

MINUTES OF A MEETING OF THE LICENSING SUB-COMMITTEE A

TUESDAY, 13 DECEMBER 2022 AT 7:00PM

The live stream can be viewed here:

https://youtu.be/9_zf7VMvK6Q

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| Councillors Present: | Cllr Gilbert Smyth in the Chair and Cllr Sharon Patrick |
| Officers in Attendance | Amanda Nauth - Licensing and Corporate Lawyer Channing Riviere - Principal Licensing Officer Suba Sriramana – Principal Licensing Officer Natalie Williams - Senior Governance Officer |
| Also in Attendance: | <u>Agenda item 6: Balls Shoreditch</u> Graham Hopkins - Licensing Agent Eric and Vicky - Applicants |

1 Election of Chair

1.1 Cllr Gilbert Smyth was duly elected as Chair of the meeting.

2 Apologies for Absence

2.1 There were no apologies for absence.

3 Declarations of Interest - Members to declare as appropriate

3.1 There were no declarations of interest.

4 Minutes of the Previous Meeting

4.1 There were no minutes for consideration.

5 Licensing Sub-Committee Hearing Procedure

5.1 The hearing procedure was noted by all present.

6. Premises Licence Variation: Balls Shoreditch, 333 Old Street

6.1 The sub-committee heard from the Principal Licensing Officer, the Licensing Agent and the Licensing Authority representative. Submissions made by the police were considered in their absence. The additional information (food menu) submitted by the applicant was noted. During the course of submissions and a discussion of the application, the sub-committee noted the following:

- The application sought to licence the basement, outside (table and chairs to be removed by 10pm) and ground floor areas. In addition, the amendment of conditions was requested to enable 'toughened glass' to be taken outside. No increase in hours was sought
- The business was described as a family entertainment centre offering crazy golf, food and drink.
- The basement was currently empty and not in use.
- The premises had operated two Temporary Event Notices in recent months without issue.
- The basement had a capacity of 60 (40 seated, 20 standing) and would be used for seated events (magic shows, stand up comedy and acoustic gigs).
- The ground floor had a capacity of 120. No seating was available.
- The applicant had met with the police and Licensing Authority prior to the hearing.
- Should the licence be granted, the dispersal policy and the role of security staff would be updated.
- A table and chairs licence was already in place. This area was sectioned off and could accommodate 8 people seated at two tables.
- After 10pm a maximum of 8 smokers were allowed outside.
- The main concerns of the Licensing Authority related to the location of the premises within the Special Policy Area (SPA). Following a meeting with the applicant and police, it was confirmed that there were no significant concerns regarding adding to the cumulative impact or the undermining of the licensing objectives. It was felt that use of the basement would be sufficiently regulated.
- Approximately two pre-planned events per week would be held in the basement area.
- Background music was played throughout the premises with a DJ playing at the weekend.
- Online bookings could be made. Patrons' spent approximately 2 hours at the venue.
- Toughened glass was described to be glass that did not shatter into large sharp pieces and therefore could not cause injury or harm.
- The applicant was amenable to an additional condition stipulating the requirement of security staff to monitor all licensable areas of the premises, including the outside areas.
- Condition 4 stipulated that no children or young person under 18 was permitted on the premises beyond 8pm.
- Conditions 12, 17(d) and 28 were noted to be the same. The applicant was in agreement with the deletion of duplicate conditions 12 and 17(d). Condition 28 was to be amended to include non single use, reusable vessels to be taken outside.
- The applicant was not receptive to operating the basement on a solely ticketed system. The police and Licensing Authority did not feel it necessary to impose this.

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; and
- The protection of children from harm,

the application to vary a premises licence has been approved in accordance with the Council's Statement of Licensing Policy and the proposed conditions set out in paragraph 8.1 of the report, with the following amendments:

- Remove conditions 12 and 17(d) from the licence which are a duplication of condition 28
- Condition 28 shall be amended and read as follows:

“No open bottles or glasses shall be permitted to be taken outside the premises at any time. Only plastic reusable glasses/vessels or recyclable cardboard glasses/vessels for drinks shall be taken outside the premises for use in the designated external area, and toughened glass shall not be used”.

And the following additional condition:

- The maximum number of persons allowed in the basement of the premises at any one time shall not exceed 60 persons limited to the following:
 - i) Basement 40 persons seated (excluding staff)
 - ii) Basement 20 persons standing (excluding staff)
- During events in the basement a member of staff shall be on duty to monitor customers.
- Customers shall not be permitted to use the external area on the ground floor after 22:00.

Reasons for the decision

The Application to vary this premises licence has been approved, because members of the Licensing Sub-committee were satisfied that the licensing objectives would not be undermined within the Shoreditch Special Policy Area (Shoreditch SPA).

The Sub-committee took into consideration representations received from the Responsible Authorities. The Metropolitan Police (“the Police”) made representations on the grounds of the prevention of crime and disorder and prevention of public

nuisance. The Licensing Authority made representations on the grounds of public nuisance. It was noted that no representations were made by local residents.

The Sub-committee took into consideration that the premises is located in the Shoreditch SPA and therefore it is subject to policy LP10.

The Police were unable to attend the hearing, however, the Sub-committee took into account their written representations that the Police had concerns about the extension of the licence to include the basement. This would increase the capacity of the venue which could have a negative impact on the Shoreditch SPA. The Police made representations that they had few concerns relating to the outside seating area of the premises. The Police together with the Licensing Authority proposed conditions to ensure the basement and the outside area operate responsibly to help allay their concerns.

The Licensing Authority contended that although premises are in the Shoreditch SPA they were satisfied with the capacity condition, and given the overall track record of the premises licence holder they have no concerns. The Sub-committee heard that the licence holder worked with both the Licensing Authority, and the Police to overcome their concerns before the hearing.

The Sub-committee heard submissions from the premises licence holder and their representative that they wanted to use the basement for family entertainment such as 30 minute magic shows from time to time. They have plenty of staff to monitor customers on the premises. The Sub-committee heard that the premises had operated Temporary Events without incident.

The Sub-committee heard submissions from the premises licence holder and their representative that the premises has a tables and chairs licence for the external area that has 2 tables with 8 chairs and they are sectioned off in the external area. The premises licence holder and their representative contended that the turnaround of customers was quick, and the SIA door security will monitor customers and smokers in the outside area. The Sub-committee heard that the ground floor is the entrance to the external area, and the external area is set out in sections

The Sub-committee after hearing from the premises licence holder and their representative, the Police and the Licensing Authority the Sub-committee were satisfied that the premises would not add to the cumulative impact in the area, and would not threaten the licensing objectives in the Shoreditch SPA. The sub-committee took into consideration the nature and size of the business.

The Sub-committee took into consideration that the premises has a good track record as a well run family entertainment centre. The Sub-committee also took into account that the premises licence holder is an experienced operator, and the Police and Licensing Authority concerns were overcome.

The Sub-committee also took into account the conditions agreed by the premises licence holder with the Responsible Authorities that would help overcome any negative impact in the Shoreditch SPA.

Having taken all of the above factors into consideration, the Sub-committee was satisfied that by granting this variation to the premises licence, the licensing objectives would continue to be promoted within the Shoreditch SPA.

Public Informative

The premises licence holder is advised to avoid single use plastics.

7 Temporary Event Notices - Standing Item

7.1 There were no Temporary Event Notices for consideration.

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| Duration of the meeting:7.00-7.56pm |
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