

LONDON BOROUGH OF TOWER HAMLETS

RECORD OF THE DECISIONS OF THE LICENSING SUB COMMITTEE

HELD AT 2.30 P.M. ON TUESDAY, 27 APRIL 2021

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

Members Present:

Councillor Mohammed Pappu (Chair)

Councillor Rajib Ahmed (Member)

Councillor David Edgar (Member)

1. DECLARATIONS OF INTEREST

No declarations of disclosable pecuniary interests were declared.

2. RULES OF PROCEDURE

The rules of procedure were noted.

3. ITEMS FOR CONSIDERATION

3.1 Application for Variation of a Premises Licence for Milk Float Sweet Trade Water Mooring Hackney Wick London E9 5EN

This application was deferred and will be considered at a future Licensing Sub Committee meeting.

3.2 Application for a Provisional Statement for Boxpark Shoreditch, Unit 37-41, 2 - 10 Bethnal Green Road, London E1 6GY

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. 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 had carefully considered all of the evidence before them and considered written and verbal representation from both the applicant and his legal representative and from the officers representing the responsible authorities objecting to the application with particular regard to the licensing objectives of the prevention of public nuisance, and the prevention of crime and disorder.

The Sub-Committee noted that the premises in question are situated in the cumulative impact zone and when a representation is received, the application will be refused. However, the effect of this special cumulative impact policy is to create a rebuttable presumption.

The Sub-Committee noted that the applicant can rebut the presumption if they can demonstrate that their application, if granted, would not undermine any of the four licensing objectives.

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.

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

The Sub-Committee heard oral representations from the objectors regarding the impact of the premises on the Cumulative Impact Zone. The Sub-Committee noted objectors' concerns relating to the existing levels of noise nuisance and anti-social behaviour in the area; and noted objectors' concerns about increased noise nuisance, and the likely increased numbers of clientele in the area if the application were to be granted, and thereby the likely impact on the cumulative impact zone (CIZ).

The Sub Committee noted the applicant's representation that the impact of the premises licence if granted, would be mitigated by the proposed conditions agreed in consultation with the Metropolitan Police. However, the Sub Committee were not satisfied that they had heard sufficient evidence that rebutted the presumption against a grant of the application. Members acknowledged that the applicant had explained how the premises would primarily operate as a restaurant and was a relatively small premises, but were not satisfied that these in themselves constituted exceptional circumstances to justify a grant of a provisional statement. Members did not consider that their concerns were alleviated in relation to a large number of

people being attracted to the area, entering and leaving the area at similar times. The Sub Committee were not satisfied that there was evidence there would be sufficient measures in place to mitigate noise disturbance from customers when they would leave the venue and go onto the streets.

The Sub-Committee was concerned about the impact of another licensed premises in this particular area and the likelihood of this venue attracting a significant number of people into the area which already experiences a high volume of crime and disorder, public nuisance and anti-social behaviour. 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 arising there from. The Sub-Committee was not satisfied that they heard enough at the Sub-Committee meeting that met this requirement.

The Sub Committee was therefore not satisfied with the application and were of the view that the applicant had failed to successfully demonstrate that they had rebutted the presumption against granting an application relating to premises in a cumulative impact zone, in that it was considered the applicant failed to demonstrate that their application would not undermine any of the four licensing objectives.

Accordingly, the Sub Committee unanimously

RESOLVED

That the application for a Provisional Statement for Boxpark Shoreditch, Unit 37-41, 2-10 Bethnal Green Road London E1 6GY be **REFUSED**.

4. EXTENSION OF DECISION DEADLINE: LICENSING ACT 2003

Nil items.

The meeting ended at 4.25 p.m.