

Dear Hackney Council Licensing colleagues,

██████████ has kindly registered me as an additional witness in respect of the Off Broadway license review. I have submitted previous emails and evidence of all the breaches of OB's license.

I am a resident of Dericote St, with my wife and children. We have a supportive & friendly community on Dericote St and Croston St and neighbouring streets, including a significant number of elderly households, many households with small children, a blend of social and private residents. Several have provided me with inputs to this email, and asked me to raise their concerns about Anti-Social Behaviour, including the persistent breaking of many different licensing rules by Off Broadway bar over the months and years. There is a silent majority of residents who do not feel they have a right or a voice, or necessarily know how to engage in these formal processes.

Summary

I would like to particularly endorse the points in the comprehensive emails from ██████████ ██████████ 8 February and ██████████ ██████████ of 8 February: put at its simplest, there has been no evidence provided or justification given at the hearing or before/since for not suspending or revoking the licence, based on the sustained breaches and evidence provided.

I also agree with their points on potential conditions if the Council moves in that direction.

I would like to make some additional observations about the hearing on 25 January.

a. Evidence:

Residents who have to live close to the bar have provided multiple emails, photos, videos evidence, over a long period, showing conclusively that OB has ignored licensing rules for a sustained period, in many different respects, but particularly with regard to after hours serving of drinks, after hours noise, and anti-social behaviour in the street outside the bar.

This augments a great deal of police engagement and evidence, which resulted in the recommendation from the licensing officer and the police to revoke the OB license.

I should add that residents have suffered stress from many disturbed nights, and have collectively taken hours and hours to record and submit phone/email complaints. Often they've have their sleep interrupted, and had to get out of bed and go down the street to get the evidence otherwise they would be ignored. We don't want to have to go through it all again this year if/when new conditions are set and broken.

Remember also, that having been disturbed after 11pm and often to 1 or 2am by OB's mismanagement, we're often then woken, often as early as 5.45am, and around 7 and 8am now numerous times each day (instead of previously just once a week for our own collection) because refuse trucks and large and mid-sized delivery trucks have started to come down our streets to clean up or deliver, since Broadway Market was closed to them. So as residents we can often get something like 4 hours of peace.

The OB and lawyer did not refute any of it.

b. Corrections to points made at the Hearing:

I also wanted to set out , for the record , some untruths that were presented by OB in their evidence at the hearing that went largely unchallenged:

1. Mr Selby said OB "does not open late". This is not true (see 1st and 2nd video and numerous other timed/dated photographic and video evidence). They've stayed open after their license literally tens and tens of long weekends over the last two years.

2. Mr Selby said OB "has not done late sales". This is not true. I provided video evidence (reattached) of one occasion but it's systematic. Their customers (whatever other drinkers with cans are doing outside) are seen drinking drinks from OB, in OB glasses, numerous times, outside, making noise.

3. Mr Selby blamed the gate across the street, where drinkers with tins, for many of our complaints. Our evidence shows this is untrue. There are other drinkers and issues to be dealt with separately, but it is irrelevant to OB's own licensing review (and by the way, the only time i have engaged Mr Selby directly, was when he himself was leaning on that gate, enjoying drinking a can of lager with friends).

4. Mr Selby said dispersing his customers once they left the bar was not his problem. This is not true.

5. Mr Selby said he lived above the bar for 40 years. This is not true.

6. Mr Selby said the problem was not with OB but with all the licensed establishments all the way down the market. Discussed above, but the point is that none of the others received multiple complaints, because they have lively establishments, and we all enjoy the lively market, but everyone else by and large operates within their license (apart from problems with Cat and Mutton recently which are under discussion). That's the sole issue.

7. Mr Selby said his establishment did not use grease fat or spill it onto the street, permanently defacing the pavement on our street. This is not true. The photos attached from 19 April proved that it came from under the gate from their back area, presumably from the cheesy nicks produce they sell. Street Clean came at (unaccountably, at taxpayer expense, as it was clear from the trail of grease that it came from Mr Selby's establishment) but were unable to clear it up. It's still there.

8. Mr Selby said the many drinkers in the bar refuted the license breaches and their letters were representative of local views. This is really important to challenge. As drinkers in the bar, they can go home. By definition they are either are the cause of the noise, or have left and are unaware of it. They can say they haven't experienced it. But they cant say it isn't happening. They also were called 'locals'. It is important to note the post codes of their representations, a random subset:

E2, E8, E2, E8, E8, N16, N1, E2, E20, E8, N1, N16, E9. They are not mostly not local. They do not live in the immediate vicinity of the bar and suffer the consequences. There isn't equivalency between their views regarding the license, and the views of locals.

9. Mr Selby has repeatedly said the neighbours who complain "shouldn't have moved here in the first place, if they didn't like the noise" or are "millionaires" or suchlike. This illustrates the disdain with which Mr Selby and his clientele treat the immediate community. But it is also untrue. Around half the households are social housing. Around half or more of households have lived here for decades. An elderly lady in one of the houses closest to Off Broadway who has been most impacted by OB's after hours culture suffers from insomnia and long covid. Her quality of life has been materially worsened by Off Broadway. Her neighbour sadly recently passed away but was also regularly disturbed by the bar. Another nearby couple who have lived there for decades "have had enough" of the way the neighbourhood has become so noisy and anti-social, and are leaving.

Overall, at the review, i was struck that rather than show any regret or take any responsibility, Mr Selby and his lawyer at the hearing either denied the evidence against them; deflected at length from the issue of breaches; and diminished the legitimate concerns of many locals.

Finally, at the Hearings, i was confused to hear the Chair suggest that he would have to consult with OB and its lawyer how they felt about any potential conditions attached to the license. This cannot be a negotiation. It is not for the breacher of the licence to have any say over revocation or new conditions of their license. I recall, as was contained in the evidence for the hearing, having been woken from my bed yet again after midnight one evening last year, i went down the street to politely request to OB customers - who were still being served outside by bar staff after midnight - to stop shouting and playing music on the street after midnight, as they were disturbing many families including very elderly and terminally ill residents. The response was to surround and intimidate me, shouting "We don't give a f**k about you, and I don't give a f**k about your neighbours... We don't give a f**k about you, and I don't give a f**k about your neighbours."). I'm afraid that's what we're dealing with here.

So we have no reason to believe that we will not simply experience further sustained breaches, especially through the warmer Spring, Summer and Autumn months, no matter what any new conditions are. Indeed just last Saturday on a cold February, despite the review being underway, the breaches were back: noise continuing until long after midnight.

So as mentioned finally, i reattach just a couple of videos:

- On 10 July 2021, you see, after midnight, the bar fully open, tables out, drinkers shouting in the street, and the bar staff still openly taking orders (see my email para 3 below, for the exchange with the bar staff).

- On 23 Oct 2021, another after midnight video, drinking, noise, outdoors and indoors, after hours, tables, etc.

I'd be grateful if you could confirm receipt, and that all members of the committee have received this.

Best wishes, and thanks for all your work,


Dericote Street

On 8 Feb 2022, at 11:16, [REDACTED] wrote:

Dear Mr Tuitt,

During the licensing sub-committee hearing (25th Jan 2022) there was discussion that there should be a period of time between the last-supply-of-alcohol and the closing time of the bar. The bar owner listed this as one of the measures that OB had implemented since their meeting with the council in late October 2021.

By operating until midnight, OB are in breach of their planning condition (2010 / 2814 Condition 1 - hours of use), which **restricts their closing time to 11pm:**

“To ensure that the use is operated in a satisfactory manner and does not unduly disturb adjoining occupiers or prejudice local amenity generally”.

Planning enforcement case officer Lorraine Murphy is currently dealing with this breach.

This planning constraint directly impacts on the new licensing conditions and is clearly of vital importance when it comes to setting the time for last-supply-of-alcohol. This can be no later than 10:30pm if enough time is to be allowed for drinking-up and for using the toilet facilities before the bar closes at 11pm.

A 30 minute time interval seems to be the standard period. The trial period of 15 minutes does not afford customers the opportunity to both finish their drinks and use the toilet facilities. This problem is particularly acute at OB, where only two toilets are provided, to be shared between the basement bar (advertised for 50 people) and the ground floor bar (no limit stated). There could be over 100 customers trying to finish their drinks and use one of the two toilets provided in this time. OB's practice of supplying alcohol right up until the closing time of the bar will have directly contributed to the persistent problem of OB's customers urinating on nearby homes. Setting the last-supply-of-alcohol time to 10:30pm, 30 minutes before the closing time of the bar, will be a step in the right direction.

If, at a later date, OB successfully submit a planning application to vary their hours of operation, then they could also apply for a variation to their licence.

This last-supply-of-alcohol condition is obviously just one of the new conditions that need to be adhered to in order to reduce the harm being caused by OB - including (but not limited to): No use of rear garden, No take-away drinks, No outside drinking apart from seated at tables in the shop front licence area at the front, No tables or chairs left out past 9pm, Dericote St fire door and (unauthorised) rear garden door to be kept closed at all times, Mandated security staff, A specified smoking area at the front with limited smokers and no drinks.

What OB has failed to demonstrate, is that they can be trusted to abide by any of these new conditions. OB's position in the licensing sub-committee hearing was still that the problems were not caused by the bar's failure to meet the licensing objectives, but rather a failure on the part of the residents to accept the bar's perceived right to make a lot of late-night noise and cause public nuisance in this area.

I understand that Licensing, whilst trying to reduce the harm caused by OB, have to find conditions that cannot be successfully appealed against. It would be hard for OB to seriously argue against this restriction, as, in the licence hearing, it was put forward by the bar owner as part of the solution to the problems being caused by the bar.

For the avoidance of any doubt, I have attached a copy of OB's planning permission. Head of Planning, Natalie Broughton, is copied on this mail.

Kind regards,



Notes on Photos/Videos: Mr Selby may claim this vomit comes from elsewhere, not his customers, but our video evidence shows a customer coming out and vomiting and being incapable of walking unaccompanied. These things happen all the time but it wasn't ever cleared up. Similarly, i have seen his customers come out and urinate on our street after hours instead of using the downstairs toilets.

And second photo is the heavy grease that Mr Selby said did not exist and was not his fault, coming from under his gate.

