

Licensing Sub Committee

Supplementary Agenda

**Tuesday, 12 September 2023 at 6.30 p.m.
Council Chamber - Town Hall, Whitechapel**

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A Guide to Licensing Sub Committee

The Licensing Sub Committee is made up of 3 Members of the Licensing Committee. In summary, the Sub Committee will determine applications to grant, vary or review a license submitted under the Licensing Act 2003 where representations have been made.

Public Engagement

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London Borough of Tower Hamlets

Licensing Sub Committee

Tuesday, 12 September 2023

6.30 p.m.

3.1 Application for a new Premise Licence for Point a Hotel, 13-15 Folgate Street, London, E1 6BX (Pages 5 - 14)

Licensing Objectives:

- The prevention of public nuisance and
- The prevention of crime and disorder
- CIA

Representations:

- Licensing Authority
- Environmental Protection
- Residents

Next Meeting of the Licensing Sub Committee

Tuesday, 26 September 2023 at 6.30 p.m. to be held in Council Chamber - Town Hall, Whitechapel



**IN THE MATTER OF AN APPLICATION
UNDER THE LICENSING ACT 2003**

**POINT A HOTEL
13-15 FOLGATE STREET**

**SUBMISSIONS ON BEHALF
OF THE APPLICANT**

I. INTRODUCTION

1. This is an application by QMK Liverpool Street Limited for a new premises licence to be held at the above premises. It is submitted that this application can be granted, principally for the following reasons:
 - i. it is a modest application which is within framework hours and no longer contains any application for off sales or recorded music;
 - ii. If granted, the application would be confined to hotel residents;
 - iii. the application is covered by an exception under the cumulative impact zone (CIZ) policy (most obviously the small premises exception);
 - iv. the application would not in any event add to the problem of cumulative impact in the CIZ.
2. It is accepted that there were problems at the premises during the Covid 19 pandemic. The hotel like others was forced to reduce rates to keep the business alive during lockdown. This led to a clientele which was not that which the applicant would normally attract or wish to stay in the hotel. Disturbance was at times caused as a result of this. The Applicant has apologised for this and now has a far better working relationship with local residents. Constructive meetings have been held with residents following this application and the applicant is confident of much better relations going forward.

II. THE CIZ POLICY

3. Whilst this application engages the CIZ policy within the Tower Hamlets statement of licensing policy (SLP), it is also covered by exceptions to the policy at SLP [18.8].
4. Firstly, this would be a “small premises” (*per* the SLP with emphasis added):

*Applications for licences for small premises **with a capacity of fifty persons or less who only intend to operate within framework hours, and that;***

- *Only have consumption of food (late night refreshment) and drink (alcohol) **on the premises only,***

- *Only provide Off sales of food (late night refreshment) and drink (alcohol) for delivery (i.e. not for take away),*

and,

- *Have arrangements to prevent vertical drinking, **for example fully seated venues;***

5. Secondly this would not be an alcohol led business:

Applications for licences that are not alcohol led (e.g. Hairdressers wanting to provide alcohol to clients during their hair cut/treatments)

6. The first of the exceptions set out above (the small premises exception) is the most obviously applicable.
7. The applicant offers conditions that (a) no more than fifty people shall engage in licensable activity in the licensed area at any one time and (b) there shall be no vertical drinking (see appendix 1). This is a fully seated venue. The premises no longer seeks a licence for off sales (nor for recorded music). The small premises exception therefore applies.
8. This is also not an alcohol led venue. The sale of alcohol would be restricted to hotel residents. If the application is granted then this would not create a new bar or pub in the CIZ, rather this would be a hotel permitted to sell alcohol to a small number of residents as an adjunct to its core activity. The “non-alcohol led exemption” therefore applies.

9. Additionally, the policy is not (and cannot be) absolute. It is always open to the LSC to grant an application within the CIZ as *this special policy is not absolute and the Licensing Authority recognises that it has to balance the needs of businesses with local residents. The circumstances of each application will be considered on its merits.*
10. The critical question is whether grant of the licence will add to the problems of cumulative impact in the CIZ. Because those engaging in licensable activity **must** be hotel guests it follows that no new patrons will be drawn to the area. The nature of the bar and hotel is not a “destination venue” and it is inconceivable that anyone would book and pay for a room in order to buy a drink which would be cheaper in a local bar or pub (where regulated entertainment would be offered) and far cheaper from a nearby off-licence.

III. PREVENTION OF CRIME AND DISORDER

11. Applying the guidance issued by government under section 182 of the Licensing Act 2003, the LSC will primarily look to the police for guidance as to whether the application if granted would promote the crime prevention objective. The Applicant has agreed conditions with the police and the police did not submit a representation to the application. There is no evidential basis to conclude that granting this modest application would undermine the crime prevention objective.
12. Police have been called to the premises on a small number of recent occasions. These have been confined to incidents in which the hotel was asked to notify police if a specific person booked a room and two incidents of domestic violence within the hotel. Whilst highly unfortunate, this is not unusual within the hotel trade and is not related to the sale and supply of alcohol within the hotel.

IV. PREVENTION OF PUBLIC NUISANCE

13. Just as the police will be the LSC’s primary source of information in relation to crime and disorder, the Borough’s Environmental Protection Team are the experts in the field of the prevention of public nuisance.
14. Of course, Ms Cadzow will speak for herself at the hearing, but it is thought that a fair summary of the EPT position is that its representation is maintained due to the premises location within the CIZ but the conditions which have been agreed broadly address the

specific concerns in relation to noise nuisance from the premises caused by licensable activity.

15. Conditions have been agreed which will ensure that public nuisance is prevented if the application is granted. The LSC is referred to the full conditions set out at appendix 1 which includes a condition that *no noise generated from the premises...shall cause a public nuisance*.
16. Dispersal from the premises is not an issue as the application restricts the sale of alcohol to hotel residents.
17. As set out above it is accepted that a small number of problems were caused by clientele in very difficult times during the Covid 19 pandemic. These unique problems have now passed and will not return.
18. There have been a small number of problems with a dog staying at the premises (pets are banned aside from assistance dogs) and late / early deliveries (there are now no deliveries between 8PM and 8AM). Whilst not strictly relevant to licensable activity the applicant would agree a deliveries condition in these terms if it were thought necessary.
19. Concern has been expressed about a use of a gate at the premises. Whilst the lift is being repaired this is used infrequently for wheelchair access. Once the lift is repaired (by the end of September) the gate will only be used for access to drains and by gardeners. Residents will be notified by email before this happens.
20. The LSC will note reference to an argument between a resident and a named hotel member of staff. The resident in question recently attended a mediation meeting at the hotel in which this employee spoke with her and apologised. The two parted on good terms.
21. The applicant wants to be a good neighbour to local residents and (as set out above) notwithstanding this application relations at present are much improved.

V. PROTECTION OF CHILDREN FROM HARM / PUBLIC SAFETY

22. These objectives are not arguably engaged by the applications.

VI. CONCLUSION

23. To grant this application would set no precedent in relation to the CIZ. The hotel fits squarely within the exception applicable to small premises. That sale of alcohol is restricted to hotel residents is a further factor which strongly points away from the application adding to cumulative impact.
24. The LSC will appreciate that enforcement of licensed premises is far more effective than those which do not have a premises licence. If a modest application such as this were granted then the extensive conditions set out below would become legal requirements for the hotel and its staff, breach of which would be a criminal offence. Without a licence there is no effective means of imposing enforceable conditions upon the running of the hotel.
25. The Applicant looks forward to addressing the LSC at the hearing on 12.09.23.

Matthew Butt KC

Three Raymond Buildings

Gray's Inn

11.09.23

Appendix 1

COMPOSITE LIST OF CONDITIONS

Conditions proposed within the application

- 1. The Premises Licence holder shall ensure that CCTV cameras and recorders are installed at the main entrance to the premises and are of a standard acceptable to and approved by the Police. The CCTV shall be maintained in good working order at all times the premises is open to the public, be fully operational covering both internal and external areas of the reception area which the public have access.**
- 2. The CCTV camera views are not to be obstructed.**
- 3. At least one CCTV camera is to be placed no more than seven feet above floor level near to the exit in order to capture clear facial images of all persons leaving the premises.**
- 4. The medium on which CCTV images are recorded shall be of evidential quality, stored securely; shall be retained for a period of 31 days and be available for inspection by the Police or Local Authority upon request.**
- 5. At all times when the premises are open for the purposes of licensable activities a suitably trained member of staff shall be present to assist the Police or an authorised officer in obtaining the CCTV footage.**
- 6. The facility to transfer the images to a compatible removable format shall be held on the premises.**
- 7. The sale of alcohol is restricted to hotel residents only.**

8. The premises licence holder shall risk assess the need for SIA security staff and take advice from police in the case of any local special event or specific concerns regarding trading.
9. When the venue is open for licensable activities , the toilets are to be checked by staff at least every two (2) hours and these checks are to be documented on each visit.
10. Notices shall be displayed within the premises warning customers about personal thefts; and to be vigilant.
11. Staff shall be fully trained on safety issues including fire safety and management shall carry out regular inspections of the premises.
12. The premises Licence holder shall ensure that all litter and waste outside the premises (and connected to the premises) is removed and disposed of with other waste from the premises.
13. The premises Licence holder shall operate a Challenge 25 age verification policy.

Additional Conditions proposed

EHO / Public Nuisance

14. Loudspeakers shall not be located in the entrance lobby or outside the premise building.
15. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.

- 16. notices shall be prominently displayed advising patrons that the premises designated smoking area is on the corner of Blossom Street. Members of staff will regularly check to ensure the customers smoking are not causing a nuisance.**
- 17. No noise generated on the premises, or by its associated plant or equipment, shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a public nuisance.**
- 18. No more than fifty people shall engage in licensable activity in the licensed area at any one time.**
- 19. There shall be no vertical drinking at the premises.**
- 20. When the DPS is not on the premises any and all persons authorised to sell alcohol will be authorised by the DPS in writing. This shall be available on request by the City of London or Metropolitan Police Service or any authorised officer of Tower Hamlets Council.**
- 21. The Licence Holder/Designated Premises Supervisor shall organise and accommodate meetings to discuss the operation of the premises with residents, local residents' associations every 3 months. The Premises Licence Holder shall directly notify local residents' associations of the meeting date at least two weeks before the meeting.**
- 22. No hotel residents are permitted in the garden of the premises between 21:30 and 07:00 Monday to Sunday.**

Police:

- 23. A record shall be kept detailing all refused sales of alcohol. The record should include the date and time of the refused sale and the name of the member of staff who refused the sale. The record must show the outcome of the person who was intoxicated. The**

record shall be available for inspection at the premises by the police or an authorised officer at all times whilst the premises is open.

24. An incident log shall be kept at the premises, and be available on request to the Police or an authorised officer. It must be completed within 24 hours of any incident and will record the following:

- 1. all crimes reported to the venue;**
- 2. all ejections of patrons;**
- 3. any complaints received concerning crime and disorder**
- 4. any incidents of disorder;**
- 5. all seizures of drugs or offensive weapons;**
- 6. any faults in the CCTV system, searching equipment or scanning equipment;**
- 7. any refusal of the sale of alcohol;**
- 8. any visit by a relevant authority or emergency service.**

25. In the event that a serious assault is committed on the premises (or appears to have been committed) the management will immediately ensure that:

- 1. the police (and, where appropriate, the London Ambulance Service) are called without delay;**
- 2. all measures that are reasonably practicable are taken to apprehend any suspects pending the arrival of the police;**
- 3. the crime scene is preserved so as to enable a full forensic investigation to be carried out by the police; and**
- 4. such other measures are taken (as appropriate) to fully protect the safety of all persons present on the premises.**

26. Operate a Challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.

Amendment to application

Removal of the application for recorded music 7 days a week