

Committee :	Date	Classification
Licensing Sub Committee	14th March 2017	Unrestricted

Report of: David Tolley Head of Environmental Health and Trading Standards Originating Officer: Mohshin Ali Senior Licensing Officer	Title: Licensing Act 2003 Application for a variation of a premises licence for (Trade Union), Units 1, 2 and 3 Thomas More Square, London E1W 1YN Ward affected: St. Katherine's and Wapping
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1.0 Summary

Applicant: **Grand Union Company LTD**

Name and **Trade Union**

Address of Premises: **Units 1, 2 and 3 Thomas More Square
London
E1W 1YN**

Licence sought: **Licensing Act 2003 – variation of a premises licence**

- **Extending the times of the licensable activities.**

Representations: **Met Police
Environmental Protection**

2.0 Recommendations

2.1 That the Licensing Committee considers the application and objections then adjudicate accordingly.

LOCAL GOVERNMENT 2000 (Section 97) LIST OF "BACKGROUND PAPERS" USED IN THE DRAFTING OF THIS REPORT

Brief description of "background paper"

Tick if copy supplied for register

If not supplied, name and telephone number of holder

File Only

Mohshin Ali
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3.0 **Background**

3.1 This is an application for a variation of a premises licence for (Trade Union), Unit 1,2 & 3 Thomas More Square, London E1W 1YN.

3.2 A copy of the existing licence is enclosed as **Appendix 1**.

3.3 The timings of the existing licence are detailed below for information only:-

The supply of alcohol (both on and off sales)

- Monday to Wednesday from 11:00hrs to 00:00hrs (midnight)
- Thursday to Saturday from 11:00hrs to 01:00hrs (the following day)
- Sunday from 11:00hrs to 22:00hrs

The provision of late night refreshment (both indoors and outdoors)

- Monday to Saturday from 23:00hrs to 00:00hrs (midnight)

The provision of regulated entertainment in the form of live music (indoors)

- Monday to Saturday from 19:00hrs to 23:00hrs
- Sunday from 13:00hrs to 22:00hrs

The provision of regulated entertainment in the form of recorded music (indoors)

- Monday to Wednesday from 07:00hrs to 00:00hrs (midnight)
- Thursday to Saturday from 07:00hrs to 01:00hrs (the following day)

The provision of regulated entertainment in the form of films (indoors)

- Monday to Saturday from 09:30hrs to 23:00hrs
- Sunday from 09:30hrs to 22:00hrs

The opening hours of the premises

- Monday to Wednesday from 07:00hrs to 00:00hrs (midnight)
- Thursday to Saturday from 07:00hrs to 01:30hrs (the following day)
- Sunday 07:00hrs to 22:00hrs

3.4 A copy of the variation application is enclosed as **Appendix 2**.

3.5 The applicant has applied to vary the times for the sale of alcohol, provision of late night refreshment and recorded music:

Sale of alcohol – on and off sales

- Saturday, from 0100hrs to 0300hrs the following day

Recorded music - indoors

- Saturday, from 01:00hrs to 03:00hrs the following day

Provision of late night refreshment – Indoors & outdoors

- Saturday 00:00-03:00hrs the following day

Hours premises are open to the public:

- Saturday 01:30hrs to 03:00hrs the following day

4.0 Location and Nature of the premises

4.1 Photographs of the venue and immediate vicinity will be provided at the hearing.

4.2 The site plan of the venue is included as **Appendix 3**.

4.3 Maps showing the vicinity are included as **Appendix 4**.

4.4 Details of the nearest licensed venues are included as **Appendix 5**.

5.0 Licensing Policy and Government Advice

5.1 The Council has adopted a licensing policy and this is available from the Licensing Section, and at the hearing. The revised policy came into effect on the 1st November 2013.

5.2 Relevant Sections of the policy are brought to the attention of Members within the Licensing Officers report.

5.3 The Home Secretary has issued Guidance under Section 182 of the Licensing Act 2003. This is available on the Government's website, www.homeoffice.gov.uk. It was last revised in March 2015.

5.4 Relevant Sections of this advice are brought to Members attention within the Licensing Officers report. Members should note however, that in some areas Tower Hamlets, after a proper consideration of local circumstances, has not followed the Government's advice, or has developed it further.

6.0 Representations

6.1 This hearing is required by the Licensing Act 2003, because relevant representations have been made by the following responsible authorities:

- Met Police (**Appendix 6**)
- LBTH Environmental Protection (**Appendix 7**)

6.2 All of the responsible authorities have been consulted about this application. They are as follows:

- The Licensing Authority
- The Metropolitan Police
- The LFEPA (the London Fire and Emergency Planning Authority).
- Planning
- Health and Safety
- Noise
- Trading Standards

- Child Protection
- Public Health

6.3 In addition the application was required to be advertised in a local newspaper and by a blue poster. Only objections that relate to the following licensing objectives are relevant:

- the prevention of crime and disorder
- public safety
- the prevention of public nuisance
- the protection of children from harm

6.4 Essentially, the relevant parties oppose the application because the applicant has not explained how within the context of the application they will meet the licensing objectives, particularly the prevention of crime and disorder and the prevention of public nuisance.

6.5 There are strict time limits to any representations. The time limits are contained in The Licensing Act 2003 (Premises licences and club premises certificates) Regulations 2005.

6.6 The applicant has offered measures in the operating schedule of the application that address the promotion of the Licensing Objectives. If there were no representations, the Licensing Authority would grant the licence, with conditions consistent with the operating schedule, which are relevant, proportionate and enforceable. Members are asked to consider the schedule and incorporate any conditions as necessary to address the licensing objectives.

7.0 **Conditions consistent with Operating Schedule (as offered by the applicant)**

7.1 After 23:00 hours on Saturdays customers will only be permitted to leave the venue via the northeast exit onto Vaughan Way, 'Exit C' shown on drawing 4969 M 1001 PL Rev 8. Appropriate management of this policy will be achieved through the following steps:

7.2 Erection of barriers, of the type identified in the attached Appendices. These barriers will be situated in the following locations;

(a) 2 barriers to the left of our entrance, covering entrance into the square, this will minimise any noise reflection from the high glass buildings.

(b) A further 2 or 3 barriers to the right of our entrance, preventing customers from going right onto Vaughan way

(c) We believe that this level of barrier coverage will be adequate to direct customers along the stipulated exit route towards East Smithfield. If additional barriers prove to be necessary, we will introduce adequate numbers to achieve the required customer movement

- 7.3 A minimum of 5 SIA badged Door Supervisors to be working after 23:00 on Saturdays when trading until 03:00
- 7.4 A taxi rank to be managed at the top end of Vaughan way, with the junction of East Smithfield, to reduce any disruption to local residents.
- 7.5 At least one member of security will be stationed at the exit to our premises after 23.00 with the express task of directing customers immediately on exit toward the main exit route. The route which will have been defined through the positioning of our barriers, as noted in point 1 above.
- 7.6 Signs to be posted on all barriers reminding customers of local residents and asking them to minimise any noise.
- 7.7 All staff and external security personnel will be trained to an appropriate standard regarding the customer management strategy and their responsibilities under it.
- 7.8 We will implement external and internal signage to ensure that the message to customers is reinforced, regarding exit routes and consideration for local residents.

8.0 Conditions in consultation with the responsible authorities/other persons

- 8.1 The police initially agreed a reduction in hours with the applicant but now the applicant wishes to pursue their initial hours applied for and has written to the Licensing Authority with this request. **(Appendix 8)**

9.0 Licensing Officer Comments

- 9.1 The following is intended simply to advise Members of the relevant aspects of the Boroughs Licensing Policy, guidance from the Secretary of State, legislation and good practice (See 6.2). Members may depart from the Council's Licensing Policy and/or Government advice, provide they consider it appropriate to do so, and have clear reasons for their decision.

9.2 Guidance issued under section 182 of the Licensing Act 2003

- ❖ As stated in the guidance it is “provided to licensing authorities in relation to the carrying out of their functions.” It is a key mechanism for promoting best practice, ensuring consistent application and promoting fairness (1.7)

- ❖ Also “so long as licensing authorities have properly understood the Guidance, they may depart from it if they have reason to do so as long as they have reason to do so.” When doing so licensing authorities will need to give full reasons for their actions (1.9).
 - ❖ Also Members should note “A Licensing Authority may depart from its own policy if the individual circumstances of any case merit such a decision in the interests of the promotion of the licensing objectives.” (1.12)
 - ❖ Conditions may not be imposed for the purpose other than the licensing objectives.
 - ❖ Necessary conditions should emerge from a risk assessment by the applicant, which should then be reflected in the operating schedule (10.6).
 - ❖ The Licensing Authority may only impose such conditions as are necessary for meeting the licensing objectives.
 - ❖ It is Government policy that facilities for people and performers with disabilities should be provided at places of entertainment.
 - ❖ “The Government acknowledges that different licensing strategies may be appropriate for the promotion of the licensing objectives in different areas. The 2003 Act gives the licensing authority power to make decisions regarding licensed opening hours as part of the implementation of its licensing policy statement and licensing authorities are best placed to make decisions about appropriate opening hours in their areas based on their local knowledge and in consultation with responsible authorities.” (10.11)
 - ❖ Mandatory conditions must be imposed (10.38) and censorship avoided (10.17).
 - ❖ Licensing authorities should not attach standardised blanket conditions promoting fixed prices for alcoholic drinks to premises licences or club licences or club premises certificates in an area. This may be unlawful under current law. However, it is important to note that the mandatory conditions made under sections 19A and 73B of the 2003 Act prohibit a number of types of drinks promotions where they give rise to a significant risk to any one of the four licensing objectives (10.26).
- 9.3 The Licensing Act 2003 permits children of any age to be on premises which primarily sells alcohol providing they are accompanied by an adult. It is not necessary to make this a condition.
- 9.4 In all cases the Members should make their decision on the civil burden of proof that is “the balance of probability.”

- 9.5 In all cases Members should consider whether or not primary legislation is the appropriate method of regulation and should only consider licence conditions when the circumstances in their view are not already adequately covered elsewhere.
- 9.6 The Government has advised that “Beyond the immediate area surrounding the premises, these are matters for the personal responsibility of individuals under the law. An individual who engages in anti-social behaviour is accountable in their own right. However, it would be perfectly reasonable for a licensing authority to impose a condition, following relevant representations, that requires the licence holder or club to place signs at the exits from the building encouraging patrons to be quiet until they leave the area and to respect the rights of people living nearby to a peaceful night.” (2.20)
- 9.7 The Council’s Licensing Policy generally expects applicants to address the licensing objectives and discuss how to do this with the relevant responsible authorities.
- 9.8 In **Appendices 9 - 14** Members are given general advice, and also have explanations of the Council’s Licensing Policy, Government advice and other legislation relating to the matters in the representations.

10.0 Legal Comments

10.1 The Council’s legal officer will give advice at the hearing.

11.0 Finance Comments

11.1 There are no financial implications in this report.

12.0 Appendices

Appendix 1	A copy of the existing licence
Appendix 2	A copy of the variation application
Appendix 3	Site plan of the venue
Appendix 4	Maps showing vicinity of venue
Appendix 5	Details of nearest licensed venues
Appendix 6	Representations from Police

Appendix 7	Representations from Environmental Protection
Appendix 8	Applicants response to the responsible authorities
Appendix 9	Licensing Officer comments on noise whilst the premises is in use
Appendix 10	Licensing Officer comments on access and egress problems
Appendix 11	Licensing Officer comments on crime and disorder on the premises
Appendix 12	Licensing Officer comments on crime and disorder from patrons leaving the premises
Appendix 13	Planning
Appendix 14	Licensing Policy relating to hours of trading