

Review of the Premises Licence – Ye Olde Axe, 69 Hackney Road, London E2 8ET

The decision of 9th December 2021

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 Ye Olde Axe, 69 Hackney Road, London E2 8ET be revoked.

The Reasons for the Decision:

The Licensing sub-committee felt after carefully considering the application from the Licensing Authority, considering representations from the Licensing Authority, 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 failures to comply with the Covid-19 regulations during the pandemic which is taken very seriously.

The sub-committee took into consideration the evidence from the Licensing Authority that due to there being breaches of the licence, no controls in place, and the serious breach of Covid regulations. Revocation of the licence was necessary given that the Covid regulations were well publicised, and had been in force for some time.

The sub-committee was satisfied that no other options would adequately address the breaches of the Covid regulations or 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 Licensing Authority. They took into consideration that the management of premises allowed the following to occur, which undermined the Licensing objectives:

- i) During the pandemic Licensing officers had visited the premises on 4 July and 9 July 2021. This premises had no controls in place, and failed to observe any of the legal requirements of the Regulations at the time to prevent the spread of Covid and protect customers and staff;

ii) The witness statements from the Licensing officers that visited the premises outlined the breaches of the Health Protection Regulations 2020. These included no posted QR codes for customers to scan, no records of customers contact details, no social distancing in the premises, no table service, patrons and staff not wearing face coverings, and patrons being served at the bar. The licensee was subsequently fined £1,000;

iii) The premises also lacked basic controls and supervision. Officers also observed during their two visits that there had been no residual evidence of any controls being put in place previously such as posters and staff enforcing social distancing;

iv) As part of the Covid restrictions all premises offering sexual entertainment had been required to cease these activities. The Covid regulations came into force on 29th March 2021. Under Schedule 3, Paragraph 9(1)(e) of The Health Protection (Coronavirus, Restrictions) (Steps) (England) Regulations 2021. The premises was required to cease offering sexual entertainment. This was a clear breach of the Covid regulations that were in force for some time, and prior to the visits made by the Licensing officers in July 2021;

v) The licensee was an experienced operator and should have been familiar with licensing legislation and Covid regulations relating to the entertainment industry which had been extensively published nationwide on the television and news;

The sub-committee felt that the way the premises were operating in breach of the Covid-19 Regulations during the pandemic was completely unacceptable. There were very serious concerns about the ability of the licensee to uphold the Licensing objectives following these breaches. The sub-committee recognised that this was poor judgement on the part of the management of the premises in the absence of the licence holder who was away from the premises at the time the Licensing officers visited the premises. The premises lacked supervision and had no experienced staff running the premises.

The sub-committee, having heard the evidence from the licensee, the licensee's representative, and the Licensing Authority felt that there was no guarantee the public would be safe due to the failure to comply with the regulations. In addition the sub-committee took into account that there was no protection for the dancers, and there was no protection with masks observed at the premises. The dancers were put at greater risk due to Covid-19.

The sub-committee took into account that the licensee only felt that they were in breach of the Covid table service requirements. They did not take into consideration the other Covid Regulations that they were in breach of. It was clear that the licensee did not consider the impact on the staff and members

of the public which, as an experienced licence holder, he should have considered. The sub-committee took these breaches very seriously.

The sub-committee when making their decision took into consideration the lack of confidence in the management. They were not confident, given the serious health and safety issues raised, that the current management in charge of the premises and the licensee are capable of upholding or promoting the licensing objectives and the failure to comply with the Covid-19 Regulations under The Health Protection (Coronavirus, Restrictions) (Steps) (England) Regulations 2021. The sub-committee considered that this was a serious risk to public health and safety and to members of staff at the premises.