

**DRAFT MINUTES OF THE LICENSING SUB-COMMITTEE
HELD ON
THURSDAY 3 MARCH 2022 AT 2PM**

THIS MEETING WAS LIVE STREAMED AND CAN BE VIEWED HERE:

Main:
<https://youtu.be/U9GEG3dpvZQ>

Backup:
<https://youtu.be/71Us93Lymuw>

Chair: Councillor Peter Snell in the Chair

Councillors in Attendance: Councillor Brian Bell and Councillor Emma Plouviez

Apologies: There were no apologies for absence

Officers in Attendance: Peter Gray (Governance Officer), Amanda Nauth (Planning and Licensing Lawyer) Suba Sriramana (Principal Licensing Officer)

Also in Attendance: British Food and Wine, 329 Old Street, London
PC Sian Giles (Police) (Applicant)
Craig Bayliss (Agent for the Applicant)
Onur Siroen (Premises License Holder)
Channing Rivere (Licensing Authority)
The Kingsland - 267 Kingsland Road, London
David Dadds (Solicitor for the Applicant)
Ismail Tezgal (Applicant)
PC Kerry Ryan (Police Authority)
Councillor Kam Adams (Other Person)
Thomas Fleming (Other Person)
Lauren Collins (Other Person)

1. Apologies for Absence

1.1 There were no apologies for absence.

2. Declarations of Interest - Members to declare as appropriate

2.1 There were no declarations of interest.

3. Minutes of the Previous Meeting**RESOLVED:**

- That the minutes of the meeting held on 14 October and 25 November 2021 be agreed as a true and accurate record of proceedings.

4. Licensing Sub-Committee Hearing Procedure

4.1 The Sub-Committee noted the hearing procedure

5. Application to review a premises licence: British Express, 329 Old Street EC1V 9LE

5.1 The Principal Licensing Officer introduced the application from the Metropolitan Police for the review of 2 premises licences under section 51 of the Licensing Act 2003 in regard to 329 Old Street EC1V 9LE on the grounds of the prevention of crime and disorder, public safety prevention of public nuisance and the protection of children from harm. The second premises licence had been transferred. Representations remained from the Licensing Authority. The applicant had submitted additional evidence which had been circulated.

5.2 PC Sian Giles made submissions to the Sub-Committee highlighting the following:

- Repeated breaches of the premises licence;
- That the venue was in the Special Policy Area (SPA);
- Closure notice was served due to persistent sales to children in 2019;
- Numerous after hours sales, most recently in November 2021 and December 2021;
- Breaches of conditions during numerous licensing visits;
- Breaches of conditions that had hindered Police investigations;

- Incidents of disorder, including a stabbing and continuous anti-social behaviour outside the venue;
 - In December 2021 there was an under-age sale;
 - The behaviour continued despite attempts to solve the problems;
 - There had been 5 meetings with the management and owners of the venue with many emails sent in regard to the Licences, including 2 warning letters;
 - To note the voluntary reduction in hours until 11pm with closure at 02:00. However, this was a temporary measure as a response to the review. Reversion to the normal hours could take place after this;
 - Magnum tonic wine was still being sold;
 - Crime and disorder continued to occur at the venue;
 - The only option in these circumstances was the revocation of the licence.
- 5.3 The Chair asked for clarification in regard to the transfer of ownership and whether this impacted on the recommendations.
- 5.4 PC Sian Giles confirmed that there had been a transfer of licence, to which the Police had no objections, but this did not change the opinion that revocation of the licence was necessary. The manager who had presided over the issues at the premises would still be in charge of the venue.
- 5.5 The Principal Licensing Officer made submissions in support of the application, highlighting the following:
- Support for the Police in their decision to review the licence and seek revocation;
 - Consistent failings by the operators of the premises, including underage sales, breaches of various conditions, after hours sales, failure to keep CCTV for the required amount of time, and breaching the licensing objectives;
 - A failure to improve on the part of the venue;
 - The premises was in the SPA that required more responsible management at the venue;
 - The Police had attempted to engage with the premises operators to improve matters with little change at the premises;

- 5.6 The Chair asked, in the circumstances of a transfer of the licence, could the Sub-Committee consider the new licensee?
- 5.7 The Principal Licensing Officer confirmed that, in the circumstances of a transfer of the licence the Police would have the right of objection;
- 5.8 The Licensing and Planning Officer confirmed that if the Sub-Committee decided to revoke the licence the decision could be appealed. The transfer of licences could only be considered by the Police.
- 5.9 Craig Bayliss made submissions against the application, highlighting the following management improvement and proposals:
 - Thanks to the Police for trying to resolve the issues at the venue;
 - Reference to Salman Kurt who had been the licence holder for both licences. He would not surrender one of the licences. The Solicitor had now surrendered this licence and the review only related to licence 1342. Salman Kurt was the owner of the premises and had involvement with other licence premises. He had not complied with Police requests in regard to the premises. He was now no longer involved in the premises although he owned the building;
 - The premise licence owner had reduced the licence hours for the sale of alcohol since 1 January 2022;
 - That the premises should be given a 6 month probationary period to give time to demonstrate that improvement can be made;
 - The premises will be licensed until 23:00;
 - Efforts would be made to move the focus of the anti-social behaviour;
 - 2 SIA door staff to be employed – Thursday to Saturday – 9pm to 2pm;
 - Paracetamol and balloons were no longer sold at the premises;
 - New Designated Premises Supervisor (DPS) had been employed at the premises, independent of the Company;
- 5.10 The Chair asked for clarification on why there had been a long delay in taking action at the premises;
- 5.11 Craig Bayliss clarified that the applicant had not been a Licensee holder and that Salman Kurt had not responded to the engagement from the Police.
- 5.12 Councillor Plouviez asked if the applicant had a personal licence. She asked for clarification on management responsibilities, stating that the applicant was the manager throughout and as such, he must have been aware that selling to minors was a serious matter.
- 5.13 Chris Bayliss confirmed that the applicant had a personal licence. He told the Sub-Committee of the attendance by the DPS and the applicant on Friday to

Saturday to monitor the situation at the premises. The Police had addressed their concerns to Salman Kurt who had not engaged with the Police. There had been much retraining of staff at the premises with the implementation of challenge 25.

- 5.14 Councillor Bell asked for clarification in regard to Salman Kurt's relationship to the premises, expressing concern that he may not abide by the current agreement
- 5.15 Chris Bayliss told the Sub-Committee that the only involvement that Salman Kurt had was as the owner of the building.
- 5.16 The Chair asked for clarification on the relationship between the premises and the remainder of the building.
- 5.17 Chris Bayliss confirmed that a licence to occupy the premises was in place at the premises, with renewal every 3 years.
- 5.18 The Principal Licensing Officer referred to the Sub-Committee papers, stating that the Police had 5 meetings with Salamm Kurt and the applicant and that in December 2019 a meeting was held with the applicant on the closure notice. Chris Bayliss confirmed that the applicant had no power to act.
- 5.19 Councillor Plouviez asked if it would be acceptable to reduce the hours to 11pm on a permanent basis. Chris Bayliss confirmed that this would be acceptable.
- 5.20 The DPS submitted that the Shop had never and would never sell balloons.
- 5.21 In summing up, Chris Bayliss highlighted the following:
 - The reduction of the terminal hour for the sale of alcohol to 11pm;
 - That there could be a condition in regard to the prevention of the sale of super strength beer and wine;
 - That this was an ordinary review and not expedited;
 - If an appeal were lodged, the owner could continue in unrestricted business.
- 5.22 In summing up, The Principal Licensing Officer submitted that the management of the premises had not changed and had interacted with the Police in regard to issues at the premises over a protracted period of time. He said that there had been breaches of the licence even after training at the premises.
- 5.23 The Planning and Licensing Officer confirmed that it would not be appropriate for the Sub Committee to consider the reduction in hours and that all matters would need to be considered by the appeal process. Chris Bayliss disputed this opinion.
- 5.24 In summing up, PC Sian Giles highlighted that:

- The Police maintained its position in requesting the revocation of the licence;
- Efforts to work with the venue to uphold the licensing objectives had been undermined by the venue;
- Only slight improvements had been made at the premises.

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,

that the premises licence for British Express, 329 Old Street, London EC1V 9LE be revoked.

The Reasons for the Decision:

The Licensing Sub-Committee felt after carefully considering the application and representations from the Metropolitan Police Service (the police), also considering representations from the Licensing Authority and Environmental Enforcement, and the representations from the Licensee's representative, and the supporting evidence decided that revocation of the licence was appropriate, and a necessary course of action, given the repeated failures to comply with the terms and conditions of the premises licence.

The Sub-Committee also considered the other options available to them, as detailed in the report. The Sub-Committee was satisfied that none of these would adequately address the likelihood of crime and disorder re-occurring. The Sub-Committee felt that revocation of the licence was necessary to prevent the licensing objectives being undermined in the future. .

The Sub-Committee considered the evidence relating to the site visits that led to the Review being called by the Metropolitan Police Service, and the following failings which undermined the licensing objectives:

- i) The sale of alcohol outside of the hours authorised by the premises licence in November and December 2021.
- ii) The sale of alcohol to persons under the age of 18. The police issued a Closure Notice in 2019 for persistent under age sales in 2019. There was again an underage sale in December 2021.

- iii) Disorder, anti-social behaviour and one violent incident relating to the premises.
- iv) There were issues with the CCTV and breaches of the licence conditions over a protracted period of time. In spite of the interaction with the police, the licensing objectives continued to be undermined by the management of the premises and they failed to comply with the conditions on the licence.
- v) The police have regularly visited the premises relating to incidents of robbery, anti-social behaviour and other crimes. The premises is located in the Shoreditch Special Policy Area which suffers from problems generated by cumulative impact of licensed premises in the area. The police carried out 3 licensing visits, sent 2 warning letters and a number of emails to the licensee regarding the repeated breaches of the conditions on their licence. In addition the police had 5 meetings at the venue with the licensee and management to try and resolve the issues. However, the licence conditions continued to be breached.
- vi) With regard to the recent change in Designated Premises Supervisor the police did not object to this transfer, but the premises is still being operated by the same manager who was aware of the previous and ongoing breaches of the premises licence. Therefore, there is no confidence that the premises would now operate responsibly.
- vii) Condition 4 was not complied with until after staff training was provided. Staff training did not commence until 14 days after the breach of conditions. There was a subsequent breach of conditions after the staff training session.

The Sub-Committee felt that the way the premises were operating was completely unacceptable, and the licensee failed to engage with the police to resolve the breaches of the licence conditions. There were very serious concerns about the ability of the licensee to uphold the licensing objectives following these breaches. The premises lacked supervision and staff trained on the licensing regime to operate the premises responsibly.

The Sub-Committee, having heard the evidence from the licensee's representative, the Metropolitan Police Service, and the Responsible Authorities (the Licensing Authority and Environmental Enforcement) felt that the police presented credible evidence in support of the Review application.

The Sub-Committee took into consideration the evidence submitted by the Responsible Authorities in support of the Review application and the representations made by the police.

The Sub-Committee took into account that the licensee offered reduced operating hours to 23:00 and a change of the Designated Premises Supervisor, however, this did not allay their concerns about the operation of the premises. The Sub-Committee felt that the reasons given for non-compliance of the licence conditions and the repeated failings of the premises were not convincing.

The Sub-Committee, when making their decision took into consideration the lack of confidence in the management. They were not confident, given the serious issues raised in relation to crime and disorder, public nuisance, and public safety, that the current management of the premises and the licensee are capable of upholding or promoting the licensing objectives.

6. Premises licence: The Kings Land, 267 Kingsland Road, London, E2 8AS

- 6.1 The Principal Licensing Officer introduced the application for a premises licence under sections 17 of the Licensing Act 2003 at 267 Kingsland Road for background music, recorded music and the consumption of alcohol, on and off the premises. Representations remained from the Police, the Licensing authority and the Other Person.
- 6.2 David Dadds made submissions in favour of the application, highlighting the following:
 - Agreement to reduce the hours for the sale of alcohol;
 - Request for a licence on Friday and Saturday to 01:30am hours with closure at 2:00pm with core hours for the rest of the week;
 - As an alternative, if core hours were granted, TENs would be used in the meantime to demonstrate that the venue could promote the licensing objectives with a further application later in the year;
 - The maximum capacity was 70 persons;
 - Live music and recorded music was intended;
 - Many robust conditions to be in place;
 - Last entry to the premises at 1:00 pm;
 - 4 previous TENs at the premises with no issues arising;
 - There was no crime and disorder at the premises;
 - The venue had been an established public house for many years;
 - Past representations did not relate to the current operator;
 - Each application should be judged on its own merits;
 - The applicant would promote the licensing objectives;
- 6.3 The Chair asked for clarification on what was included in the application.
- 6.4 David Dadds confirmed that the hours sought would be core hours during the week, except for Friday and Saturday, until 01:30 hours.
- 6.5 PC Kerrie Ryan made submissions against the application, highlighting the following:
 - There had been violence and confrontations in the street outside this premises;

- Residents objected to another licenced premises at this location;
 - The application aimed to replicate what was previously at this location;
 - The hours proposed would attract a disorderly crowd;
 - The Police welcomed the reduction in hours at the premises;
 - The applicant had links to other premises in the area where anti-social behaviour had arisen;
 - On New Years Eve when operating a Temporary Event Notice, the applicant was not aware that live music was a licensable activity;
 - Any breach of a premises licence made the sale of alcohol unlawful;
 - Consistent breaches to conditions at the venue;
 - The Police have had numerous conversations with the applicant with little or no progress made;
 - There had been limited dialogue with the applicant;
 - Fear that the licensing objectives will be undermined;
- 6.6 The Chair asked for clarification on whether such premises were an expansion of nightlife in Shoreditch or a cluster of businesses. He stated that the SPA had relevance in this case. He asked if the Sub-Committee was minded to grant the application what the Police's position would be in regard to non-standard hours for Christmas and New Year.
- 6.7 PC Ryan considered that there was a mixture of premises in the area with some people arriving in the area for late drinking. She confirmed that the Police would object to non-standard hours at the premises.
- 6.8 The Principal Licensing Officer made submissions against the application, highlighting the following:
- The proposed DPS was the sole Director of the company. He was DPS for 2 neighbouring premises in the area, one of which was Unit 7 A warning letter had been sent to this premises in regard to failing to provide CCTV for the investigation of a complaint in November 2021. More recently there had been 9 complaints from local residents;
 - Breaches of conditions on the licence;
 - Given the track record and the history of the premises in relation to crime and anti-social behaviour it was considered that the premises would not be operated in a way that promoted the licensing objectives;
- 6.9 The Chair asked for clarification in relation to the previous licence being surrendered and whether the premises was unsuitable to be licenced. He asked for details of those who had complained.

- 6.10 The Principal Licensing Officer referred to the hours of operation at the premises and activities there. There was no dispersal and clearing of patrons away from the premises on closing. He submitted that there was anti-social behaviour at the premises. He further submitted that if the existing Licence holder was having difficulty in managing the existing premises he could not be expected to operate a new premises to a standard that prevented any of the historical issues from re-emerging. He told the Sub-Committee that the residents who had complained lived in the local vicinity.
- 6.11 The Sub-Committee noted the written submissions of Jacey Frewin (Community Safety and Enforcement Officer), including a series of conditions to be imposed on the licence.
- 6.12 Councillor Adams (Other Person) made submissions against the application, highlighting the following:
- The grant of a licence would not promote the licensing objectives because of crime and anti social behaviour, and would undermine the prevention of public nuisance, public safety and the protection of children from harm;
 - The site was previously occupied by a nightclub with issues around serious anti-social behaviour;
 - The granting of the licence would have a negative impact on those living in the community, with increased noise disturbance and would encourage other venues to apply for the extension of hours;
 - The application was poorly advertised;
 - Several letters of objection submitted on concerns about an increase in crime, public nuisance, public safety and the protection of children from harm;
 - The business needed to be compatible with the area.
- 6.13 Thomas Fleming (Other Person) made submissions against the application, highlighting the following:
- Meetings with Councillors and Police in 2019 when residents expressed their concerns about too many late night licences;
 - Riotous atmosphere on the street in that area;
 - Accountability of venues becomes impossible;
 - Excessive smoking outside the premises until late;
 - Street parties in the area;
 - Concerns around another late night venue.
- 6.14 The Chair stated that activities in the area had become a matter for concern.
- 6.15 David Dadds highlighted the following:
- The Police had not raised matters relating to cumulative impact;
 - The premises was suitable for purpose;
 - Excessive weight was being placed on the licence holder's inability to operate a premises;

- There were no crimes or disorder at the premises;
 - The applicant was not a Premises Licence Holder of 'U7' or 'Under the Bridge', but rather the DPS;
 - Robust conditions were being offered;
 - There had not been a breach of conditions;
 - The premises had a limited capacity;
 - There had been no complaints when TENs were in operation at the premises.
- 6.16 The Chair confirmed that it was for the applicant to prove that there would not be a cumulative impact in the SPA. He asked for clarification on the disputed planning use.
- 6.17 The Principal Licensing Officer confirmed that the applicant was the DPS of 2 neighbouring premises, involved with the day to day management of the premises which had received complaints from residents and did not provide CCTV footage to the Police. He confirmed that the complaints related to licensing and planning matters.
- 6.18 Councillor Plouviez stated that the premises had a difficult history in a residential area. She asked for clarification on the applicant's relationship to the other two premises.
- 6.19 David Dadds reiterated that the applicant was the DPS of the 2 venues. U7 had no issues arising with one household making complaints. Under the Bridge had been operating for 8 years. Allegations of any breaches would be defended. There had not been anti-social behaviour at the premises.
- 6.20 The Licensing and Planning Lawyer clarified that each application should be considered on its own merits with the application being considered afresh, taking into account that the premises had previously been used as a venue.
- 6.21 David Dadds confirmed that the fact that the premises was previously licenced was a consideration.
- 6.22 Councillor Adams stated that there had been anti-social behaviour at U7.
- 6.23 Councillor Plouviez asked if the applicant wished to make a comment on his approach to the venue.
- 6.24 The applicant stated that the concept was for a Jazz lounge with live music with no large crowds attending.
- 6.25 Amanda Nauth asked for clarification on whether the applicant was a director of the limited company. David Dads confirmed that he was. He confirmed that the licence application was meant to mirror the previous licence.
- 6.26 Lauren Collin made submissions against the application, highlighting that the venue was very close to blocks that belonged to the Thames Valley Housing

Association and that the area was very residential. Residents were very concerned about the potential for cumulative impact in the area.

- 6.27 Channing Riviere asked for clarification in regard to the original application when recorded music was to be played until 4:30am with non-standard timings.
- 6.28 David Dadds responded:
- That the applicant was of good character;
 - The applicant was not a director or shareholder of U7 or Under the Bridge;
 - The original application was to mirror the existing licence;
 - A noise Limiter was in place and the premises was small;
 - Each application should be considered on its own merits;
 - Non standard hours would be removed and TENs would be used;
- 6.29 Thomas Fleming clarified that there were 2 venues opposite. He considered that the venue had the appearance of a bar/ nightclub.
- 6.30 Councillor Bell asked for clarification on capacity at the premises and on which floors the venue would be located. He expressed concern at the overlapping conditions in the application. He considered that the number of smokers outside should be reduced to 6.
- 6.31 David Dadds clarified that the capacity was to be 70. The venue would be located on the ground floor and basement. He confirmed that the number of smokers outside could be set at 6. He confirmed that the applicant had accepted all the conditions.
- 6.32 In summing up, Councillor Adams stated that the premises would cause cumulative impact with a negative effect on the residents in the area with much social housing at the rear of the premises.
- 6.33 In summing up, Thomas Fleming stated that the granting of the licence would lead to a period of stress for the residents.
- 6.34 In summing up, Channing Riviere stated that while the reduction in hours and capacity were welcome, concerns remained around the licence holder's ability to be DPS of a third premises. Details of staff training or the dispersal policy had not been made available. If the application was approved by the Sub-Committee, some proposals such as core hours would be acceptable to the Licensing Authority.
- 6.35 In summing up, PC Kerry Ryan highlighted the following:
- That the Police would wish to see the non-standard hours removed from the licence;
 - That the Police had no confidence that the premises would be run in such a manner as to uphold the licensing objectives.
 - The Police considered that the applicant should first demonstrate that he can be responsible at his other venues before taking over a further licence.

6.36 In summing up, David Dadds highlighted the following:

- The applicant was a DPS at 2 other premises;
- The applicant was of good character;
- There were no convictions or warnings against the applicant;
- There was no crime or disorder at Under the Bridge;
- The allegation of a breach of conditions at Under the Bridge was robustly defended;
- If the application were granted the applicant would cease to be the DPS at the other 2 premises;
- There would be no charge for admission to the premises;
- The venue would be a music orientated;
- There was no evidence of cumulative impact;
- A noise limiter had been installed.

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;
- The protection of children from harm;

the application for a premises licence has been refused in accordance with Licensing Policies LP1, LP2, LP3 and LP11 within the Council's Statement of Licensing Policy.

Reasons for the decision:

The Licensing Sub-committee, having heard from the Responsible Authorities (the Metropolitan Police Service and the Licensing Authority) and Other Persons believed that granting the application for a premises licence would be likely to result in the licensing objectives being undermined, and would have a negative impact on the residential area.

The Sub-Committee took into consideration the representations of the Metropolitan Police Service ("the police") and their objection to this application because the applicant is a Designated Premises Supervisor (DPS) at a premises that has continued to breach conditions on the premises licence which is a concern. The police made submissions that there was no trust or confidence in the applicant and the police felt that if a premises licence was granted that the licensing objectives would be undermined. The police were disappointed that the applicant only made contact with the police two days before the Licence Sub-Committee hearing. The police welcomed a reduction in the hours as discussed with the applicant, however, this did not allay their concerns.

The Sub-Committee heard the police submissions that each application is considered on its own merits, however, when there is a link to other premises that

are breaching the conditions of their licence it raises concerns about how this premises, the Kings Land will operate. The police concluded that they do not have enough trust and confidence in the applicant and they maintained their objection to the application. The Sub-Committee noted the Licensing Authority supported the representations made by the police.

The Sub-Committee also heard from the Licensing Authority who made submissions that the applicant is the Designated Premises Supervisor for two other premises in the area which have experienced complaints from local residents about breaches of the premises licence such as failing to provide CCTV recordings when requested.

The Licensing Authority contended that the applicant was the DPS of two other premises, and the Responsible Authorities consider the applicant is a point of contact to operate those premises responsibly without breaches of the licence conditions. The Sub-Committee noted that the applicant has not provided the Responsible Authorities with a draft dispersal policy and a staff training program for the Kings Land.

The Sub-Committee took into account the representations made by the Other Persons (local residents). It was noted that there were 13 objections received from the local residents objecting to the application. The local residents had concerns about the impact of the premises in a residential area and creep in recent years in the area.

The Sub-Committee carefully considered the representations made by the applicant, the applicant's representative together with those of the Metropolitan Police Service, the Licensing Authority and Other Persons (local residents). However the Sub-Committee were not convinced that the applicant would be able to operate the premises responsibly and maintain the licensing objectives. The Sub-Committee had concerns that the applicant did not understand the licensing conditions and what is required to operate the premises responsibly.

The Sub-Committee took into account that the premises are located in a difficult area that is likely to have an impact on local residents in the area.

The Sub-Committee noted that the applicant did not engage with the Responsible Authorities at an early stage but just two days before the hearing, and that there was no dispersal policy and training. The Sub-Committee took into consideration that the Responsible Authorities did not support the application.

The Sub-Committee took into consideration when refusing this application that each case is considered on its merits. The Sub-Committee believed that the licensing objectives could not be promoted by granting this application, and as such believed it was appropriate to refuse the application in its entirety.

7 **Temporary Event Notices - Standing Item**

7.1 There were no temporary events notices.

End of meeting

Duration of Meeting: 2-5pm

Chair: Councillor Peter Snell

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