

MINUTES OF THE MEETING OF THE LICENSING SUB COMMITTEE E

This meeting was live streamed and can be viewed at:

<https://youtu.be/qv04SlrAvGo>

TUESDAY, 14 DECEMBER 2021

Councillors Present:

**Cllr Emma Plouviez (Chair),
Cllr Brian Bell and Cllr Peter Snell.**

Officers in Attendance:

Amanda Nauth - Licensing and Corporate Lawyer
Suba Sriramana - Acting Principal Licensing Officer
Rabiya Khatun - Governance Services Officer
Channing Riviere - Principal Licensing Officer

Also in Attendance:

Thirsty Boy Wines Co Ltd

Daniel Long - Applicant

Other Persons:

V. Kell

D. Reid

P. Morphett (representing residents of petition)

Review - Cargo, 83 Rivington Street

Jeremy Philips - Metropolitan Police Services'
Legal Representative

PC Sian Giles - Metropolitan Police Services

PC Dave Atkins - Metropolitan Police Services

Premises Licence Holder:

Sarah Le Fevre - Premise Licence Holder's
Legal Representative

Shmail Khan - Premise Licence Holder's
Representative

Other Persons:

Jonathan Moberly (Speaking on behalf of
Petition)

W. Mann,

M. Gayaparsad

J. Simkin

Charis

N. Sheikh

J. Fortune

Robert Gardner

1 Election of Chair

1.1 Councillor Plouviez was duly elected to Chair the meeting.

2 Apologies for Absence

2.1 Apologies for absence were received from Cllr Sizer.

3 Declarations of Interest

3.1 There were no declarations of interest.

4 Minutes of the Previous Meeting

4.1 There were no minutes of the previous meeting for consideration.

5 Licensing Sub Committee Hearing Procedure

5.1 The hearing procedures as set out in the agenda pack were explained to all participants.

6 Premises licence: Thirsty Boy Wine, 2-4 Tottenham Road, N1 4BZ

6.1 Subangini Sriramana, Acting Principal Licensing Officer introduced the report in respect of an application for a premises licence made by Thirsty Boy Wine Co Ltd. It was noted that the Police had withdrawn their representation following the agreement of a condition with the applicant for the supply of alcohol on the premises to be reduced by 30 minutes to allow customers a period of 30 minutes to finish their drinks. Representation however, remained from the Other Persons and it was highlighted that the premises were not located within the Shoreditch Special Policy Area (SPA).

6.2 The Acting Principal Licensing Officer reported that the licensee had agreed to reduce the supply of alcohol hours to include 30 minutes drinking up time as follows:

Monday to Wednesday 12:00-21:30 hours
Thursday 12:00-22:00 hours
Friday to Saturday 12:00-22:30 hours
Sunday 12:00-20:30 hours

6.3 The sub committee noted the additional information from the applicant, which had not been included in the agenda pack.

6.4 Daniel Long, the applicant, made submissions speaking in support of the application, highlighting the following:

- He operated a small online business and had developed a loyal and supportive customer base with many of his customers residing within the borough;

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- The premises had a capacity of 24 persons seated inside, which would minimise the noise nuisance, disturbance and anti-social behaviour outside the premises;
- He was an experienced operator having worked in the wine industry for over 10 years both in Australia and the UK. He had worked in Australia during the implementation of some of the strictest alcohol legislation;
- He would be attending various local initiatives promoting responsible service and safe consumption of alcohol including Hackney Pubwatch, the WAVE training and training for staff;
- He had engaged with the Police to address their concerns in relation to noise pollution and agreed to play music at an ambient level inside the premises. His contact details would be made available so that local residents could report any issues to management.
- Smokers would not be permitted to take their drinks outside the premises and directed away from the residential areas towards Kingsland Road;
- He had agreed to reduce the opening hours to bring them in line with the Council's core hours and the closing hours would ensure the premises did not operate as a late night drinking establishment or promote cheap alcohol;
- The outdoor seating area would be closed in the evening and all furniture removed to minimise late night noise nuisance; and
- He currently had no plans to open the premises on Mondays.

6.5 Ms Morphett, Other Person, speaking on behalf of the residents that had submitted the written representations (Appendix C1-8) within the agenda pack, made submissions in objection to the application. The following points were highlighted:

- The premises was located close to a retirement block within a predominantly residential area that had many elderly and retired residents;
- Residents living in the properties close to the premises would be affected by the public nuisance caused by patrons speaking on the streets and the music being played in the outside area;
- The area already suffered from a high level of crime and anti-social behaviour, people congregating in the area and the use of illicit drugs and the granting of another premises licence would exacerbate these issues;
- The outside seating area was on a narrow strip of the pavement, which would cause issues for pedestrians.

6.6 The Sub Committee also noted the written representations made at appendix C of the report.

6.7 Following all submissions, the Chair led a discussion on the application, during which the applicant replied as follows:

- He intended to apply to the Council for a pavement licence until 21.00 hours for one table in the outside seating area for a maximum of six persons;

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- All furniture would be removed from the pavement when the outside area closed;
 - The premises was currently empty but had previously operated as an architect's office;
 - He was currently operating as a wine merchant running an e-commerce business and this premises would allow him to host tasting sessions within a building;and
 - The opening hours reflected his intention not to operate as a late night bar.
- 6.8 The Acting Principal Licensing Officer confirmed that the premises was not located within the Shoreditch SPA and the applicant clarified that the premises was on the edge of the Shoreditch SPA.
- 6.9 The Chair noted that the premises were close to the Shoreditch SPA and therefore the issues of cumulative impact could be taken into consideration.
- 6.10 In his closing statement, the applicant sought to alleviate the concerns raised by highlighting the amendments made to the application, which were intended to minimise public nuisance and disturbances.
- 6.11 During closing statements, the Other Person maintained their objections to the application having felt they had not heard anything from the applicant to allay their concerns and believed that the licensed premises being located within a predominantly residential area would not add any value to the area or residents lives.
- 6.12 **RESOLVED:** 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 approved in accordance with the Council's Statement of Licensing Policy and the conditions set out in paragraph 8.1 of the report, with the following amendment :-

The opening hours and the hours for licensable activity are:

Opening Hours:

Monday to Wednesday	12:00 - 22:00
Thursday	12:00 - 22:30
Friday to Saturday	12:00 - 23:00
Sunday	12:00 - 21:00

Supply of Alcohol (On and Off premises):

Monday to Wednesday	12:00 - 21:30
Thursday	12:00 - 22:00
Friday to Saturday	12:00 - 22:30
Sunday	12:00 - 20:30

And the following conditions:

- Patrons shall cease using the external area after 20:00 hours daily. The tables and chairs in the outside area shall be rendered unusable after that time.
- There shall be a written dispersal policy submitted to and approved by the Licensing Authority and the Police. The approved dispersal policy shall be implemented at the premises. All staff shall be briefed on this dispersal policy. A copy of the policy shall be kept on the premises and shall be produced to a police officer or other authorised officer upon request.

Reasons for the decision

The Sub-committee approved the application with amended hours, and additional conditions for on-sales and off-sales of alcohol at the premises which would prevent the licensing objectives being undermined.

The Sub-committee took into consideration representations from the Metropolitan Police Service who subsequently withdrew their objection to the application. The Sub-Committee noted that no other Responsible Authorities made objections against the application.

The Sub-committee also took into consideration the objections raised by 28 Other Persons (local residents), and their concerns about the impact the premises will have on local residents and the area. The Sub-committee carefully considered the representations, and concerns made on behalf of the Other Persons. The Sub-Committee heard that the premises is situated directly opposite the Sheltered De Beauvoir Housing Scheme.

The Sub-committee heard submissions from the applicant that he was operating as a wine merchant running an ecommerce business and this premises would allow him to host tasting sessions within a building. Also the opening hours reflected his intention not to operate as a late night bar. The applicant contended that he intended to apply to the Council for a pavement licence until 21.00 for one table in the outside seating area for a maximum of six persons. The applicant also agreed that all furniture would be removed from the pavement when the outside area was closed.

The Sub-committee heard the applicant make submissions about his plans to train staff and reduce noise pollution. In addition that music will be played internally, and at an ambient level to avoid affecting local residents.

The Sub-committee felt that although the premises was in close proximity to Kingsland Road and near to the Special Policy Area the reduced hours agreed by the applicant will not add to the cumulative impact. The Sub-committee took into consideration the applicant's willingness to work with local residents to resolve issues.

The Sub-committee noted that the applicant agreed to produce a dispersal policy.

They felt that the conditions agreed with the Metropolitan Police Service addressed some of the concerns of local residents close to the premises relating to noise nuisance and anti-social behaviour.

Having taken all of the above factors into consideration, the Licensing Sub-committee was satisfied that the application could be approved without the licensing objectives being undermined.

7 Review of premises licence: Cargo, 83 Rivington Street

7.1 Subangini Sriramana, Acting Principal Licensing Officer introduced the report in respect of an application for a premises licence made by Cargo and indicated that representations remained from Environmental Health and Other Persons.

7.2 The sub committee noted the additional information from the applicant and premises licence holder, which had not been included in the agenda pack.

7.3 Jeremy Philips, Metropolitan Police Services' legal representative, made submissions speaking in support of the review application on the grounds of the prevention of crime and disorder, prevention of public nuisance and public safety, and highlighted the following:

- There were high levels of crime associated with the premises including 69 incidents ranging from theft to violent crimes that included sexual assaults and grievous bodily harm. 60 of these incidents occurred after midnight, 17 violent incidents after midnight, and 51 crimes occurred after 01.00 hours. The majority of the violent crimes had occurred after 01.00 hours;
- The crime and disorder experienced at this premises was disproportionate for a venue of this size;
- The Police had had visited the premises on 11 occasions and made multiple telephone calls trying to engage with the licensee/premises licence holder but there had been no sustained improvements in addressing the high levels of crime and disorder and public nuisance inside and around to the premises;
- There were issues with the current closing hours and poor management;
- It had been a challenge to secure an agreement with the licensee to conditions in order to better manage the premises;

- There were issues with patrons dispersing from the premises and from the vicinity;
- The premises had failed to adhere to its own dress policy;
- The searching of patrons was inadequate and was not addressing the ongoing knife issues;
- The premises licence holder had agreed to close the premises for three months and proposed to re-open after a substantial investment and change in the style of operation; and
- The premises licence holder had agreed to most of the proposed conditions except for the reduction in hours in line with the Council's core hours.

7.4 The sub committee sought clarification regarding the review application and the Metropolitan Police Services' legal representative responded that additional robust conditions needed to be implemented by the premises licence holder to address the ongoing issues related to the premises. PC Giles stated that people remaining in the area longer and consuming legal and illegal intoxicants led to more crime and violence.

7.5 Channing Riviere, Licensing Authority's representative made submissions in support of the review application as contained within the agenda pack. The following points were highlighted:

- Concern was expressed at the high number of crime and disorder incidents that had taken place inside the premises and in particular issues with dispersal;
- The premises licence holder had not demonstrated that they could uphold and promote the Council's licensing objectives; and
- The premises licence holder had not addressed the issue of reducing capacity and reducing the closing hours of the new business, which could potentially minimise any adverse impact on the area.

7.6 The Other Persons (Appendix E) made submissions in objection to the application as contained within the agenda pack. The following points were highlighted:

- The premises was not well managed and highly problematic, adding to the alcohol consumption and intoxication in the area which had adversely impacted on residents;
- There were high levels of crime associated with the premises including serious crimes such as sexual assaults and stabbings,
- Intoxicated patrons from this premises had mainly contributed to the anti-social behaviour, crime and disorder experienced in the area;
- There was a lack of confidence in the management after they had failed to cooperate with the Police and Licensing Authority after many attempts had been made at engagement;
- Concerns were expressed that when the premises was at full capacity, people not allowed in the premises would remain in the area and party on the estate;
- The premises was located within the late night economy area, which was already saturated with licensed premises;

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- Many patrons were remaining in the area after closing hours and parking in residents carpark spaces and partying until dawn, which had added to the anti-social behaviour, disorder and crime in the area;
- The noise nuisance and disorder had made the area unsafe, disrupted residents sleep and was unliveable especially during the weekends;
- The selling of nitrogen gas was also fuelling the violence and turf war in the area;
- The premises licence holder needed to submit a new application for any new business plan;
- The current capacity at the premises needed to be reduced to minimise public nuisance;
- The current hours needed to be reduced in line with the Council's core hours, however many believed that the reduced hours would not address the issues of partying on the streets; and
- If there were any further lockdowns, the premises licence holder could feel under pressure to hire promoters to increase business.

7.7 The Sub Committee requested clarity on the points raised and the following responses were made:

- Following two incidents the Police and Licensing had discussed and agreed measures with the premises licence holder to resolve the issues relating to the live music and the operation of the premises that would minimise public nuisance. However, the premises licence holder had failed to implement the measures agreed including changing music promoters and operating as a food led premises;
- The premises licence holder accepted that he had made mistakes and apologised for the historic confusions in relation to the food led operation and changing promoters. He emphasised that they had committed financially to changing the operation of the premises and indicated that a condition could be added for no music promoters at the venue;
- The premises licence holder stated that he anticipated that the current capacity would be reduced after a fire risk assessment was undertaken and the building of an internal queuing system inside the premises holding 60 people. This would minimise noise nuisance and reduce the patrons congregating outside the premises;
- The Other Persons highlighted that they lacked confidence in the premises licence holder as they had not implemented the changes agreed with the Police on two separate occasions; and
- The premise licence holder highlighted that another lockdown could lead to the business closing and not a change in the business model.

7.8 PC Giles outlined the proposed conditions and Licensing Authority's representative objected to the proposed hours. The Other Persons stated that the proposed conditions did not address the issues emanating from the premises and having an adverse impact on the area.

7.9 Sarah Le Fevre, premises licence holder's legal representative, made submissions in objection to the review application. She highlighted the following points:

- The venue had been owned for 15 years and the premises licence holder had inherited the past operation of promoting upcoming artists that had caused many of the current issues;
- There was evidence of the the premises licence holder engaging and positively responding to the police's concerns in relation to queuing and dispersal issues experienced in the area;
- It was accepted that the historic offerings and layout of the premises had caused many issues with entry and exit;
- It was clarified that the thefts and assaults had not been committed inside the venue;
- The cumulative impact should not be considered as part of this review;
- Covid-19 had impacted on the business;
- The premises licence holder emphasised that he had worked in partnership with the police for over 13 years and acknowledged the issues raised by them and the residents. As part of his commitment to address the concerns raised he had voluntarily suspended operations and closed the premises for ten days during the christmas period;
- A new DPS had been employed at the premises;
- The premises licence holder had secured £1m funding to renovate the premises for the new business including an internal waiting space allowing 60 patrons to queue inside the premises;
- The new proposals for the premises would focus on food, beverages and service and attract a high end clientele. The three distinct offerings of food, beer and cocktails in a revamped garden area and the venue would provide a space for co-working, corporate events and after work drinks in the bar. This would resolve the issues previously experienced; and
- The premises licence holder appealed to the local residents to give him another chance to demonstrate he was a responsible operator and he assured those present that he would take personal responsibility for ensuring that the current opening hours did not cause a public nuisance. The retention of the current hours was a commercial necessity.

7.10 Following all submissions, the Chair led a discussion of the application, during which the following responses and points were made:

- The Other Persons emphasised that the issues had occurred prior to Covid-19 and any new business proposal for the premises should be submitted through a new application and also requested that the capacity be reduced;
- The premises licence holder stated that the current hours were needed for the new business to be successful within the Shoreditch night time economy and that the three month suspension period, internal queueing system and the additional conditions would address the issues of crime, disorder, public nuisance and dispersal;
- The premises licence holder confirmed that the internal queuing system inside the venue was expected to hold a maximum 60 persons and that the capacity would be determined after a fire risk assessment had been

undertaken. The current operation of Cargo allowed a capacity of approximately 650;

- PC Giles confirmed that the two measures agreed in relation to the type of music and running a food led operation during Covid had not been implemented. The Licensing Authority's representative also concurred;
- The premises licence holder apologised for the historic confusions and assured those present that there would be no music promoters;
- The Other Persons highlighted that the premises licence holder was not a responsible operator and had not implemented the previous agreements with the police. Any further lockdowns could place pressure on management to play different music genres to repay their loan which would continue cause a nuisance for residents;
- Some of the Other Persons and Licensing Authority's representative requested that the opening hours be reduced in line with the Council's core hours as vertical drinking remained in the new business plan;
- The premises licence holder stated that the new business plan was similar to one of the licensed premises they owned and the proposed conditions would ensure that the premises operated responsibly; and
- The premises licence holder emphasised that further lockdowns would be a material threat to the business and could result in permanent closure.

7.11 Mr Philips stated that the police could not place conditions on the new business without the submitted designs. The premises licence holder had been given multiple opportunities but failed to engage with the police and operate the premises responsibly. He had put no action plan in place to improve the operation of premises and was also seeking an exception from the search condition. It was clarified that they were seeking a revocation of the licence but if the sub committee were minded not to revoke they would prefer a three month suspension period to enable the proposals to be submitted and conditions to be reviewed.

7.12 In his closing statement, the Police's legal representative indicated that they would prefer revocation having felt they had not heard anything from the premises licence holder to allay their concerns. The issue of debt should not be taken into consideration and if the sub committee were minded not to revoke then consideration should be given to reducing the opening hours.

7.13 During closing statements, the Licensing Authority's representative and Other Persons retained their support for the application having felt they had not heard anything from the premises licence holder to allay their concerns and that the issues could not be resolved satisfactorily without revocation.

7.14 **RESOLVED:** 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 Cargo, The Arches, 83 Rivington Street EC2A 3AJ be revoked.

Reasons for the decision:

The licensing sub-committee carefully considered the application from the Metropolitan Police Service and heard submissions from their representative, the Licensing Authority, Other Persons (local residents) and the representations from the licensee and their representative, and the supporting evidence presented by them. They decided that revocation of the premises licence was an appropriate and necessary course of action, given the repeated failures to comply with the terms and conditions of the premises licence, and the specific serious incidents outlined.

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

The sub-committee considered the evidence that led to the review being called by the Metropolitan Police Service. They took into consideration the following specific evidence:

1. The very serious nature and the high levels of crime attributable directly to the venue and its customers. The information to date shows that the premises is a venue that, through poor management, is a crime generator. From drunken fights that involve dozens of its customers sprawling out into the streets of Shoreditch, to patrons armed with knives and sexual assaults taking place inside the venue, far too many of the customers at the premises have been either the victims of or the perpetrators of serious crime and disorder.
2. The Metropolitan Police Service sought the review having exhausted all other options, The police have had many meetings with the management of the premises where the problems that the venue and its customers are causing were highlighted in detail. Warnings were also given about the seriousness of the situation. There were many promises made by the owners and management to deal with the issues but these have not been kept. As a result an unacceptably high level of crime continued to take place in and around the premises.

3. The premises has received WAVE training and training on Ask for Angela, a joint police and Licensing Authority initiative which highlighted the action a licensed premises should take to prevent their customers being the victims of crime. However, despite the joint efforts of the police and Licensing Authority to work with the licensee and the management of the premises they failed to comply with the standards required of them not only under the legislation, but also the requirements set out by the police and the Licensing Authority. This resulted in the lack of safety for local residents and visitors to the area.
4. The sub-committee felt that the way the premises were operating was completely unacceptable and could not continue. There were very serious concerns about the ability of the licensee to uphold the Licensing objectives following these repeated failings. The premises lacked good management, adequate supervision, and responsible staff.
5. The subcommittee explored the alternative proposals for running the venue, but felt that the rushed and last-minute nature of the proposals made it impossible for the sub-committee to properly examine and have confidence in them. The subcommittee also considered that for such an experienced operator to begin to take any measures only on the eve of this final stage was not at all reassuring.
6. Finally, the sub-committee took into consideration that the Metropolitan Police Service, the Licensing Authority, and Other Persons all continued to support revocation as the appropriate course of action.

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 in charge of the premises and the licensee are capable of upholding or promoting the licensing objectives.

8 Temporary Event Notices - 267 Kingsland Road, London, E2 8AS

- 8.1 This item was withdrawn from the agenda after the Licensing Authority had withdrawn its objection to the Temporary Event Notice.

Duration of the meeting: 14.00- 16.35

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