

LONDON BOROUGH OF TOWER HAMLETS**RECORD OF THE DECISIONS OF THE LICENSING SUB COMMITTEE****HELD AT 5.30 P.M. ON THURSDAY, 3 DECEMBER 2020****ONLINE 'VIRTUAL' MEETING - [HTTPS://TOWERHAMLETS.PUBLIC-I.TV/CORE/PORTAL/HOME](https://towerhamlets.public-i.tv/core/portal/home)****Members Present:**

Councillor Kyrsten Perry (Chair)

Councillor Shah Ameen (Member)

Councillor Rajib Ahmed (Member)

1. DECLARATIONS OF 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 Studio Space Ltd 110 Pennington Street, Wapping London E1W 2BB****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 the oral representations at the meeting from the Applicant's Legal Representative and residents objecting to the application, with particular regard to the prevention of public nuisance.

The Sub-Committee noted that the application for variation primarily related to the outside space adjacent to the existing premises which the Applicant wanted to use as a garden space to serve alcohol, refreshments and regulated entertainment. The Sub-Committee noted the representations made by the Applicant's Legal Representative that the application to vary was supported by several patrons and residents and would result in the positive reuse of a previously derelict site. The Sub-Committee noted the space was a closed off area which had successfully operated as a Beer Garden under Temporary Event Notices (TENs) in the summer months.

The Sub-Committee noted the objections of residents and concerns relating to noise nuisance, rubbish, anti-social behaviour and street urination, however it considered these complaints to be primarily general concerns relating to the area rather than specifically relating to activity on the premises or in the immediate vicinity of the premises.

The Sub-Committee was concerned that the sale of alcohol in the outdoor area until 9pm and the use of the outdoor space until 9:30pm would result in unreasonable disturbance to local residents. It believed that that it was more appropriate for the sale of alcohol to conclude in the outdoor area at 8:30pm. The Sub-Committee was satisfied that this slight reduction, together with the conditions included in the operating schedule, would satisfactorily promote the licensing objectives.

Accordingly, the Sub Committee unanimously;

RESOLVED

That the application for a Variation of a Premises Licence for Studio Space Limited, 110 Pennington Street, London E1W 2BB be **GRANTED in part**.

Conditions consistent with the Existing Licence (Indoor)

Sale of Alcohol

Sunday to Thursday, from 08.00 hours to 00.00 hours (midnight)

Friday and Saturday, from 08.00 hours to 07.00 hours the following day

Late night refreshments Indoors

Sunday to Thursday, from 23.00 hours to 00.00 hours (midnight)

Friday and Saturday, from 23.00 hours to 07.00 hours the following day

Provision for Regulated Entertainment - Indoors

(Plays, Films, Live Music, Recorded Music, Performance of Dance and Anything of a Similar Description.)

Sunday to Thursday, from 06:00 hours to 00:00 hours (midnight)

Friday and Saturday, from 06.00 hours to 07.00 hours the following day

Non-standard timings

Licensable activities, from the beginning of permitted hours on New Year's Eve

to the end of permitted hours on New Year's Day and on all days preceding a

Bank Holiday until 07:00hrs the next day.

The opening hours of the premises

Sunday to Thursday, from 06:00hrs to 00:30hrs (the following day)

Friday and Saturday, from 06.00 hours to 07.00 hours the following day

Non-standard timings

Licensable activities, from the beginning of permitted hours on New Year's Eve

to the end of permitted hours on New Year's Day and on all days preceding a Bank Holiday until 07:30hrs the next day.

Conditions for Garden area (outdoor space)

Sale of Alcohol

Monday to Sunday 08:00 hours to 20:30 hours with half an hour drink up time until 21:00 hours.

Provision for Regulated Entertainment – Recorded Music Outdoors for garden area only

Monday to Sunday 08:00 hours to 21:00 hours

The opening hours of the outdoor space

Monday to Sunday from 08:00 hours to 21:30 hours.

Photographic Studio

A small indoor photographic studio area 120 meter squared to operate as per the existing hours permitted on the premises licence. **(NOT FOR USE BY THE PUBLIC DURING THE CORONAVIRUS REGULATIONS)**

Conditions as per existing operating Schedule

1. No nudity or semi nudity permitted;
2. During the hours of operation there shall be no noise nuisance audible from the premises within 1metre from the façade of the nearest noise sensitive residential premises;
3. Signs shall be displayed to inform all customers that the premises operate a zero tolerance drugs policy;
4. The premises shall comply with the dispersal policy;
5. Any outside promoters seeking to use the venue for a mainstream disco/nightclub event shall require prior approval from the Licensing Officer at Tower Hamlets Police Service;
6. The premises shall provide a free phone linked to a licensed taxi firm for use by customers at the premises;
7. A single licensed taxi firm shall be appointed by the premises to provide taxis for the benefit of patrons leaving the premises. The management shall use its best endeavours to ensure that said comply with the following measures when collecting patrons from the premises and delivering patrons to the premises:
 - a) After 23:00hrs, except in an emergency, taxi drives shall be encouraged not to:-
 - i. Sound their horns;

- ii. Leave their vehicles to collect patrons from the premises;
 - b) Taxi and car drivers shall be encouraged not to double park their vehicles outside the premises;
8. The premises shall use all reasonable endeavours to prevent the use of unlicensed taxis by patrons leaving the premises;
9. The premises shall maintain and provide the details of a contact number for any local residents living within 100metres of the premises;
10. The premises shall discourage any attempt by organisers, artist or users of the premises to advertise by fly posting or using illegal placards;
11. Children aged 14 and under shall be permitted to the premises if accompanied by an adult;
12. Signs shall be displayed stating that any person who appears to be under the age of 21 shall be required to provide appropriate proof of age;
13. The premises shall ensure consideration of given whether there should be an age restriction to music, dance, exhibitions, publication, multimedia, education and research projects being shown at the premises;
14. Signage shall be displayed asking patrons to leave the premises quietly;
15. CCTV. 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 31days. 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 immediately on request by a police officer or other responsible authority;
16. Use of incident book / refusal book;
17. Agreed drug seizure police with Tower Hamlets Police Licensing Unit.

Conditions as per Operating Schedule for garden area

1. Staff training will be given in responsible sales of alcohol and health & safety regulations.
2. Regular monitoring of all area of the premises shall take place by management.
3. Notices asking customers to leave quietly shall be displayed
4. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Tower Hamlets Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31

days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the entire 31-day period.

5. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises are open. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.
6. There shall be a personal licence holder on duty on the premises at all times when the premises are authorised to sell alcohol.
7. A minimum of 1 SIA licensed door supervisors per 100 customers shall be on duty at the premises at all times whilst it is open for business
8. 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:
 - a) all crimes reported to the venue;
 - b) all ejections of patrons;
 - c) any complaints received concerning crime and disorder
 - d) any incidents of disorder;
 - e) all seizures of drugs or offensive weapons;
 - f) any faults in the CCTV system, searching equipment or scanning equipment;
 - g) any refusal of the sale of alcohol;
 - h) any visit by a relevant authority or emergency service.
9. In the event that a serious assault is committed on the premises (or appears to have been committed) the management will immediately ensure that:
 - a) the police (and, where appropriate, the London Ambulance Service) are called without delay;
 - b) all measures that are reasonably practicable are taken to apprehend any suspects pending the arrival of the police;
 - c) the crime scene is preserved so as to enable a full forensic investigation to be carried out by the police; and
 - d) such other measures are taken (as appropriate) to fully protect the safety of all persons present on the premises.
10. All drinking vessels used in the venue shall be polycarbonate. All drinks in glass bottles are to be decanted into polycarbonate containers or polycarbonate carafes prior to being served. Customers shall not be permitted to leave their table carrying any such glass bottles or drink directly from the bottle.
11. 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.
12. Sound system for outside use to be controlled by sound limiter and all music noise to be inaudible at residential premises.

3.2 Licensing Act 2003 Application for a variation of a Premises Licence for (Discount Suit Company Ltd) 1a Bell Lane, London E1 7LA

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 the oral representations at the meeting from the Applicant and the Officers representing the Responsible Authorities objecting to the application, with particular regard to the prevention of public nuisance.

The Sub-Committee noted that the premises is in a cumulative impact zone (CIZ). The cumulative impact policy creates 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 it can demonstrate exceptional circumstances and that the granting of the application would not negatively add to the cumulative issues already experienced within the CIZ.

The Sub-Committee noted the representations from the Licensing Authority and Environmental Health Noise Protection Team regarding the impact of the variation of the premises licence on the Brick Lane Cumulative Impact Zone (CIZ), the length of the hours applied for, the residential nature of the area and the concerns relating to public nuisance of patrons entering and leaving the premises up until 2:00 a.m.

The Sub-Committee believed that insufficient measures had been proposed by the Applicant to mitigate the risk of noise nuisance to local residents at the late hours sought. The Sub-Committee was not satisfied that staggered bookings, limited numbers of smokers, the presence of doormen or other additional licence conditions could adequately mitigate the risk of such public nuisance.

The Sub-Committee was not satisfied that the CIZ presumption had been rebutted as the Appellant was unable to demonstrate that the granting of the licence would not negatively add to the cumulative issues already

experienced in the area. The Sub-Committee was particularly concerned that extended operating hours would lead to increased noise and public nuisance from patrons leaving the premises in high spirits as noise sensitive hours. This would have a detrimental impact on local residents.

The Applicant suggested that the premises is a unique cocktail bar with a strong reputation. The Sub-Committee was not satisfied that the Applicant's application amounted to exceptional circumstances which would justify the variation sought.

The Sub-Committee was not satisfied that the licensing objectives would be promoted by the variation of the premises licence.

Accordingly, the Sub Committee unanimously;

RESOLVED

That the application for a Variation of a Premises Licence Discount Suit Company, 1a Bell Lane London E1 7LA **REFUSED**.

4. EXTENSION OF DECISION DEADLINE: LICENSING ACT 2003

Members agreed to extend the decision deadlines for the applications below to the dates stated; Licensing applications were extended due to the impact of the pandemic, and were adjourned under regulation 11 of the Licensing Act 2003 (Hearings) Regulations 2005, and was in the public interest to do so and did not require representation from parties of the application.

Premises	Extended to:
Alcotraz, Ground floor, 212 Brick Lane, London E1 6SA	12/01
Stop N Shop, 59 Commercial Street, London E1 6BD	12/01
Lime Grill, 332 Burdett Road, London, E14 7DL	26/01
Enola's Kitchen, 'Sundial Centre' 11 Shipton Street, London, E2 7RU	26/01
Kilikya, Unit C4 Ivory house, St Katherines, E1W 1AT (KD)	02/02
Lucky Dog, Ground Brick Lane London E1 6RL	02/02
Hackney Essentials: 146 Columbia Road, London, E2 7RG	23/02
Funk, 142 Columbia Road, London E2 7RG	23/02
NYX Hotel, 114-150 Hackney Road, London E2 7QL	02/03
(London Cocktail Club), Commercial Unit 12, Avant Garde Building, 29 Sclater Street, London E1 6HR	02/03

The meeting ended at 7.50 p.m.

Chair, Councillor Kyrsten Perry
Licensing Sub Committee