

Committee : Licensing Sub Committee	Date 28th March 2017	Classification Unrestricted
Report of: David Tolley Head of Environmental Health & Trading Standards	Title: Licensing Act 2003 Application for a time limited-premises licence for (The London Shuffleboard Club), 1 Chance Street, London E1 6JT	
Originating Officer: Mohshin Ali Senior Licensing Officer	Ward affected: Weavers	

1.0 Summary

Applicant:	The Shuffle Group Ltd
Name and	The London Shuffleboard Club
Address of Premises:	1 Chance Street London E1 6JT
Licence sought:	Licensing Act 2003 – time limited-premises licence (ASAP to 01/03/2020) <ul style="list-style-type: none"> • The sale by retail of alcohol (on sales) • The provision of regulated entertainment
Representations:	Local Residents

2.0 Recommendations

- 2.1 That the Licensing Committee considers the application and representations 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
020 7364 5498

3.0 **Background**

3.1 This is an application for a time limited-premises licence for (The London Shuffleboard Club), 1 Chance Street, London E1 6JT. The application has been applied from as soon as possible to 1st March 2020.

3.2 A copy of the timed limited premises licence application form is enclosed as **Appendix 1**.

3.3 The applicant has applied for the following licensable activities and timings:

The Sale by retail of alcohol (on and off sales)

- Monday to Saturday, from 12.00 hours to 22:00 hours
- Sunday, from 12.00 hours to 21:00 hours

The provision of regulated entertainment – Indoors

(Indoor sporting events)

- Monday to Saturday, from 12.00 hours to 22:30 hours
- Sunday, from 12.00 hours to 21:30 hours

(Recorded music only)

- Monday to Saturday, from 12.00 hours to 22:00 hours
- Sunday, from 12.00 hours to 21:00 hours

The opening hours of the premises

- Monday to Saturday, from 12.00 hours to 23:00 hours
- Sunday, from 12.00 hours to 22:00 hours

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 2**.

4.3 Maps showing the vicinity are included as **Appendix 3**.

4.4 Details of the nearest licensed venues are included as **Appendix 4**.

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, than 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 All representations have to meet basic legal and administrative requirements. If they fail to do so they cannot be accepted. When rejected the person sending in the representation must be written to, and an explanation for rejection given in writing

6.2 A responsible authority or other person can make a representation. There are two tests for other persons and only one for a responsible authority. The two tests are contained in Section 18 of the Act.

6.3 All representations must be "about the likely effect of the grant of the premises licence on the promotion of the licensing objectives." Likely means something that will probably happen, i.e. on balance more likely than not.

6.4 Representations by responsible authorities do not have to meet the second test of not being vexatious and frivolous. Other persons have to meet this test.

6.5 The Home Office recommends that in borderline cases, the benefit of the doubt should be given to the interested party making the representation.

6.6 Section 182 Advice by the Home Office concerning relevant, vexatious and frivolous representations is attached as **Appendix 5**.

6.7 All the representations in this report have been considered by the relevant officer (Team Leader Licensing & Safety) and determined to have met the requirements of the Licensing Act 2003.

6.8 This hearing is required by the Licensing Act 2003, because relevant representations have been made the following local resident:

- Tim Noble & Sue Webster – **Appendix 6**
- Robin Fellgett (for JAG) – **Appendix 7**

6.9 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 (Environmental Health)
- Trading Standards

- Child Protection
- Public Health

6.10 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

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

6.12 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.

6.13 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 Alcohol supplied to those people taking part in the gaming activity or waiting to play.

7.2 Experienced bar staff will maintain vigilance in alcohol units per customer.

7.3 SIA security present at times venue is open to public after 6pm.

7.4 SIA security throughout the venue in pre-designated locations with industry standard equipment - protective clothing and radios

7.5 Clear notices on entry and exits warning of potential criminal activity, such as theft, that may target customers shall be displayed.

7.6 Staff will be well trained in asking customers to use premises in an orderly and respectful manner and prevent drinking alcohol at the retail unit. Anyone not adhering to this will be asked to leave the premises in a controlled and orderly manner by SIA security.

7.7 Security will involve police immediately if any illegal activity occurs.

- 7.8 Security and key staff shall be on radios for communication.
- 7.9 The level of SIA staff on site will vary according to the number of customers but will be a minimum of 1 and maximum of 4.
- 7.10 Training and implementation of underage ID checks for staff.
- 7.11 A log book or recording system shall be kept upon the premises in which shall be entered particulars of inspections made; those required to be made by statute, and information compiled to comply with any public safety condition attached to the premises licence that requires the recording of such information. The log book shall be kept available for inspection when required by persons authorised by the Licensing Act 2003 or associated legislation.
- 7.12 H&S officer sign off on all activity.
- 7.13 Risk assessments from all suppliers.
- 7.14 Good event management plan to be in place with excellent event fire escape plan will be in place with SIA and staff familiar with emergency plans and process.
- 7.15 A first aider on site at all times of public opening.
- 7.16 No drinks allowed outside the venue.
- 7.17 Noise reduction measures to address the public nuisance objective including decibel readings taken regularly and a limiting on the sound with volume block.
- 7.18 Prominent, clear and legible notices will be displayed at the exit requesting the public to leave the premises and the area quietly as well as security on exit to reiterate and manage noise proactively.
- 7.19 Customers will be restricted from not congregating in the street outside the premises and access of customers will be strictly maintained to opening hours.
- 7.20 The movement of bins and rubbish outside the premises will be kept to a minimum after 10.00pm. This will help to reduce the levels of noise produced by the premises. Cleaning staff will operate within hours of licence.
- 7.21 Customers won't be able to take products off premises and will be monitored by security.
- 7.22 Attendance levels will be kept to maximum of 28 and will be proactively escorted from the venue in stages to ensure minimum noise on egress.
- 7.23 A "Challenge 25" sign will be positioned at the bar. This will encourage anyone who is over 18 but looks under 25 to carry acceptable ID (a card bearing the PASS hologram, a photographic driving license or a passport) if they wish to buy alcohol.

- 7.24 Staff will be well trained about requirements for persons' identification and age establishment.
- 7.25 Log Book will be kept upon the premises all the time with staff trained in its use, it will be regularly checked and staff informed of any changes to it.
- 7.26 Full exclusion for anyone under 18 will be in place after 6pm and zones will be created to separate as best possible under 18s and those consuming alcohol.
- 7.27 When possible we will host no alcohol periods for families at the start of Saturdays and Sundays for 2 hours.

8.0 **Conditions in consultation with the Responsible Authorities/other persons**

- 8.1 Environmental Protection has agreed (please see **Appendix 8**) the following with the applicant:

"1) no noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.

2) Loudspeakers shall not be located in the entrance lobby or outside the premises building.

3) All windows and external doors shall be kept closed after 22:00 hours, except for the immediate access & egress of persons.

Just to repeat, as the Applicant has already confirmed, the Provision for Indoor Sporting Events is until 22:30 hours Thursday Friday and Saturday, with premise closing at 23:00 hours, with all other days and timing as per original application".

- 8.2 Met Police has also agreed (please see **Appendix 9**) the following with the applicant:

"1. The CCTV system shall incorporate a recording facility and any recordings shall be retained and stored in a suitable and secure manner for a minimum of 31 days. A system shall be in place to maintain the quality of the recorded image and a complete audit trail maintained. The system will comply with other essential legislation, and all signs as required will be clearly displayed. The system will be maintained and fully operational throughout the hours that the premises are open for any licensable activity. There must also be someone on the premises, who can download the images and present them on request by a police officer or other responsible authority.

2. No drinks to be taken outside

3. Use of incident / refusals book".

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. 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 under the 2003 Act.” It is a key medium for promoting best practice, ensuring consistent application and promoting fairness equal treatment and proportionality (1.7).
- ❖ Also “as long as licensing authorities have properly understood this Guidance, they may depart from it if they have good reason to do so and can provide full reasons. Departure from this Guidance could give rise to an appeal or judicial review, and the reasons given will then be a key consideration for the courts when considering the lawfulness and merits of any decision taken.” Therefore 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)
- ❖ Also, “The licensing authority may not impose any conditions unless its discretion has been exercised following receipt of relevant representations and it is satisfied as a result of a hearing (unless all parties agree a hearing is not necessary) that it is appropriate to impose conditions to promote one or more of the four licensing objectives.” Therefore, conditions may not be imposed for the purpose other than promoting the licensing objectives and in some cases no additional conditions will be appropriate. (10.8)
- ❖ Necessary conditions should emerge from a risk assessment by the applicant, which should then be reflected in the operating schedule (10.4).
- ❖ The Guidance states: “Where there are objections to an application to extend the hours during which licensable activities are to be carried on and the licensing authority determines that this would undermine the licensing objectives, it may reject the application or grant it with appropriate conditions and/or different hours from those requested.” (10.14)
- ❖ Mandatory conditions must be imposed (10.27) and censorship avoided (10.17).
- ❖ The Guidance states: “It is still permitted to sell alcohol using promotions (as long as they are compatible with any other licensing condition that may be in force), and the relevant person should ensure that the price of the alcohol is

not less than the permitted price. Detailed guidance on the use of promotions is given in the guidance document available on the Gov.uk website.” (10.60) Also, “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.” (10.21)

- 9.3 The Licensing Act 2003 permits children of any age to be on the 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 conditions must be tailored to the individual type, location and characteristics of the premises and events concerned. Conditions cannot seek to manage the behaviour of customers once they are beyond the direct management of the licence holder and their staff and standardised conditions should be avoided where they cannot be shown to be appropriate. (1.16/1.17)
- 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 10 - 16** Members are given general advice, and also have explanations of the Council’s Licensing Policy, Government advice and other legislation relating to the matters previously identified.

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 application
Appendix 2	Site Plan
Appendix 3	Maps of the surrounding area
Appendix 4	Other licensed venues in the area
Appendix 5	Section 182 Guidance by the Home Office
Appendix 6	Representation of Tim Noble & Sue Webster
Appendix 7	Representation of Robin Fellgett (for JAG)
Appendix 8	Agreement with Environmental Protection
Appendix 9	Agreement with Met Police
Appendix 10	Licensing Officer comments on noise while the premise is in use
Appendix 11	Licensing Officer comments on access/egress Problems
Appendix 12	Licensing Officer comments on crime and disorder on the premises
Appendix 13	Licensing Officer comments on crime and disorder from patrons leaving the premises
Appendix 14	Planning
Appendix 15	Licensing Policy relating to hours of trading
Appendix 16	Licensing Officer comments on the Tower Hamlets Cumulative Impact Zone