

LONDON BOROUGH OF TOWER HAMLETS**RECORD OF THE DECISIONS OF THE LICENSING SUB COMMITTEE****HELD AT 6.30 P.M. ON TUESDAY, 13 NOVEMBER 2018****C1, 1ST FLOOR, TOWN HALL, MULBERRY PLACE, 5 CLOVE CRESCENT,
LONDON, E14 2BG****Members Present:**

Councillor Eve McQuillan (Chair)

Councillor Shad Chowdhury (Member)

Councillor Victoria Obaze (Member)

1. DECLARATIONS OF DISCLOSABLE PECUNIARY INTEREST

Councillor Shad Choudhury, declared a personal interest on agenda item 4.1, Application for a New Premises Licence for Venue 82, 82a Commercial Street, London E1 6LY on the basis that as a Ward Councillor for Spitalfields and Banglatown, he had received correspondence from, both the applicant and objectors. However he confirmed that he had made no contact/communication with either of the parties in relation to the application.

2. RULES OF PROCEDURE

The Rules of Procedure were noted by the Sub Committee.

3. MINUTES OF THE PREVIOUS MEETING(S)

The minutes of the Licensing Sub Committees held on 25th September and 2nd October 2018 were agreed as a correct record.

4. ITEMS FOR CONSIDERATION**4.1 Application for a New Premises Licence for Venue 82, 82A Commercial Street, London E1 6LY****The Licensing Objectives**

In considering the application, Members were required to consider the same in accordance with the Licensing Act 2003 (as amended), the Licensing Objectives, the Home Office Guidance and the Council's Statement of

Licensing Policy and in particular to have regard to the promotion of the four licensing objectives:

1. The Prevention of Crime and Disorder;
2. Public Safety;
3. Prevention of Public Nuisance; and
4. The Protection of Children from Harm

Consideration

Each application must be considered on its own merit. The Sub Committee had carefully considered all of the evidence before them and considered written and verbal representation from both the Applicant and the objectors with particular regard to all four licensing objectives of the prevention of public nuisance, the prevention of crime and disorder and the protection of children from harm and public safety.

The Sub-Committee noted that the premises in question are situated in the Cumulative Impact Zone and when a representation is received, the licence will be refused. However the effect of this special cumulative impact policy is to create a rebuttable presumption.

The Sub-Committee noted that the Applicant can rebut the presumption if they can demonstrate that their application for a premises licence would not undermine any of the four licensing objectives.

The Sub-Committee considered that the onus lay upon the Applicant to show this through the operating schedule, with appropriate supporting evidence that the operation of the premises, if licensed, would not add to the cumulative impact already being experienced.

The Sub-Committee noted that the cumulative impact of the number, type and the density of licensed premises in the area may lead to serious problems of nuisance and disorder; and that the Cumulative Impact Zone did not act as an absolute prohibition on granting or varying new licences within that zone.

The Sub-Committee noted the written representations made by objectors and also heard representations from objectors at the meeting regarding the impact of the premises on the Cumulative Impact Zone. The Sub-Committee noted objectors' concerns relating to the existing levels of noise nuisance and anti-social behaviour; and concerns about increased noise nuisance, impact upon family environment, and the likely increased numbers of clientele in the area if the application were to be granted, and thereby the likely impact on the Cumulative Impact Zone.

The Sub Committee noted the Applicant's representation that the impact of the premises licence if granted, would be mitigated by the proposed conditions agreed with responsible authorities and the willingness to accept suggestions/conditions from residents and the Sub Committee. However, the

Sub Committee heard no evidence that rebutted the presumption of the Cumulative Impact Zone.

The Sub Committee noted that the Applicant was unable to demonstrate how he or his staff would manage crowds outside the premises on the ground floor and how he would manage no vertical drinking during private parties/bookings. It was further noted that there was one stairway and entrance for both access and egress and there were not sufficient measures in place for crowd management for when customers would be leaving the venue and spilling into the streets.

The Sub-Committee noted that the premises would be importing a number of people into area for private booking events who would then be leaving to go into the area which already experiences a high volume of crime and disorder, public nuisance and anti-social behaviour. The potential increased footfall arising from any grant of the application in this instance requires a particularly robust operating schedule, which should demonstrate particular measures at the premises to address the likely impact of increased clientele and potential alcohol fuelled disorder arising there from. The Sub-Committee was not satisfied that the operating schedule as presented at the Sub-Committee meeting met that requirement.

The Applicant failed to demonstrate how he would manage the premises and his staff and how he would enforce conditions on a premise licence if it were to be granted and not to add to the cumulative impact already being experienced in the area.

The Sub Committee was therefore not satisfied with the application and were of the view that the Applicant had failed to successfully demonstrate that they had rebutted the presumption against granting a premises licence for a premises situated in a Cumulative Impact Zone, in that it was considered the Applicant failed to demonstrate that their application for a premises licence would not undermine any of the four licensing objectives in particular the prevention of public nuisance and public safety.

Accordingly, the Sub Committee unanimously

RESOLVED

That the application for a New Premises Licence for Venue 82, 82a Commercial Street, London E1 6LY, be **REFUSED**

5. EXTENSION OF DECISION DEADLINE: LICENSING ACT 2003

There were no applications that required deadline extensions.

The meeting ended at 8.00 p.m.