

**DRAFT MINUTES OF THE MEETING OF
LICENSING SUB COMMITTEE HELD ON
TUESDAY 18 JANUARY 2022, 2:00pm**

THIS MEETING WAS LIVE STREAMED WHICH CAN VIEWED HERE:

<https://youtu.be/p1iNgUHUGgQ>

ALTERNATIVE LIVESTREAM LINK OF MEETING:

<https://youtu.be/NRThQHWQBx8>

Councillors Present: Councillor Anya Sizer and Councillor Peter Snell

Officers in Attendance: Amanda Nauth, Licensing and Corporate Lawyer
Subangini Sriramana, Principal Licensing Officer
Gareth Sykes, Governance Services Officer

Also in Attendance: Item 6: Application for Expedited / Summary
Review of Premises Licence: The Haggerston,
438 Kingsland Road London, E8 4AA

Applicant

Police Constable Neal Hunwick, Police

Responsible Authority

Channing Riviere, Principal Licensing
Officer

Premises Licence Holder

Andy Newman, agent for The Haggerston

The Haggerston:

Peter Clarke, Designated Premises Supervisor
(DPS)

Joseph Howe, Manager

Otis Marchbank, Manager

In Support of Review:

Angela Chieh

Against the Review:

**Kyra Borella
Catherine Gates
Noémi Lidove
Kwame Otiende
Lydia Pipili**

1. Election of Chair

1.1 Cllr Peter Snell was elected as Chair.

2. Apologies for Absence

2.1 There were no apologies for the meeting.

3. Declarations of Interest

3.1 There were no declarations of interest.

4. Minutes of the Previous Meeting

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

5. Licensing Sub Committee Hearing Procedure

5.1 The hearing procedure for the meeting was explained to all the participants.

6 Application for Expedited / Summary Review of Premises Licence: The Haggerston, 438 Kingsland Road London, E8 4AA

6.1 The Principal Licensing Officer introduced the application in respect of an expedited review for The Haggerston, 438 Kingsland Road, London, E8 4AA. The review was brought by the Police on the grounds of the prevention of crime and disorder following a serious crime occurring at the premises on 18 December 2021. At a 22 December 2021 Licensing Sub-Committee meeting it was agreed to suspend The Haggerston's premises licence pending a full review. The Sub-Committee noted that further information had been provided by the applicant including agreement to several additional conditions.

6.2 Police Constable Neal Hunwick outlined the Police's case in support of their application for calling for a review. The Police had discussed with the premises

licence holder issues regarding the safeguarding of female patrons at the premises and the Police remained concerned about the dispersal of customers in the early morning. They felt that this issue in particular could partly be resolved by bringing The Haggerston back to its core hours of operation. On the preservation of a crime scene at a licensed premises, the detention of the suspected perpetrator and the safeguarding of the alleged victim there was not a one-size-fits-all approach for every venue. There was an expectation from the Police that each premises would apply a degree of common sense depending on the incident that had occurred.

- 6.3 The Responsible Authority's Principal Licensing Officer outlined the Licensing Service's case in support of the application. He acknowledged that the additional conditions agreed by The Haggerston had alleviated his previous concerns.
- 6.4 Ms Angela Chieh briefly outlined their reasons for supporting the Police's application citing their concerns over incidents of anti-social behaviour and criminal activity occurring near to their home.
- 6.5 Mr Andy Newman, the agent representing The Haggerston, explained that there was substantial local support for the premises.
- 6.6 Ms Catherine Gates, attending in support of The Haggerston, echoed Mr Newman's comments and explained that there were wider problems of anti-social behaviour and crime in the area that were not related to just one venue.
- 6.7 Mr Newman explained that his client, Mr Peter Clarke, was sorry for what had occurred and that due to recent unforeseen circumstances his attention had not been focused on the running of the premises. Mr Newman added that his client may find it hard to operate the premises on core hours and that Mr Clarke had already demonstrated a willingness to cooperate by agreeing to a number of additional conditions. The Sub-Committee noted that the previous company contracted with providing security for The Haggerston had been replaced and that Mr Newman had suggested that the current Designated Premises Supervisor (DPS), Mr Clarke, should step down and that for an interim period the venue's two managers, Mr Howe and Mr Marchbank, would run the premises until a suitable DPS was found.
- 6.8 During the discussion phase of the Sub-Committee meeting the following points were made:
 - The changes that had been undertaken by the premises since the 18 December 2022 incident and the scaling back of the hours of operation to core hours were an opportunity for the premises to start afresh
 - It was made clear that there was no assumption that the venue was responsible for the incidents of drug dealing in the area
 - It was recognised that Mr Clarke was now willing to take a more active role in the running of The Haggerston

- A condition was added to make available The Haggerston's contact details to all local residents and the responsible authorities.
- 6.9 Mr Newman confirmed that his client would submit a fire risk assessment. The Sub-Committee also noted that The Haggerston's maximum capacity was 250 persons.
- 6.10 In his closing remarks Mr Newman reiterated that since the 18 December 2021 incident his client had initiated a number of changes as well as agreeing to several additional conditions.
- 6.11 Ms Angela Chieh acknowledged that The Haggerston had undertaken a number of changes.
- 6.12 The Responsible Authority's Principal Licensing Officer reiterated that his concerns had been partly alleviated on hearing that The Haggerston had agreed to a number of additional conditions.
- 6.13 PC Hunwick stated that the Police were clear on their reasons for submitting the application and that they were insistent that The Haggerston should revert back to its core hours of operation.

Decision

The Licensing Sub-Committee, in considering this decision from the information presented to them within the report and at the hearing today and having regard to the promotion of the licensing objectives:

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

The Licensing Sub-Committee after carefully considering the evidence presented to them at the Expedited Summary Review by the Metropolitan Police Service, the Licensing Authority, and the licence holder and their representative, and in particular the prevention of public nuisance and public safety, made the following determination agreed by the parties:

1. The Designated Premises Supervisor (DPS) (named as Peter Julian Clarke) is removed effective on 22 April 2022
2. The premises hours of Licensable activities to be reduced to core hours except for Sundays:
 - Remove non-standard hours from the licence.

The opening hours:

Monday - 11:00 - 23:30
Thursday

Friday - Saturday 11:00 - 00:30

Sunday 11:00 - 01:30

Films:

Monday - 11:00 - 23:00
Thursday

Friday - Saturday 11:00 - 00:00

Live Music:

Monday - 11:00 - 23:00
Thursday

Friday - Saturday 11:00 - 00:00

Sunday 11:00 - 01:00

Sunday 11:00 - 01:00

Recorded music:

Monday - 11:00 - 23:00
Thursday

Friday - Saturday 11:00 - 00:00

Sunday 11:00 - 01:00

Performance of dance:

Monday - 11:00 - 23:00
Thursday

Friday - Saturday 11:00 - 00:00

Sunday 11:00 - 01:00

Late Night Refreshment:

Friday - Saturday 23:00 - 00:00

Sunday 23:00 - 01:00

Supply of alcohol:

Monday - 11:00 - 23:00
Thursday

Friday - Saturday 11:00 - 00:00

Sunday 11:00 - 01:00

3. To modify the conditions of the licence with the conditions proposed by the Metropolitan Police Service and agreed by the licence holder:

Conditions to remain on the licence:

Conditions 12 and 13 – to remain on the licence
Conditions 15, 16, 17, 18 and 19 - to remain on the licence
Conditions 21, 22 and 23 - to remain on the licence
Condition 29 – to remain on the licence

Conditions to be removed from the licence:

Condition 11 – to be removed from the licence
Condition 26 – to be removed from the licence

Condition 10 to be amended as follows:

“The premises shall maintain a comprehensive Closed Circuit Television (CCTV) system as per the minimum requirements of a Metropolitan Police Crime Prevention Officer. All public areas, 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 an 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 or an authorised officer of Hackney Borough Council recent data or footage with the absolute minimum of delay when requested”.

Condition 14 – to be amended as follows;

“Toilets shall be checked hourly from 2000 hours until all customers have left the premises. There shall be a written record of these checks which can be produced to police or other authorised officer upon request”.

Condition 20 to be amended as follows:

“There shall be clear and prominent signage asking all customers to leave quietly and respect local residents”.

Condition 24 to be amended as follows:

“Where the sale or supply of alcohol is taking place employees of the premises must request sight of evidence of the age of any person appearing to be under 25 years of age (Challenge 25). Such evidence may include a driving licence or passport”.

Condition 25 to be amended as follows:

“All staff will be given refresher training every twelve months on the legislation relating to the sales of alcohol to underage persons and drunken persons. Written records of this training shall be kept on the premises and produced to police or other authorised officer upon request”.

Condition 27 to be amended as follows:

“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:

- i) all crimes reported to the venue
- ii) any complaints received
- iii) any incidents of disorder
- iv) any faults in the CCTV system
- v) any refusal of the sale of alcohol
- vi) any visit by a relevant authority or emergency service.

Condition 28 - to be amended as follows:

“There shall be a minimum of 1 Security Industry Authority (SIA) Door Supervisor per 75 patrons or part thereof on duty from 20:00hrs until 30 minutes after closing every Friday and Saturday night. There shall be additional SIA Door Supervisors employed on an operational risk assessment basis. Door supervisors will be responsible for ensuring that any queue is orderly and not blocking the pavement”.

“All security staff shall wear a high visibility vest and shall enter their details in a daily register at the commencement of their work. They shall record their full name, home address and contact telephone number, their SIA registration number and the time they commence and conclude working. If the supervisor was provided by the agency, the name, registered business address and contact telephone number will be recorded. This register will be made available to police or authorised officer immediately upon request”.

Condition 30 – to be amended as follows:

“There shall be no glass, drinks or open containers taken outside the front of the premises at any time save for a maximum of 16 seated patrons using the table and chairs where there is a table and chairs permission from LBH and then no consumption after 2200hrs. This will be monitored by staff”.

Additional conditions to be added to the licence:

- All instances of crime or disorder to be reported by the designated premises supervisor or responsible member of staff to an agreed police contact point, as agreed with the Police
- The premises will display and maintain appropriate signage advising customers of the contact details of the Designated Premises Supervisor
- The Licence holder shall submit a written Dispersal Policy to be deemed acceptable and to be agreed by the Police and the Licensing Authority
a copy of which shall be kept on the premises and made available to the Police or other authorised officers upon request at any time.
- There shall be a maximum of 20 patrons allowed in the garden at any time and this will be limited to 15 smokers after 2200 hours. The garden shall be the designated smoking area
- The Licence holder shall submit an up to date Fire Risk Assessment to be deemed acceptable by the Police and the Licensing Authority and subject to their approval the maximum number of persons (excluding staff) allowed at the premises shall not exceed 250 subject to the following maximum occupancies:
 - i) First Floor 70 persons
 - ii) Ground Floor 180 persons
- The licence holder shall maintain a dedicated contact telephone number and email address that must be available at all times to all local residents, the Environmental Health Officers, the Licensing Authority, the Police, and any responsible authority or any person wishing to make a complaint. These contact details shall be included on the website of the premises, and on display at the premises, which can be used to report concerns or complaints about the premises to a

duty manager, a responsible person or a member of the management team at the premises as and when they occur

- The Licence holder to hold and publicise quarterly liaison meetings with local residents to address any concerns or complaints about the premises from local residents to prevent public nuisance and to ensure public safety.

Decision on Interim steps for the Haggerston, 438 Kingsland Road, London, E8 4AA

After hearing the representations from both the Metropolitan Police Service, and the Licence holder's representative, the Licensing Sub-Committee decided that the interim steps issued on 22nd December 2021 are no longer required. The Sub-Committee took into consideration that the Licence holder had been working with the Police to improve the operation of the premises. Also staff had undertaken training on the licensing regime.

The Reasons for the Decisions: Expedited Summary Review and Interim Steps:

The Licensing Sub-Committee carefully considered the application from the Metropolitan Police Service (“the Police”) relating to a serious incident at the premises on 18 December 2021, where a female was knocked unconscious. In addition, the Sub-Committee heard from the Licensing Authority, the licence holder’s representative, together with one representation in support of the Police’s application. The Sub-Committee also considered a large number of representations from local residents (101 representations) in support of the premises. The Sub-Committee decided to accept the proposals agreed between the Police and the licence holder:

- i) To remove the Designated Premises Supervisor in three months as set out above;
- ii) To reduce the hours of licensable activity except Sundays as set out above;
- iii) To modify the conditions on the licence as set out above.

The Sub-Committee heard the Police submissions that since the interim steps, and the suspension of the premises licence, the licence holder has worked with the Police, and they are satisfied with the agreed proposals. The Police took into consideration prior to the hearing the 101 representations in support of the premises from the local residents. The Police also considered that this was the first incident at the premises since they opened on 24 March 2010. The Sub-Committee noted that the Police were not seeking revocation of the premises licence following the measures that are now in place.

The Sub-Committee noted that the Police maintained concerns about the dispersal from the premises late at night. The Police made submissions that

they had previously raised concerns about dispersal, on a number of occasions, with the management of the premises.

The Sub-Committee heard that the Licensing Authority was satisfied with the agreement reached between the Police and the licence holder in relation to modified conditions, reduced hours to core hours and removal of the DPS which has gone a long way to alleviate their concerns about the premises. The Sub-Committee took into consideration that the premises are located in the Special Policy Area, and they need to have standard conditions to work towards. The Sub-Committee heard that the Licensing Authority were pleased to hear that the management and staff are undertaking Welfare And Vulnerability Engagement (WAVE) training on violence against women.

The Sub-Committee heard submissions from Other Persons (a local resident in support of the review) made representations about the premises attracting anti-social behaviour outside the premises, and outside residential properties near to the premises. This has a serious impact on local residents near the premises and on the area, The Sub-Committee heard that the Police were contacted on a number of occasions to complain about the anti-social behaviour. The Sub-Committee took into account evidence from the neighbour, who supported the review, that the jazz nights on a Sunday were demonstrably different, and created no anti-social behaviour or impact on the area. The sub-Committee noted that these events at the premises were supported by local residents and the community.

The Sub-Committee took into consideration the submissions made by the licence holder's representative that the DPS, Mr Clark, was very sorry for the incident that occurred on 18 December and how it was handled. The premises had no previous incidents such as this. However, they will operate the premises more responsibly going forward, and they want to have better and regular communication with local residents to address any concerns. The Sub-Committee heard that Mr. Clark is a responsible person and a teacher. Since the incident Mr. Clark, and the two managers have been trained in the licensing requirements and he will take a more active role in the premises.

When making their decision the Sub-Committee took into consideration that this was a serious incident where a female was knocked unconscious. which was handled very badly by the management of the premises, and it is not acceptable. This incident has been taken very seriously. The Sub-Committee recognised that the premises are a valuable community resource that needs to continue working for the benefit of the community and to ensure public safety. The Sub-Committee has taken into account the measures that have been put in place to allow the premises to continue to operate.

The Sub-Committee acknowledged that Mr. Clark and the management took immediate action, they engaged with the Police and undertook training from 27 December 2021 on the licensing requirement, the licensing legislation, and that they have made good progress. The Sub-Committee took into account the work that had been done on dispersal and for SIA security to be put in place at the premises.

The Sub-Committee felt this was a good learning opportunity for the licence holder, and the staff to operate the premises responsibly. They are responsible to operate an effective dispersal policy to ensure public safety. The Sub-Committee was pleased to see that the licence holder and staff have a commitment to WAVE training. The Sub-Committee felt the licence holder and the management needed to be proactive in resolving the internal and external factors and wider issues at the premises. This can also be supported in the future with community and Cllrinput.

The Sub-Committee took into consideration the agreed measures, and the action that the licence holder had taken since this serious incident that the interim steps were no longer required. The Sub-Committee took into account that the premises would not reopen until all the necessary training of staff and actions were carried out to ensure that the premises were operating responsibly and to ensure public safety.

The Sub-Committee felt that with the change of DPS, reduced hours, and modified conditions on the licence, that the premises would improve, and be run in a manner that would promote the licensing objectives in the future.

Public Informative

1. The Licence holder has agreed to submit as soon as possible or within 28 days a new site plan of the premises to the Licensing Authority.
2. 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 from the premises to ensure public safety.
3. The Licence holder is encouraged to continue working with the Police to resolve any issues relating to the premises such as dispersal from the premises to ensure public safety.

7 Temporary Event Notices

- 7.1 The Temporary Event Notice for 119 Wallis Road, London, E9 5LN was withdrawn from the meeting agenda.

End of Meeting

Duration of Meeting: 2:00pm to 3.41pm

Chair: Cllr Peter Snell

Contact:

Gareth Sykes

Governance Services Officer

Legal and Governance Services

gareth.sykes@hackney.gov.uk