

Counter Notice (Temporary Event Notice)

The Courtyard, St. Michael's Church, Leonard Street, London EC2A 4ER

The decision of 29th July 2021

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;
- The protection of children from harm

and in particular upon consideration of the 'objection notice' given by the Environmental Protection Team, 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 objections from the Environmental Protection Team to the Temporary Event Notice for the period from 6th July 2021 from 12:00 to 22:00 and 7th July 2021 from 12:00 to 22:00, which contended that this event would undermine the licensing objectives, particularly the objective of preventing public nuisance. The sub-committee carefully considered the reasons for the objection.

The Environmental Protection Team submitted that allowing the event could constitute a statutory nuisance which would cause a serious disturbance to the local residents who live within close proximity (immediately adjacent and opposite) of the proposed site for the event. The sub-committee considered that this would be very likely to equate to a public nuisance under the licensing regime.

The Environmental Protection Team also presented a number of complaints received from local residents regarding potential anti-social behaviour from allowing this event to take place. The residents clearly felt that the disturbance would add to the negative impact on their quality of life and that of all residents in the area.

The sub-committee, having considered the complaints received from local residents by the Environmental Protection Team, felt that there is clear potential for the proposed event to result in public nuisance that would affect the local residents.

The sub-committee, having heard from the premises user, found that there was no evidence that the premises user made enquiries with local residents before deciding to use the site for this event given that the premises user contended that the event was for the benefit of the community or attempted to resolve the issues raised by the local residents' complaints in advance of the event. It was noted that the representative for the premises did try to contact the Environment Protection Team.

The sub-committee felt this is an area that already has a great deal of alcohol-related nuisance, and is situated very close to the Shoreditch Special Policy Area. The sub-committee felt that extending the hours of the event into the daytime would increase the crowd noise and alcohol consumption on the streets in the area. They also felt that allowing the proposed event to take place would lead to more 'pre-loading' and increased anti-social behaviour in the vicinity, and people staying in the area for longer.

The sub-committee considered that there is a great deal of anti-social behaviour in the area, and an additional premises in the area will add to the noise and the negative impact on the local residents.

Therefore, on balance and notwithstanding the proposed mitigations presented by the representative of the premises user, the sub-committee felt that the event would contribute to the negative impact of the residential area and would therefore undermine the licensing objective concerning the prevention of public nuisance. The sub-committee was also not satisfied that the mitigations proposed by the premises user were capable of adequately addressing this risk of public nuisance.

Given that the sub-committee considered that allowing the event to take place in accordance with the Temporary Event Notice would undermine the licensing objectives, it decided to issue a counter notice for the proposed event in the Shoreditch area.