approved security is in place

on Friday and Saturday nights as a matter of course and at other times when the Licence Holder considers it appropriate or at the direction of the Police or Licencing Authority.

Yours etc



Chair

London Fields User Group