

LONDON BOROUGH OF TOWER HAMLETS

RECORD OF THE DECISIONS OF THE LICENSING SUB COMMITTEE

HELD AT 6.30 P.M. ON TUESDAY, 8 JANUARY 2019

**THE COUNCIL CHAMBER, TOWN HALL, MULBERRY PLACE, 5 CLOVE
CRESCENT, LONDON, E14 2BG**

Members Present:

Councillor Dan Tomlinson (Chair)

Councillor Faroque Ahmed (Member)

Councillor Shah Ameen (Member)

1. DECLARATIONS OF DISCLOSABLE PECUNIARY INTEREST

No declarations of disclosable pecuniary interests were declared.

2. RULES OF PROCEDURE

The Rules of Procedure were noted by the Sub Committee.

3. ITEMS FOR CONSIDERATION

3.1 Application for a New Premises Licence for Electric Shuffle, 3-6 Steward Street & 50 Gun Street, London E1 6FQ

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 has carefully considered all of the evidence before them and considered written and verbal representation from both the Applicant's Legal Representative and the Objectors with particular regard to the licensing objectives of the prevention of public nuisance, the prevention of crime and disorder and the protection of children from harm.

The Sub-Committee noted that the premises in question are situated in the cumulative impact zone (CIZ). With reference to the Council's Statement of Licensing Policy, the effect of premises subject to a licensing application being in a CIZ is that there is a rebuttable presumption that where relevant representations are received by one or more of the responsible authorities and/or other persons objecting to the application, the application will be refused.

The Sub-Committee noted that under the Council's Statement of Licensing Policy, the Applicant can rebut the above presumption if they can demonstrate that their application for a premises licence would not add to the cumulative impact of licensed premises already in the CIZ.

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 in the CIZ in terms of eg. public nuisance in terms of noise disturbance including increased footfall in the CIZ arising from having an additional licensed premises in the CIZ .

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

That said, the Sub-Committee also took into account the Council's Statement of Licensing Policy saying that the policy regarding applications for premises within a CIZ will be strictly applied, and where relevant representations are received, it is the view of the Council that the application will be refused, and applicants will need to demonstrate that there are exceptional circumstances, such that granting the application would not add to the cumulative effect of having more licensed premises in the CIZ, with regard to the licensing objectives.

The Sub-Committee noted the written representations made by Objectors and also heard oral representations from Objectors regarding the impact of the premises on the CIZ. The Sub-Committee noted Objectors' concerns relating to public nuisance, public safety and anti-social behaviour; and noted objectors' 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 CIZ.

The Sub Committee noted the Applicant's representation that the impact of the premises licence would not be significant and if granted, would be mitigated by the proposed conditions agreed and offered. However, the Sub Committee considered that they had not heard sufficient evidence to demonstrate that there are exceptional circumstances, such that granting the application would not add to the cumulative effect of having more licensed premises in the CIZ, with regard to the licensing objectives. Whilst the Sub-Committee heard extensively from the Applicant's legal representative with reference to the Council's Statement of Licensing Policy and the Secretary of State's Statutory Guidance, the Sub-Committee considered that the Applicant and its legal representative had missed the point in the Council's Statement of Licensing Policy that where a premises licence is sought for premises within a CIZ, if an applicant does not demonstrate that there are exceptional circumstances, such that granting the application would not add to the cumulative effect of having more licensed premises in the CIZ, with regard to the licensing objectives, the application will be refused. The Sub-Committee were concerned that the Applicant did not appear to sufficiently address what is a very high bar to cross in terms of premises licence applications for premises in a CIZ.

The Sub-Committee acknowledged that the Applicant had explained how the Applicant would manage the activities within the premises. However, the Sub-Committee felt that the Applicant was unable to demonstrate how they would manage the noise from groups of patrons leaving the premises. The Sub-Committee noted that a large number of people would be attending and leaving the premises at similar times and noted that, although the Applicant's dispersal policy covered the people leaving the premises, there were not sufficient measures in place for when patrons leaving would be spilling into adjacent residential streets in the CIZ.

The Sub-Committee was also concerned about the impact of importing a significant increase in footfall into the CIZ (300 plus people was talked about) who would also then be leaving through the CIZ, which already experiences a high volume of crime and disorder, public nuisance and anti-social behaviour, these issues being factors behind the creating of the CIZ in the first place. 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 and/or alcohol fuelled noise arising therefrom. The Sub-Committee was not satisfied that the operating schedule as presented at the Sub-Committee meeting met that very high bar.

The Sub Committee was therefore not satisfied that the Applicant had successfully demonstrated enough to rebut the presumption against granting a premises licence for a premises situated in a CIZ, in that the Sub-Committee were of the view that on the balance of probabilities, the premises was more likely than not to negatively add to the CIZ. The Sub-Committee was particularly mindful of the licensing objective of preventing public nuisance.

Accordingly, the Sub Committee unanimously;

RESOLVED

That the application for a New Premises Licence for Electric Shuffle, 3-6 Steward Street & 50 Gun Street, London E1 6FQ be **REFUSED**.

3.2 Application for a New Premises Licence for (The Tap Room) Railway Arch 162, Malcolm Place, London E2 0EU

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 has carefully considered all of the evidence before them and considered written and verbal representation from both the Applicant and his representative and from Councillor Eve McQuillan, Ward Councillor who spoke on behalf of the objectors with particular regard to all four licensing objectives of the prevention of public nuisance, the prevention of crime and disorder, the protection of children from harm and public safety.

The Sub-Committee noted that the premises in question are situated in a derelict and poorly lit area that attracts crime and disorder especially drug dealing and drug use. However, Members noted the fact that the Applicant had acquired a number of units in the area and noted the substantial investment the Applicant would be investing to improve the area, through better lighting, CCTV, removing hoardings, landscaping outside the units etc. and were of the view that these changes will help deter crime and disorder in this particular area.

Members did note the concerns raised by Objectors and in particular the potential public nuisance that licensed premises may cause in an area which was in close proximity to faith buildings and in particular at times during late evenings where customers of the proposed licensed premises would be likely to cause noise nuisance. Therefore Members felt that a conditions to not allow alcoholic drinks to be consumed outside the premises and a restriction on the number of smokers outside the premises together with the conditions agreed with the Responsible Authorities and conditions offered by the Applicant such

as no off sales of alcohol and food to be available throughout the trading period would help alleviate concerns raised and help promote the licensing objectives.

Members reached a decision and the decision was unanimous. Members granted the application subject to conditions to help promote the licensing objectives.

Accordingly, the Sub Committee unanimously:-

RESOLVED

That the application for a New Premises Licence for The Tap Room, Railway Arch, 162, Malcolm Place, London E2 0EU be **GRANTED** with conditions.

Sale of Alcohol (on sales only)

Monday to Saturday 11:00 hrs to 23:00 hrs
Sunday from 11:00 hrs to 22:00 hrs

Hours premises open to the public

Monday to Saturday from 11:00 hrs to 23:30 hrs
Sunday from 11:00 hrs to 22:30 hrs

Non-Standard Timings

News Year's Eve, from 11:00 hrs to 01:30 hrs the following day.

Conditions

1. There shall be no off sales
2. Food will be available throughout the trading period.
3. No alcohol to be consumed outside the premises.
4. No more than four smokers to be allowed to smoke outside the premises at any one time.
5. All staff will be trained in licensing and records kept for inspection by the licensing authority and the police
6. The applicant will be a member of the local pub watch scheme or any similar scheme operating in the area of the Licensing Authority.
7. A Challenge 25 proof of age scheme shall be operated at the premises.
8. A CCTV system to be put in place, the cameras are to be of sufficient quality so that people are clearly identifiable from the footage. The cameras are to be placed in such a way as they cover both the internal

areas any external area, with a camera to cover the entrance so that it captures images of people's faces as they enter the premises. The system is to record the footage and to keep it for a minimum of 28 days and a copy off CCTV footage is to be made available to Police or the Local Authority upon request While the premises are open to the public a member of staff must be on duty who can operate the CCTV system.

9. On Friday and Saturday one SIA accredited door supervisor will be employed from 8pm until the premises has closed.
10. A refusals book shall be maintained documenting people refused the sale of alcohol.
11. A incident book shall be maintained that records all incidents of note, including but not limited to, crimes that take place at the premises, people removed from or refused entry to the premises, incidents of anti-social behaviour
12. Notices shall be prominently displayed at all exists requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
13. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rises to a nuisance (including music from outside speakers).
14. No waste or recyclable materials, including bottles, shall be moved, removed from or placed in outside areas between 23:00 hours and 08:00 hours on the following day.
15. No collections of waste or recycling materials (including bottles) from the premises shall take place between 23:00 hours and 08:00 hours on the following day.

Suggestion from the Sub Committee

The Sub Committee strongly suggested that the Applicant meets and works with the local mosque, Islamic school and local residents to discuss the hours and how they can be adjusted to benefit the community and in particular during prayer times.

4. EXTENSION OF DECISION DEADLINE: LICENSING ACT 2003

There were no applications that required deadline extensions.

The meeting ended at 10.00 p.m.