

LONDON BOROUGH OF TOWER HAMLETS

RECORD OF THE DECISIONS OF THE LICENSING SUB COMMITTEE

HELD AT 6.00 P.M. ON TUESDAY, 23 JUNE 2020

ONLINE 'VIRTUAL' MEETING - [HTTPS://TOWERHAMLETS.PUBLIC-I.TV/CORE/PORTAL/HOME](https://towerhamlets.public-i.tv/core/portal/home)

Members Present:

Councillor Ehtasham Haque (Chair)

Councillor Faroque Ahmed (Member)

Councillor Mohammed Pappu (Member)

1. DECLARATIONS OF DISCLOSABLE PECUNIARY INTEREST

There were no declarations of interests made.

2. RULES OF PROCEDURE

The rules of procedure were noted.

3. ITEMS FOR CONSIDERATION

3.1 Licensing Act 2003 Application for variation of a Premises Licence for Retreat East Farm Shop, 20 - 22 Toynbee Street, London E1 7NE

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 licencing objectives:

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

Consideration

Each application must be considered on its own merits. The Chair confirmed that the Sub-Committee had carefully considered all of the evidence before them and heard oral representations at the meeting made by the Applicant,

the Applicant's Representative and the Officers representing the Responsible Authorities objecting to the application, with particular regard to the four Licensing Objectives.

The Sub-Committee noted that the premises are in a cumulative impact zone (CIZ), and so, the effect of a 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 undermine any of the four licensing objectives by not adding to the cumulative impact of licensed premises already in the CIZ.

The Sub-Committee considered that the onus lay upon the applicant to show through their operating schedule, with appropriate supporting evidence that the variation of the premises licence, would not add to the cumulative impact already being experienced.

The Sub-Committee noted the applicant's representation that the impact of the variation of the premises licence if granted, would be mitigated by the proposed conditions put forward and would not add to the further saturation of the area as this was an existing business looking to expand its offer of cheese and wine tasting, at privately held events to invited guests in the evening.

The Sub-Committee noted the representations from the Licensing Authority, and Environmental Health regarding the impact of the premises on the Brick Lane Cumulative Impact Zone (CIZ) and concerns relating to noise nuisance and the dispersal of customers at the end of events and close of business.

The Sub-Committee therefore considered that it had not heard enough evidence that rebutted the presumption against granting the variation of the premises licence within the CIZ. For instance, the Sub-Committee were concerned that the applicant had insufficiently addressed how there would be no addition to the cumulative impact in the particular area in relation to the prevention of crime and disorder and public nuisance objective, especially given the extended times in which the premises would be operating in and the serving of alcohol to patrons and the general public.

The Sub-Committee was not satisfied that the operating schedule as presented at the Sub-Committee meeting rebutted the above presumption given the effect the premises would have on the local community and deemed there may be a significant impact on the environmental health and neighbouring residents. This is especially so given the effect the noise, smoking and other related incidents of nuisance may have during the extended alcohol operating hours.

The Sub-Committee were therefore not satisfied that there were exceptional circumstances to justify a grant of the application, and were of the view that the applicant had failed to rebut the presumption against granting a variation of the premises licence for a premises situated in a cumulative impact zone, in that the applicant failed to demonstrate how they would not undermine any of the four licensing objectives by adding to the cumulative impact in the area.

Accordingly, the Sub-Committee unanimously;

RESOLVED

That the application for the variation of the Premises Licence for Retreat East Farm Shop, 20-22 Toynbee Street, London E1 7NE be **REFUSED**.

3.2 Licensing Act 2003 Application for a Premises Licence for (Klub Verboten) 11 West India Dock Road, London E14 8EZ

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. The Prevention of Public Nuisance; and
4. The Protection of Children from Harm.

Consideration

Each application must be considered on its own merits. The Chair confirmed that the Sub-Committee had carefully considered all of the evidence before them and heard oral representations at the meeting made by the Applicant's Legal Representative, Supporters of the Applicant, Officers representing the Responsible Authorities and resident objecting to the application, with particular regard to the four Licensing Objectives.

The Sub-Committee noted the representation from the Applicant's legal representative that the application was for a new premises licence; for the premises to be used has a hub for the provision of community, cultural and social events and entertainment space for the kink, fetish and BDSM communities. The Sub-Committee noted the club would be holding ticket only events in the basement area of the building, to allow members of the community to express their sexuality and engage in acts of an adult nature and to participate in events relevant to the kink, fetish and BDSM community. The Sub-Committee heard from the Supporters of the club, who expressed their praise for Klub Verboten's skill at organising events for their community,

their consideration for health and safety and their support for a permanent home, for their community.

The Sub-Committee noted the representations from the Licensing Authority and Environmental Health regarding the impact of the premises would have on the crime and disorder and public nuisance objective and heard further from the resident objector who expressed concern in respect to the location of the premises being in a residential area. The Sub-Committee noted the concern relating to the smoking area, the dispersal of patrons after events had finished and the transport links in the area, given the opening times applied for by the Applicant.

Upon considering the evidence, the Sub-Committee were not satisfied the Applicant through the operating schedule had demonstrated how it would satisfactorily contain the rise of crime, disorder and anti-social behaviour given the extended times in which the premises would be operating in and the serving of alcohol to its patrons.

The Sub-committee considered the effect the establishment would have on the local community and deemed there may be a significant impact the on the environmental health and neighbouring residents. This is especially so given the effect the noise, smoking and other related incidents of nuisance may have during the operating hours at night and the early hours of the morning the venue would be operating.

The Sub-Committee had concerns with regard to transport links during the late hours of operating and deemed these to be insufficient, especially in the early hours, so as to negate the effect of public nuisance, especially when the patrons are leaving to go home or elsewhere. The Sub-Committee deems there to be a significant risk of public nuisance. The Sub-Committee considers this would have an effect on the public safety of others in the locality and the wider general public, including road users.

The Sub-Committee were not convinced with the proposed measures for the entry and dispersal of patrons given the number of people attending the venue is estimated as 250 people. The Sub-Committee had concerns as to the effect of the public safety for attendees at the venue and outside. It was noted that there would be proposed 'guardians' situated in the venue and SIA approved security guards and that there had been consultation with relevant responsible authorities. However, given that there will be incidents of 'adult play' and confirmation that some people will be engaging in 'sexual intercourse', the Sub-Committee finds this concerning given the type of licence being applied for. The Sub-Committee considers that this may pose a risk of sexual violence notwithstanding the measures implemented in terms of the venue's code of conduct.

The Sub-Committee noted that this is a new application and considers that the activities taking place in the venue would not be directly beneficial to the majority of the residents residing in the local area and surrounding community, as many of the attendees will be coming from elsewhere to engage in BDSM/Fetish/Sexual activities.

The application also requests extended licensing hours for which the Sub-Committee does not find acceptable for a new venue being operated within Tower Hamlets, especially given that it would be in a residential area in which there is a risk of public disorder, crime and nuisance to the local residents and community.

Accordingly, the Sub Committee unanimously;

RESOLVED

That the application for a new Premises Licence for Klub Verboten, 11 West India Dock Road, London E14 8EZ be **REFUSED**.

4. EXTENSION OF DECISION DEADLINE: LICENSING ACT 2003

There were no decision deadlines to extend.

The meeting ended at 9.02 p.m.

Chair, Ehtasham Haque
Licensing Sub Committee