

LONDON BOROUGH OF TOWER HAMLETS

RECORD OF THE DECISIONS OF THE LICENSING SUB COMMITTEE

HELD AT 6.30 P.M. ON TUESDAY, 5 JULY 2022

**THE COUNCIL CHAMBER, TOWN HALL, MULBERRY PLACE, 5 CLOVE
CRESCENT, LONDON, E14 2BG**

Members Present:

Councillor Saied Ahmed (Chair)

Councillor Faroque Ahmed (Member)

Councillor Amin Rahman (Member)

1. DECLARATIONS OF INTEREST

There were no declarations of interest made.

2. RULES OF PROCEDURE

The rules of procedure were noted.

3. ITEMS FOR CONSIDERATION

**3.1 Application for a New Premises Licence for Redchurch Studio, 58
Redchurch Street, London E2 7DP**

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:

The Prevention of Crime and Disorder;
Public Safety;
The Prevention of Public Nuisance; and
The Protection of Children from Harm.

Consideration

The Sub-Committee considered an application by Soho House UK Ltd. for a new premises licence to be held in respect of Redchurch Studio, 58 Redchurch Street, London, E2 ("the Premises"). The application sought authorisation for the sale by retail of alcohol, regulated entertainment, and the provision of late night refreshment. The terminal hour for the various

licensable activities was to be midnight Sunday to Thursday and 01:00 hours on Friday and Saturday.

Representations against the application were received from the Licensing Authority and from the Environmental Health Service. Their representations were based on the fact that the Premises are located within the Brick Lane CIZ and that the grant of the application would add to the existing problems within the CIZ. In particular, their representations were concerned with the licensing objectives of the prevention of crime and disorder and the prevention of public nuisance. They asked that the application be refused.

The Sub-Committee heard from Lana Tricker, solicitor for the applicant. She drew the Sub-Committee's attention to the lack of representations from residents and to the fact that the applicant already operated the Redchurch Townhouse located next door. The Premises were small, with food and drinks on offer. Ms. Tricker explained that the Premises were not a restaurant. The Premises would not be open to the general public and that they would be open to members and their guests only. She explained the membership process to the Sub-Committee, including the controls on the members in the event of rowdy or inappropriate behaviour. She told the Sub-Committee that the rules specifically prohibit disruption and intoxication.

Whilst not a restaurant, the Premises would be food-led, with alcohol being sold ancillary to food. Ms. Tricker had agreed conditions proposed by the responsible authorities, in the event that the application was granted. She also referred to the conditions contained within the supplemental report pack and confirmed that the applicant was content for those conditions to be imposed if the Sub-Committee saw fit to do so.

Corinne Holland on behalf of the Licensing Authority spoke to her representation. Notwithstanding the various conditions proposed by the applicant, she remained concerned that the licence, if granted, would add to the problems experienced within the CIZ. She was particularly concerned that the Premises would accommodate up to sixty patrons and sought to operate outside of framework hours. The Premises did not fall within the suggested exceptions to the CIZ and there was no mention within the operating schedule of the fact that the Premises were within the CIZ and thus there were no additional conditions proposed at that time to deal with those concerns.

Nicola Cadzow on behalf of the Environmental Health Service addressed the Sub-Committee with regard to her representation. She also had concerns about the impact of the Premises, particularly with regard to the later hours. She told the LSC there was the potential for noise breakout from access and egress and the possibility of patrons being in high spirits or intoxicated when they leave.

The Sub-Committee confirmed that the maximum number of patrons, including the outside area, was 60. There was discussion around the use of tables and chairs outside the premises as members were aware that the pavement was narrow. Ms. Tricker explained that the tables were about 50cm wide, they had permission from a neighbouring property to place them outside

that property, and it would be subject in any event to a pavement licence. If that licence is not granted, then there will be no tables and chairs outside.

Members also queried dispersal and 'drinking-up time' given that the proposed terminal hour for all licensable activity was also the closing time of the Premises. Ms. Tricker stated that as the Premises operated in a restaurant style, it worked out. There was a winding-down of the premises, patrons were seated at tables and served by waiters and thus this had not been an issue. She confirmed that last orders would be taken twenty minutes before the terminal hour but that this was not applicable to all patrons. The last seating for customers on Friday and Saturday would be 23:00 hours. There were no issues with noise complaints.

The Sub-Committee heard brief concluding remarks. Ms. Holland noted that the CIZ had been implemented for a reason, the application was outside of the suggested exceptions to the Policy, and the onus was on the applicant to show that there would be no impact. Ms. Cadzow noted that the next-door premises already operated to 01:00 hours. Ms. Tricker told the Sub-Committee that alcohol consumption would be limited, especially if the membership condition was imposed. There had been substantial agreement in respect of conditions. The purpose of the CIZ was to promote the licensing objectives for residents and there had been no residential objections.

The application engages the licensing objectives of the prevention of public nuisance and the prevention of crime and disorder. The starting point for the Sub-Committee is the CIZ Policy. It applies where applicants seek authorisation for the sale of alcohol or the provision of late night refreshment and paragraph 7 of Appendix 5 to the Statement of Licensing Policy states that the "...Policy will be strictly applied." The Policy details possible exceptions, such as:

- those with a capacity under 50 persons, operating within framework hours, and which sell alcohol and provide late night refreshment for consumption on the premises only, or for off-sales by delivery only, and have arrangements to prevent vertical drinking;
- non-alcohol led premises;
- where the applicant has surrendered a licence of similar premises which provides similar licensable activities within the CIZ.

The Sub-Committee agreed with the responsible authorities that the application fell outside of these exceptions. The Sub-Committee nonetheless considered that the objections could, to some extent, be met by the imposition of the agreed or proposed conditions. However, the Sub-Committee's concerns in respect of the outside area were not assuaged by the applicant. It considered that the use of the pavement risked impacting on the licensing objectives, in particular that of public safety given that the pavement outside the Premises was narrow. This might force the public to use the carriageway to walk upon and gave rise to the potential for conflict between patrons or staff and members of the public, particularly as patrons got up to leave or use the facilities. There was also the possibility that the tables and chairs attracted people, who might not be patrons, and who may engage with patrons, again

potentially impacting upon the licensing objectives. Notwithstanding the agreement that the external area would not be used after 21:00 hours and that the use would be subject to a grant of the appropriate pavement licence in any event, the Sub-Committee considered that permitting the outside area to be used risked undermining the licensing objectives of the prevention of public nuisance and the prevention of crime and disorder.

The Sub-Committee's other main concern related to the proposed hours of operation. The Sub-Committee noted that the applicant operated the premises next door without complaint. As Ms. Holland noted in her written representation, however, that premises is a hotel. The Council's CIZ Policy also makes clear that the fact that an applicant operates other similar premises without complaint will not be considered exceptional.

Notwithstanding the submissions made by Ms. Tricker on behalf of the applicant, the Sub-Committee did not consider that the applicant had discharged the high burden upon it in this regard. Premises operating later in the night pose a greater risk of adding to the cumulative impact in the area, especially when leaving and entering an already saturated area. It is possible, for example, that patrons become victims of crime or that they remain in the area and visit other late-licensed premises, thereby risking adversely impacting on the licensing objectives. The Sub-Committee noted the membership rules referred to by Ms. Tricker; nonetheless, upon leaving the Premises, members and their guests will be outside of the direct control of the Premises' management.

Furthermore, one of the objectives of the CIZ is to protect residential amenity. Whilst Ms. Tricker correctly noted that there had been no representations from local residents, this was not a factor that the Sub-Committee considered added greater weight in favour of granting the application as sought. The Sub-Committee noted also that there were several premises operating in the immediate vicinity, some of which were already operating to later hours than framework hours. The Sub-Committee considered that this also gave rise to a greater possibility of adverse impact.

Having carefully considered the oral representations and the written material before it, the Sub-Committee was satisfied that the application could be granted, with amendments to the hours and some of the conditions, which would ensure that the grant would not add to the existing problems within the area. The conditions proposed and discussed during the course of the hearing would be imposed and the licence would be restricted to framework hours. The condition relating to the use of the outside area for consumption off the Premises and off-sales of alcohol have been removed in consequence of this decision.

Accordingly, the Sub Committee unanimously;

RESOLVED

That the application for a New Premises Licence for Redchurch Studio, 58 Redchurch Street, London E2 7DP be **GRANTED in part with conditions.**

Sale of alcohol (on-sales only)

Monday to Thursday	08:00 hours to 23:30 hours
Friday and Saturday	08:00 hours to 00:00 hours
Sunday	08:00 hours to 22:30 hours

The provision of late night refreshment

Monday to Thursday	23:00 hours to 23:30 hours
Friday and Saturday	23:00 hours to 00:00 hours

The provision of regulated entertainment (Live and recorded music - Indoors only)

Monday to Thursday	10:00 hours to 23:30 hours
Friday and Saturday	10:00 hours to 00:00 hours

Opening times

Sunday to Thursday	08:00 hours to 00:00 hours
Friday and Saturday	08:00 hours to 01:00 hours

Non-standard timings for all licensable activities from the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.

Conditions

1. There shall be no more than seven smokers to be allowed to smoke outside the premise at any one time. No more than two guests at any one time will be allowed to smoke outside after 21:00 hours.
2. There shall be no vertical drinking of alcohol at the premises.
3. 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 31 days.
 - a) A system shall be in place to maintain the quality of the recorded image and a complete audit trail maintained.
 - b) The system will comply with other essential legislation and all signs as required will be clearly displayed.
 - c) The system will be maintained and fully operational throughout the hours that the premises are open for any licensable activity.
 - d) There shall be a designated member of staff who can download the images and present them on request by a police officer or other responsible authority with minimum delay
4. Notices shall be prominently displayed at ground floor exits requesting patrons to respect local residents and leave the premises and area quietly.
5. Notices shall be prominently displayed at any area used for smoking requesting patrons to respect the needs of local residents and use the area quietly.

6. No music or amplified sound shall be generated on the premises to give rise to a nuisance to neighbouring residents.
7. Any person permitted to temporarily leave and then re-enter the premises, e.g. to smoke, shall not be permitted to take drinks or glass containers with them
8. The area immediately outside the premises shall be swept and/or washed, and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements.
9. Substantial food and non-intoxicating beverages, including drinking water, shall be available in all parts of the premises where alcohol is sold or supplied for consumption on the premises.
10. Waiter/waitress service shall be available throughout the premises at all times it is open to members of the public
11. Staff will monitor the patrons using any smoking area and ensure that they remain within the curtilage of the premises at all times.
12. The venue is to provide information on local taxi firms and transport links to patrons leaving the venue
13. A direct telephone for number for the manager at the premises shall be publicly available and displayed at all times the premises are open. This telephone number is to be made available to residents and businesses in the vicinity upon request.
14. A dispersal policy shall be put into effect and shall be available for inspection by the licensing authority and responsible authorities upon request
15. An incident log shall be kept at the premises and made available on request to an authorised officer of the Council or the Police. It must be completed within 24 hours of the 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.

16. The reception desk on the ground floor shall be staffed at all times the premises are in operation.
17. All windows and external doors shall be kept closed after 21:00 hours, or at any time when regulated entertainment takes place, except for the immediate access and egress of persons
18. A Challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification such as a driving licence, passport or proof of age card with the PASS Hologram.
19. Loudspeakers shall not be located in the entrance lobby or outside the premises building.
20. A noise limiter must be fitted to the musical amplification system set at a level determined by and to the satisfaction of an acoustic consultant who is a member of the Institute of Acoustics so as to ensure that no noise nuisance is caused to local residents or businesses. The operation panel of the noise limiter shall then be secured by a key or password to the satisfaction of officers from Environmental Health and access shall only be by persons authorised by the Premises Licence Holder. The limiter shall not be altered without prior agreement with Environmental Health. No alteration or modification to any existing sound system(s) should be effected without prior agreement of an authorised Officer of Environmental Health. No additional sound generating equipment shall be used on the premise without being routed through the sound limiter device
21. The supply of alcohol at the premises shall only be to a person seated taking a table meal there and for consumption by such a person as ancillary to their meal.
22. No patrons or guests shall remain on the premises more than twenty minutes after the terminal hour for licensable activity.
23. Alcohol may only be sold for consumption to members of Soho House and Co. and their bona fide guests.
24. Tables and chairs shall not be placed on the public highway.

3.2 Application for a New Premise Licence for Oranj, Ground Floor, 14 Bacon Street E1 6LF

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:

The Prevention of Crime and Disorder;
Public Safety;
The Prevention of Public Nuisance; and
The Protection of Children from Harm.

Consideration

The Sub-Committee considered an application by Tanner Provisions Ltd. for a new premises licence to be held in respect of Oranj, Ground Floor Bacon Street, London, E1 6LF ("the Premises"). The application sought authorisation for the sale by retail of alcohol for consumption on and off the Premises from 09:00 hours to 23:00 hours Monday to Thursday, from 09:00 hours to 23:30 hours on Friday and Saturday, and from 09:00 hours to 22:00 hours on Sundays. The application attracted one representation against it, which was from the Licensing Authority. There were seventeen representations in support of the application.

Marcus Lavell, on behalf of the applicant, told the Sub-Committee that there were no objections from the responsible authorities, save for the Licensing Authority. Conditions had been agreed with the Metropolitan Police. No residents had made representations against the application; exceptionally, there were a number of representations in support of the application, and several of those had been made by residents living within the Brick Lane CIZ. Mr. Lavell told the Sub-Committee that the applicant would be amenable to agreeing two of the conditions proposed by the Licensing Authority, namely requiring notices at smoking areas and for all staff authorised to sell alcohol to be authorised in writing by the DPS. He told the Sub-Committee that the applicant could not agree a condition requiring alcohol sales to be with a table meal, since the Premises would not operate as a restaurant, nor could he agree a condition prohibiting vertical drinking, as the Premises were very small and the nature of the operation meant that some people would inevitably be standing as they engaged with a sommelier. Excessive alcohol consumption was not part of the business model.

Mr. Lavell referred to the possible policy exceptions, and explained that the Premises fitted within those, save in respect of vertical drinking. The applicant only sought off-sales for home delivery, rather than takeaway, and was also amenable to the inclusion of a condition, if the Sub-Committee saw fit, to impose a condition restricting the sale of alcohol to fine, natural wine.

Mohshin Ali addressed the Sub-Committee on behalf of the Licensing Authority. He referred to his representation and explained that one of the concerns had been the lack of any reference to the CIZ in the original application. He suggested that the Sub-Committee could include the restaurant condition if it saw fit, and explained that off-sales had been the other concern of the authority. He remained of the view that granting the

application would still add to the impact on the area as people come and go from the area and from the Premises.

None of those making supporting representations attended. Their representations were before the Sub-Committee. In brief, the representations indicated that the Premises would not add to public nuisance or crime and disorder within the CIZ and that the Premises would bring a positive impact to the area.

Having considered the application and the representations made in respect of the Premises, the Sub-Committee considered that the applicant had discharged the burden of showing that there would be no negative impact. Although not food-led, the operation was not focused on excessive alcohol consumption but on the tasting experience. The confirmation that off-sales would be by delivery only also assisted to ensure that there would be no additional impact on the CIZ. The small capacity and the adherence to framework hours similarly assured the Sub-Committee that the Premises would not adversely impact on the CIZ, particularly with regard to the night-time economy. The fact that there were representations in support from people living within the CIZ also gave the Sub-Committee comfort that this was an appropriate exception to the CIZ. The Sub-Committee determined that imposing the Licensing Authority's suggested conditions that had been agreed would assist in the promotion of the licensing objectives, but that it was not appropriate or proportionate to impose the two disputed conditions, having regard to the impact this would have on the Premises. Similarly, the Sub-Committee considered that a condition restricting off-sales to delivery only would also promote the licensing objectives.

The application is therefore granted as sought and with the additional conditions indicated.

Accordingly, the Sub Committee unanimously;

RESOLVED

That the application for a New Premises Licence for Oranj, Ground Floor, 14 Bacon Street, London E1 6LF be **GRANTED with conditions.**

Sale of alcohol (on and off-sales)

Monday to Thursday	09:00 hours to 23:00 hours
Friday and Saturday	09:00 hours to 23:30 hours
Sunday	09:00 hours to 22:00 hours

Opening times

Monday to Thursday	09:00 hours to 23:30 hours
Friday and Saturday	09:00 hours to 00:00 hours
Sunday	09:00 hours to 22:30 hours

Conditions

1. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Police Licensing Team.
2. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition.
3. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises and will include the external area immediately outside the premises entrance.
4. 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 officers 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 is open. This staff member must be able to provide Police or authorised Council officers with copies of recent CCTV images or data with the absolute minimum of delay when requested.
6. 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 nuisance.
7. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
8. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
9. The number of persons permitted in the premises at any one time (excluding staff) shall not exceed 50 persons.
10. A Challenge 25 proof of age schemes 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.
11. 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 shall be available for inspection at the premises by the police or an authorised officer of the Council at all times whilst the premises is open.
12. An incident log shall be kept at the premises and made available on request to an authorised officer of the Council or the Police. It must be completed within 24 hours of the incident and will record the following:

- all crimes reported to the venue;
 - all ejections of patrons;
 - any complaints received concerning crime and disorder;
 - any incidents of disorder;
 - any seizures of drugs or offensive weapons;
 - any faults in the CCTV system, searching equipment or scanning equipment;
 - any refusal of the sale of alcohol;
 - any visit by a relevant authority or emergency service.
13. The approved arrangements at the premises, including means of escape provisions, emergency warning equipment, the electrical installation and mechanical equipment, shall at all material times be maintained in good condition and in full working order.
14. The means of escape provided for the premises shall be maintained unobstructed, free of trip hazards, be immediately available and clearly identified in accordance with the plans provided.
15. All sales of alcohol for consumption off the premises shall be by way of delivery only.
16. Notices shall be prominently displayed at any area used for smoking requesting patrons to respect the needs of local residents and use the area quietly.
17. When the designated premises supervisor is not on the premises, any or all persons authorised to sell alcohol will be authorised by the designated premises supervisor in writing. This shall be available on request by the Police or any authorised officer.

3.3 Application for Temporary Event Notices for Lighthouse, 421 Wick Lane, London E9 2JG

Consideration

The Sub-Committee considered an application by Bridget Okonkno-Onobevune (“the Applicant”) for three temporary event notices (TENS) to be held in respect of Lighthouse, 421 Wick Lane, London E3 2JG (“the Premises”).

The Sub Committee heard from Ms Cadzow regarding the noise complaints made at the premises, that there have been six complaints in the last four months and she didn't have any confidence in the licence holders ability to operate under the TENS. The Sub Committee also heard from Mrs Okonkno-Onobevune and she queried why the TEN on the 24th June had been allowed to proceed and told the Sub Committee that she had two security industry authorised staff in place and was willing to consider arranging for a sound limiter to be installed at the premises. The Licensing Sub Committee was concerned by the complaints, however most fell on the Sunday and only two

complaints were substantiated, further these only came from two people. It was noted that the visit on the 13th March 2022, Mrs Okonkno-Onobevune dealt with the complaint promptly when told. The small number of complaints made the Sub Committee consider that the premises could operate in accordance to the TENS, therefore the decision in respect of each TEN is to refuse to issue a counter notice but to impose all the conditions on the premises licence on all three TENS applied for.

Accordingly, the Sub Committee by a majority vote;

RESOLVED

That the application for a counter notice issued for the application for Temporary Event Notices for Lighthouse, 421 Wick Lane, London E3 2JG be **REFUSED and the TENS to be granted.**

10th to 11th July 2022 from 11:00 hours- 02:00 hours

23rd July 2022 from 00:30 hours – 02:30 hours

31st July to 1st August 2022 from 11:00 hours to 03:00 hours

The sale by retail of alcohol

The provision for late night refreshments

The provision of regulated entertainment

4. EXTENSION OF DECISION DEADLINE: LICENSING ACT 2003

Nil items.

The meeting ended at 9.25 p.m.