

For Consideration By	Licensing Sub-Committee
Meeting Date	26 November 2024
Type of Application	Vary a Premises Licence
Address of Premises	Simmons, 104-108 Curtain Road, London, EC2A 3AH
Classification	Decision
Ward(s) Affected	Hoxton East and Shoreditch
Group Director	Rickardo Hyatt

1. Summary

1.1. This is an application to vary a premises licence to allow authorisation:

- To extend the terminal hours for all licensable activities on Friday and Saturday
- To remove the restriction on hours for the sale of alcohol on Good Friday
- To replace the existing conditions with new proposed conditions

2. Application

2.1. Simmons Shoreditch Limited has made an application to vary a premises licence under section 34 of the Licensing Act 2003.

2.2. The applicant is seeking authorisation for the following proposed variation:

- To remove the restrictions upon the hours for the sale of alcohol on Good Friday.
- To remove all of the current conditions on the licence and replaced with those set out in the paragraph 8.1 below.
- To extend terminal hours for the following licensable activities and timings:

Live Music	Standard Hours:
	Fri 10:00-04:00

	<p>Sat 10:00-04:00</p> <p>Non-standard Hours: Christmas Day 12:00 to 15:00 and 19:00 to 22:30. On New Year's Eve from the end of permitted hours on New Year's Eve until the start of permitted hours on New Year's Day.</p>
Recorded Music	<p>Standard Hours:</p> <p>Fri 10:00-04:00 Sat 10:00-04:00</p> <p>Non-standard Hours: Christmas Day 12:00 to 15:00 and 19:00 to 22:30. On New Year's Eve from the end of permitted hours on New Year's Eve until the start of permitted hours on New Year's Day.</p>
Performance of Dance	<p>Standard Hours:</p> <p>Fri 10:00-04:00 Sat 10:00-04:00</p> <p>Non-standard Hours: Christmas Day 12:00 to 15:00 and 19:00 to 22:30. On New Year's Eve from the end of permitted hours on New Year's Eve until the start of permitted hours on New Year's Day.</p>
Anything of a similar description	<p>Standard Hours:</p> <p>Fri 10:00-04:00 Sat 10:00-04:00</p> <p>Non-standard Hours: Christmas Day 12:00 to 15:00 and 19:00 to 22:30. On New Year's Eve from the end of permitted hours on New Year's Eve until the start of permitted hours on New Year's Day.</p>
Late Night Refreshment	<p>Standard Hours:</p> <p>Fri 23:00-04:00 Sat 23:00-04:00</p>

	<p>Non-standard Hours: On New Year's Eve from the end of permitted hours on New Year's Eve until the start of permitted hours on New Year's Day.</p>
<p>Supply of Alcohol (On and Off premises)</p>	<p>Standard Hours: Fri 10:00-04:00 Sat 10:00-04:00</p> <p>Non-standard Hours: Christmas Day 12:00 to 15:00 and 19:00 to 22:30. On New Year's Eve from the end of permitted hours on New Year's Eve until the start of permitted hours on New Year's Day.</p>
<p>The opening hours of the premises</p>	<p>Standard Hours: Mon 00:00-00:00 Tue 00:00-00:00 Wed 00:00-00:00 Thu 00:00-00:00 Fri 00:00-00:00 Sat 00:00-00:00 Sun 00:00-00:00</p>

2.3. The application is attached as Appendix A. The applicant has proposed new conditions to replace the existing conditions (see paragraph 8.1 below).

3. **Current Status/History**

3.1. The current premises licence was granted on 24 November 2005 (attached as Appendix D).

3.2. Temporary event notices have been given for this premises in current year as follows:

<u>Date of the event(s)</u>	<u>Hours</u>
29/03/2024-01/04/2024	01:00-03:00
06/05/2024-06/05/2024	00:00-02:00
27/05/2024-27/05/2024	00:00-03:00
26/08/2024-26/08/2024	00:00-04:00
01/11/2024-01/11/2024	01:00-03:00
23/11/2024-24/11/2024	02:00-03:00

4. **Representations: Responsible Authorities**

From	Details
Environmental Health Authority (Environmental Protection)	No representation received
Environmental Health Authority (Environmental Enforcement)	Have confirmed no representation on this application
Environmental Health Authority (Health & Safety)	No representation received
Weights and Measures (Trading Standards)	No representation received
Planning Authority	No representation received
Area Child Protection Officer	No representation received
Fire Authority	Have confirmed no representation on this application
Police (Appendix B1)	Representation received on the grounds of The Prevention of Crime and Disorder and Prevention of Public Nuisance
Licensing Authority (Appendix B2)	Representation received on the grounds of The Prevention of Crime and Disorder and Prevention of Public Nuisance
Health Authority	No representation received

5. **Representations: Other Persons**

From	Details
52 representations received from and on behalf of local residents (Appendices C1-C52)	Representation received on the grounds of The Prevention of Crime and Disorder, Public Safety, Prevention of Public Nuisance and The Protection of Children from Harm

6. **Guidance Considerations**

- 6.1. The Licensing Authority is required to have regard to any guidance issued by the Secretary of State under the Licensing Act 2003.

7. **Policy Considerations**

- 7.1. Licensing Sub-Committee is required to have regard to the London Borough of Hackney's Statement of Licensing Policy ("the Policy) adopted by the Licensing Authority.
- 7.2. The Policy applies to applications where relevant representations have been made. With regard to this application, policies, LP1 (General Principles), LP2 (Licensing Objectives), LP3 (Core Hours), LP4 ('Off' Sale of Alcohol) and LP12 (Cumulative Impact -General) are relevant.

8. **Officer Observations**

- 8.1. If the Sub-Committee is minded to approve the application, the following conditions should be applied the licence:
1. The licensee shall install and maintain a comprehensive CCTV system as per the minimum requirements of a Metropolitan Police Crime Prevention Officer. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall as a minimum 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 provided immediately upon the request of Police or authorised officer throughout the preceding 31-day period.
 2. No less than one member of staff who is able to operate the CCTV system shall be on the premises at all times.
 3. Door supervisors shall be employed at a ratio of 1:75 patrons. At least one member of the door staff shall be female.
 4. The licensee/management shall record the full name, home address and contact telephone number, SIA registration number, and the time/date of employment of any door supervisor(s) employed at the premises. Where door supervisor(s) are provided by an agency the name, business address and contact telephone number will also be recorded. These records are to be maintained for no less than 6 months.
 5. The licence holder shall ensure that any queue to enter the premises which forms outside the premises is orderly and supervised by door staff.
 6. Management shall undertake the relevant training in relation to responding and ensuring the welfare and safeguarding of vulnerable patrons. Management shall risk assess the need for all other relevant staff to undertake such training. Written records of the training completed shall be recorded and available to the Police and Authorised Officers from the Local Authority upon request.
 7. An incident log shall be kept at the premises, and made available on request to an authorised officer of the Council or the Police, which will as a minimum record the following:
 - (a) all crimes reported to the venue
 - (b) all ejections of patrons
 - (c) any complaints received
 - (d) any incidents of disorder
 - (e) seizures of drugs or offensive weapons
 - (f) any faults in the CCTV system or searching equipment or scanning equipment
 - (g) any refusal of the sale of alcohol

(h) any visit by a relevant authority or emergency service.

8. The licensee shall operate a zero tolerance policy to drugs and comply with the Police/Council Community Safety Unit Drugs and Weapons policy where appropriate. Prominent signage shall be displayed by every entrance and exit detailing the drugs and weapons policies.
9. A written search policy that aims to prevent customers or staff bringing illegal drugs, weapons or other illegal items onto the premises at any time shall be in place and operate at the premises.
10. A secured, lockable drug box must be installed at the venue. Police attendance must be requested for removal of the contents.
11. Police and LBH contracted drugs dogs or drug detection equipment will be given immediate access to the premises without notice for the purpose of detecting and reducing incidences of drug misuse.
12. The licensee shall display the telephone number/email address of the Designated Premises Supervisor for use by any Responsible Authority or any person who may wish to make a complaint during the operation of the licence in a prominent external location at the premises that is easily accessible to the public.
13. Toilets to be checked for evidence of any crime regularly throughout the day and at least hourly after 2100hrs. Records of these checks are to be documented and retained for no less than 31 days and shall be provided to the Police upon immediate request.
14. No entry to or re-entry to the premises after 03.00hrs by members of the public or guest of friends of members of staff or the premises licence holder. (except those patrons who have temporarily left the premises to smoke.)
15. Measures to be implemented to prevent theft. These measures may include, but are not limited to:
 - Bag clips/hooks
 - Property patrols
 - Notices advising patrons that thieves operate in the area.
16. The maximum number of persons (including staff and entertainers) allowed at the premises shall not exceed 200 in the basement and 180 on the ground floor (total 380).
17. The edges of the treads of steps and stairways shall be maintained so as to be clearly visible.
18. The approved arrangements at the premises, including means of escape provisions, emergency warning equipment, the electrical installation and

mechanical equipment, shall at all material times be maintained in good condition and full working order.

19. The means of escape provided for the premises shall be maintained unobstructed, free of trip hazards, be immediately available and clearly identified in accordance with the plans provided.
20. Adequate and appropriate supply of first aid equipment and materials must be available on the premises at all times.
21. At least one appointed person who has received first-aid training from a HSE approved trainer shall be on duty when the public are present.
22. There shall be a written dispersal policy, a copy of which shall be kept on the premises and made available to police or other authorised officer upon request.
23. Clear and prominent notices shall be displayed and maintained at all exits in a place where they can be seen and easily read by customers requiring customers to leave the premises and the area quietly.
24. All external doors and windows shall be kept closed, other than for access and egress, when regulated entertainment is taking place.
25. All music systems shall be routed through a sound limiting device. The limiting device(s) should be set to ensure no noise nuisance occurs, a certificate of compliance should be submitted to the pollution group. The device shall be controlled by the licensee/management and kept in a locked, tamper-proof box.
26. No fumes, steam or odours shall be emitted from the licensed premises so as to cause a nuisance to any persons living or carrying on business in the area where the premises are situated.
27. No more than 40 patrons will be permitted in the designated smoking area.
28. No refuse and/or bottles are to be placed in external receptacles or in areas outside the premises after 2300hrs.
29. Where a person appears to be under the age of 25 identification in the form of a passport, photo driving licence or a proof of age card bearing the PASS hologram will be sought and if not provided service of alcohol shall be refused.
30. Prominent, clear notices shall be displayed at the point of entry to the premises and in a suitable location at any points of sale indicating that where a person appears to be under the age of 25 identification will be sought and if not provided service of alcohol will be refused.

31. All staff whose responsibilities include the retail sale of alcohol shall receive training about the prevention of underage sales on induction and then every [6] months thereafter/2] times a year. This training shall be recorded and the records to be available on request to the Police or any authorised officer. The training to include:

- (a) the operation of the challenge 25 scheme
- (b) types of acceptable ID
- (c) the method of recording challenges
- (d) the likely consequences of making an underage sale
- (e) refusing sales to persons who appear to be drunk
- (f) proxy sales.

32. No entertainment, performance, service or exhibition involving nudity or sexual stimulation which would come within the definition of a sex establishment as defined in Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 as amended by the Police and Crime Act 2009, shall be provided.

9. **Reasons for Officer Observations**

9.1. Conditions (1) to (32) are derived from applicant's operating schedule. These conditions are replaced the existing licence conditions.

10. **Legal Comments**

10.1. The Council has a duty as a Licensing Authority under the Licensing Act 2003 to carry out its functions with a view to promoting the following 4 licensing objectives;

- The Prevention of Crime and Disorder
- Public Safety
- Prevention of Public Nuisance
- The Protection of Children from Harm

10.2. It should be noted that each of the licensing objectives have equal importance and are the only grounds upon which a relevant representation can be made and for which an application can be refused or terms and conditions attached to a licence.

11. **Human Rights Act 1998 Implications**

11.1. There are implications to;

- **Article 6** – Right to a fair hearing
- **Article 14** – Not to discriminate
- Balancing: **Article 1**- Peaceful enjoyment of their possession (i.e. a licence is defined as being a possession) with **Article 8** – Right of Privacy (i.e. respect private & family life) to achieve a proportionate decision having regard to the protection of an individuals rights against the interests of the community at large.

12. **Members Decision Making**

12.1. **Option 1**

That the application be refused

12.2. **Option 2**

That the application be approved, together with any conditions or restrictions which Members consider necessary for the promotion of the Licensing objectives.

13. **Conclusion**

13.1. That Members decide on the application under the Licensing Act 2003.

Appendices:

Appendix A: Application to vary a premises licence and supporting documents

Appendix B: Representations from responsible authorities

Appendix C: Representations from other persons

Appendix D: Current Licence

Appendix E: Location map

Background documents

Licensing Act 2003

LBH Statement of Licensing Policy

Report Author	Name: Shan Uthayasangar Title: Licensing Officer Email: shan.uthayasangar@hackney.gov.uk Tel: 02083562431
Comments for the Group Director of Finance and Corporate Resources prepared by	Name Title Email Tel
Comments for the Director of Legal, Democratic and Electoral Services prepared by	Name Title Email Tel