

CGCA Additional Submission – HERE and Lower Third Hearing

This additional document is being submitted in response to the documents provided by the applicant. These consist of the following.

1. Statement of Michael Watson, Better Compliance and Licensing Compliance Audits for HERE and The Lower Third.
2. Licensing Observation Report of Brian Hunter, Patriot Licensing.
3. Letter from Andy Hickey.
4. Letter from Jamie Franklin.
5. Letter from Andy Rowberry.
6. Amended Conditions on HERE.
7. Conditions agreed with Police on The Lower Third.
8. Link to Petition in Support of Applications.
9. Schedule of Late-Night Entertainment Venues which have ceased trading due to the Crossrail Development.
10. CV of Robbie Naish, Security Director, Outernet Venues.

Our responses to some these documents are set out below.

1. Licensing Compliance

We welcome the fact that the venue carries out Licensing Compliance audits and so can demonstrate that it complies with the conditions on its Licence and its legal requirements. Even if it did not have this process we would expect nothing less. However, we disagree the statement offered in Paragraph 26:

It is my professional opinion that HERE and The Lower Thurs have a highly effective compliance infrastructure in place to ensure an increase to permit licensable activities does not have an adverse effect on the promotion of the four licensing objectives.

Having a highly effective compliance system in place **cannot** lead to the conclusion that there will be no adverse impact on the Licensing Objectives. As a simple example the impact of noise from customers who have left the premises cannot be controlled via licence conditions. However it can have a negative impact on the Licensing Objective of the Prevention of Public Nuisance

The position of the CGCA is that the current operation of both premises, despite the fact that they comply with the licence conditions (as demonstrated by the compliance audit) ALREADY harms the Licensing Objective of the Prevention of Public Nuisance. Adding additional hours will only increase this harm, not reduce it.

2. Licensing Observation Report of Brian Hunter, Patriot Licensing.

Mr. Hunter carried out 2 visits to the venues in July 2023. The report focusses on whether the processes put in place by the security team working for the applicant address the licensing objectives with a focus on those of protecting children from harm and preventing crime and disorder. Given Mr. Hunters background in Policing this is to be expected. The primary concern of the CGCA is the

impact on Public Nuisance, especially because of noise, from customers at the premises during both ingress and egress.

Ingress

This was observed on only 1 day (Thursday 06/07). The observations relate to the way in which the ingress process supports the crime & disorder and protection of children Licensing Objectives. The observations state that “Whilst monitoring, there were no issues, no signs of intoxication, the customer mood was good humoured and there was no formation of queues”. There is no discussion of noise generated by people in the queue and so we assume that it was quiet.

This contrasts with the experience of residents in Denmark Street, who are frequently disturbed by the noise from people queuing in Denmark Street. This point was made in the CGCA’s Representation but as an additional illustration we are providing a link to a video taken on Sunday 27/08 at 23:05.

Video Link

This video shows the level of noise which can be generated by a “good humoured queue”.

Egress

This was observed on both Thursday 06/07 and Saturday 08/07.

Lower Third

The observations note that no issues were observed when the cocktail bar closed at 23:45 and a low number of customers exited via Denmark Street. The basement venue also had a low number of customers (15) when it closed. Given that the capacity of the venue is 350 we do not believe it is possible to draw the conclusion that egress at 04:00 with a number of customers which is 23 times greater than that observed will also be issue free.

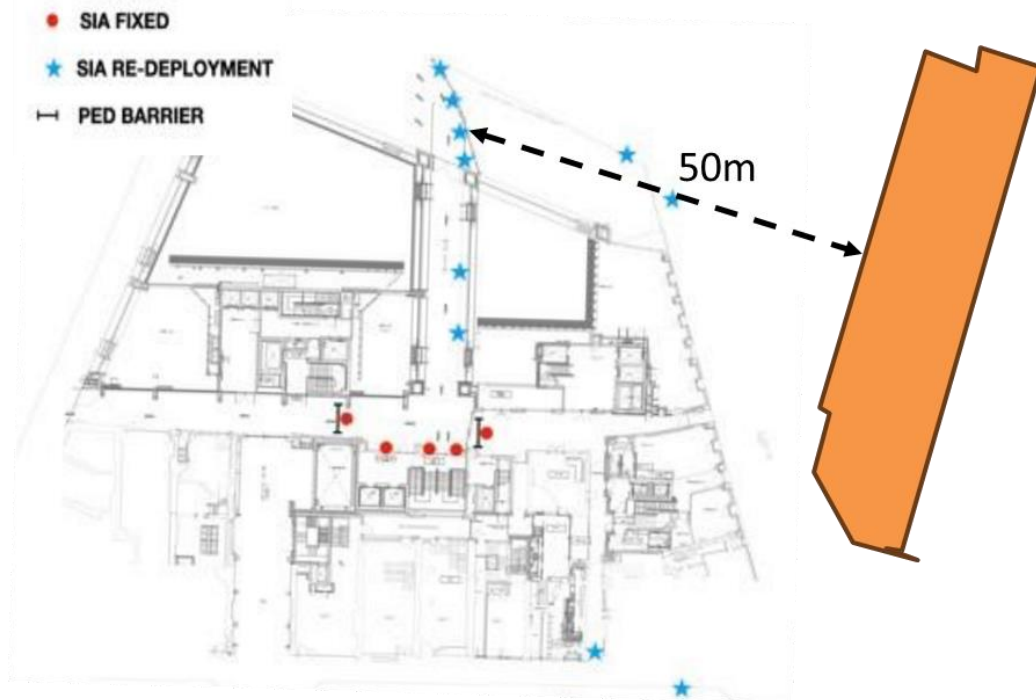
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The report sets out the dispersal approach. It states that this includes *“a roaming team is deployed to patrol St Giles Square where there are neighbouring residents, to ensure where possible that patrons of the venue are not congregating, by politely asking them to move on or keep noise to a minimum. The district security team also aid in encouraging the dispersal of guests, coordinating with the venue team and the night manager from local residences at Centre Point to minimise public nuisance and engaging with local authorities”*

Our experience is that whilst the team do their best to “keep noise to a minimum” it is in fact impossible to disperse a large crowd (up to 1,500 people) without a noise disturbance being caused. Whilst they may “minimise” public nuisance they cannot prevent public nuisance from occurring, and the report does not set out the claim that they do.

We have taken the plan of SIA deployment for egress and marked on it the location of Centrepoint House and White Lion House. These building at around 50m from the line of SIA and do are 50m from the dispersal of a crowd of 1,500 people. It is not surprising that residents in Centropoint House have commented on issue of noise.

Centrepoint House + White Lion House



At dispersal on Saturday 08/07 there are some additional observations which are relevant.

“cars were parked on both sides of Denmark Street, but I could not state if they were attributable to any person attending the venue. I spoke to the district security supervisor, who was standing on Denmark Street at the junction with St Giles High Street who was observing the parking. He stated that they normally inform Camden Council Parking unit who would normally attend to ticket the vehicles, if appropriate.”

This observation from the applicant confirms those made in our Representation. The use of the pavement for parking harms the public nuisance and public safety licensing objectives. Whilst Mr. Hunter cannot state whether they are attributable to people attending the venue we can categorically state that a high proportion of them are people attending the venue.

From 01:45 hours, I saw several males NOT associated with the venue appear in Denmark Street from the direction of Charing Cross Road with nitrous oxide cannisters and balloons. They attempted to gain entry to the site Denmark street “Arcade” entrance but were denied entry and directed away from the venue by the site security team.

At about 01:30 hours at the front of Tottenham Court Road entrance and opposite the exit to the venue, a male began to set up a sound system, again he came from the direction of Charing Cross Road (Soho). I saw the head of Security Robbie Nash approach him; a conversation took place which I could not hear, and the male packed up and moved back towards Soho.

These observations reinforce our view that it is not only the noise generated by customers of the venue that is an issue but also the noise and ASB generated from others who are attracted to the area because of the number of people leaving the venue. Whilst on this occasion the security staff were able to intervene this is on only 1 night of the 104 currently permitted. They have no power to move these people on and are reliant on them choosing to leave. We maintain that the large number of people leaving late at night is very likely to give rise to increased public nuisance, and potentially crime and disorder. These observations underscore the likelihood of the this occurring.

The other area of concern is noise from people smoking. The smoking area is within the site and the observation made is that *“There was noise emanating from it, but again I checked from outside the building line, and this was barely audible.”*. This may seem reassuring, however being “barely audible” at 01:00 is rather different from the impact at 03:00, when the surrounding area is likely to be much quieter.

3-5 Letters from Supporters

8 Petition

We have no doubt that the music industry and people who visit the venues appreciate what 2 of the letters (which are very similar to each other) describe as *“state-of-the-art venues that provide a platform for an incredible breadth of cultural public events. As well as hosting world-renowned musical acts and club nights, the venue provides an important platform for grassroots talent and non-profitable programming across the creative and cultural spectrum. There are few venues in Camden that can offer the kind of cultural richness that these venues can.”*. We note that one of the comments by someone signing the petition is that *“Late night venues statistically have less trouble following an event. People disperse over time rather than all at once. Creating less problems”*. This contrasts with Mr. Hunters observation that most people leave over a short period at the end of the event.

Our response is that these venues already operate until 02:00 (in the case of HERE on 104 occasions per year, so every Friday and Saturday night if they wish). The test for the Licensing Authority in considering this application is whether an extension of hours for Lower Third and an increase in the hours and the number of occasions for HERE will **support** the Licensing Objectives. The writers of the letters and those who sign the petition are not considering this question.

6 Amended Condition on HERE

7 Conditions agreed with the Police on Lower Third

We will make verbal submissions at the licensing hearing on these documents

9 Schedule of Late-Night Entertainment Venues which have ceased trading due to the Crossrail Development.

This document lists 3 venues (Sin, Astoria and Astoria2) with late licences which were closed for the Crossrail development in 2009 (14 years ago). We agree that all of these venues had late licenses. However this particular card has already been played. The Minutes of the Licensing Hearing on 30/06/2016 which granted the Provisional Statement for the Event Gallery record that Lisa Sharkey, appearing for the applicant, stated that *“A number of licenses had been surrendered in relation to the development which had resulted in a reduction of weekly licensable hours in the area. 3 large venues had been demolished which had later terminal hours than those being proposed in this application.”*

The minutes and the decision notice record that *“The Panel was also of the view that the surrender of a number of licences for other premises in the area allowed this application to be granted as an exception to policy.”*

The fact that these premises have closed was used to justify the Provisional Statement and hence the existing licence. This was the exception on which the grant of the licence was justified. We do not think that the same exception can be used again, 14 years after these premises closed and 7 years after the exception was used.

10 CV of Robbie Naish, Security Director, Outernet Venues.

Mr. Naish appears to be eminently qualified. We are sure that he will do his best to minimise the impact on the Licensing Objectives from the existing licence and any additional hours the Licensing Authority might grant. However the test is not about whether the impact will be minimised., The test is whether the licensing objectives will be **supported** by the grant of the licence.