

LONDON BOROUGH OF TOWER HAMLETS**RECORD OF THE DECISIONS OF THE LICENSING SUB COMMITTEE****HELD AT 6.30 P.M. ON TUESDAY, 21 JUNE 2022****THE COUNCIL CHAMBER, TOWN HALL, MULBERRY PLACE, 5 CLOVE
CRESCENT, LONDON, E14 2BG****Members Present:**

Councillor Peter Golds (Chair)

Councillor Kabir Hussain (Member)

Councillor Ahmodul Kabir (Member)

1. DECLARATIONS OF INTEREST

Councillor Peter Golds declared a personal interest in item 3.2, Application for a new premises licence for Brussels Wharf Market, Wapping Wall, London E1W 3SG on the basis that he has visited the market in the past but confirmed he had not discussed this application prior to the meeting.

2. RULES OF PROCEDURE

The rules of procedure were noted.

3. ITEMS FOR CONSIDERATION**3.1 Application for variation of a Premises Licence for The Space Spitalfields, 44 Commercial Street, London, E1 6LT****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 as no interested party to the application was present at the meeting the Sub-Committee had carefully considered all of the written evidence before

them, including the application, the representations made and the general advice and guidance contained in the agenda pack with particular regard to the prevention of public nuisance and the prevention of public disorder.

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 operation of the premises, if licensed, would not add to the cumulative impact already being experienced.

The Sub-Committee noted the fact that the applicant did not attend the meeting despite receiving sufficient notification of the meeting and despite the applicant having been given the choice to join the meeting remotely in light of their belated email to the Committee Services Clerk expressing difficulties with attending in person. The applicant had not requested an adjournment of the meeting. The Sub-Committee went on to consider the application on the basis of what was in the papers, also noting that in the absence of the applicant, it was not possible to ask the applicant any questions, and so had to take all representations by all parties to this application as set out on the papers. The Sub-Committee considered that the application as it stood on the papers, did not show how the application, if granted, would not add to the above cumulative impact, particularly with regard to the licensing objective of preventing public nuisance.

Accordingly, the Sub Committee unanimously;

RESOLVED

That the application for a Variation of the Premises Licence for The Space Spitalfields, 44 Commercial Street, London E1 6LT be **REFUSED**.

3.2 Application for a New Premise Licence for Brussels Wharf Market, Wapping Wall, London, E1W 3SG

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 made at the meeting by the Applicant's Legal Representative, a Local Ward Councillor and Officers representing the Licensing Authority.

The Sub-Committee noted the objections from the Licensing Authority, regarding the instances where the Applicant had traded without a Temporary Event Notice (TEN), and an instance of noise nuisance complaint.

The Sub-Committee noted the explanation given by the Applicant's Legal Representative in relation to these objections from the Licensing Authority. The Sub-Committee noted the representation by the Applicant's Legal Representative that he had fallen foul of what the Applicant's Legal Representative described as bureaucratic complexities of licensing application process. The Sub-Committee also noted the Applicant's Legal Representative pointing to the Applicant previously lacking legal advice and guidance.

The Sub-Committee were concerned about the management of the market, but were satisfied that with the benefit of the legal advice which he was now getting since the previous matters complained of by officers, the Applicant now had a better understanding of what was needed to comply with licensing requirements and what was required to uphold the licensing objectives.

The Sub-Committee noted that there had been no complaints since 30th October 2021, and representations by the Ward Councillor regarding the Applicant's good character and community spirit.

The Sub-Committee considered that on the balance of probabilities, there was no evidence of crime and disorder or public nuisance since the dates of the matters complained of by objectors. The Sub-Committee were satisfied that the Applicant following his solicitor's advice would uphold the licensing objectives, following the conditions proposed in the papers.

Therefore, Members made a decision and the decision was unanimous. Members granted the application with conditions.

Accordingly, the Sub Committee unanimously

RESOLVED

That the application for a New Premises Licence for Brussels Wharf Market, Wapping Wall, London E1W 3SG be **GRANTED** with conditions.

Sale of Alcohol (on and off sales)

Saturday from 10:00 hours – 17:00 hours

Regulated Entertainment in the form of live and recorded music (outdoors)

Saturday from 10:00 hours – 17:00 hours

Opening times

Saturday from 10:00 hours – 17:00 hours

Conditions

1. No more than 20% of the market stalls shall supply alcohol for on or off sales .
2. No open containers of alcohol shall be removed from the market perimeter.
3. Clear signage at point of sale and exit points informing customers that no open containers of alcohol shall be removed from the market perimeter.
4. That staff shall patrol the perimeter of the market to ensure that patrons with open containers do not leave the market perimeter.
5. A personal Licence holder is to be present on the premises at all times when alcohol is being supplied.
6. An incident log shall be kept at the premises and made available on request to an authorised officer of the local authority or the police. It must be completed within 24 hours of the incident and will record the following:
 - Crimes reported to the venue
 - Complaints received regarding crime and disorder.
 - Any incidents of disorder
 - Any refusal of the sale of alcohol.
 - Complaints received relating to noise
 - Any visit by a relevant authority or emergency service.
7. Premises management shall publicise and operate an attended telephone number by which any public noise enquiries and complaints can be made during the operating hours of the market. A written record of enquiries and complaints alongside details of the management actions taken in response shall be kept and made available to Officers of the Police or Council on request.
8. The sound level from any amplified live and recorded music shall remain within the control of the premises management at all times.

9. 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.

10. All staff involved in the sale of alcohol shall be trained in the age check 'Challenge 25' policy. A record of their training, including the dates that each member of staff is trained, shall be available for inspection at the premises on request by the Council's authorised officers or the Police.

11. Age check or 'Challenge 25' signage shall be displayed at entrances to the premises, areas where alcohol is displayed for sale and at points of sale to inform customers that an age check 'Challenge 25' policy applies and proof of age may be required.

12. A register of refused sales of alcohol shall be maintained in order to demonstrate effective operation of the policy. The register shall be available for inspection at the premises on request by Council authorised officers or the Police.

13. While live or recorded music takes place, the licensee or management shall undertake regular monitoring of noise levels at the nearest noise-sensitive locations. A record shall be kept of monitoring, including the date, time and location of monitoring; the name of the monitor; and any action taken. Music noise levels shall not be at a level to cause a nuisance to noise sensitive residential and commercial premises. Records shall be kept for no less than six months and shall be made available upon request by a police officer or an authorised officer of Tower Hamlets Council.

4. EXTENSION OF DECISION DEADLINE: LICENSING ACT 2003

Nil items.

The meeting ended at 7.45 p.m.