

LONDON BOROUGH OF TOWER HAMLETS

RECORD OF THE DECISIONS OF THE LICENSING SUB COMMITTEE

HELD AT 6.35 P.M. ON TUESDAY, 7 NOVEMBER 2023

COUNCIL CHAMBER - TOWN HALL, WHITECHAPEL

Members Present in Person:

Councillor Ana Miah
Councillor Shahaveer Shubo
Hussain
Councillor Peter Golds

1. DECLARATIONS OF INTEREST

Councillor Sulk Ahmed declared although he was a member of the licensing committee he was representing residents as a ward councillor in relation to item 5.

2. RULES OF PROCEDURE

The rules of procedure were noted.

3. ITEMS FOR CONSIDERATION

4. LICENSING ACT 2003 APPLICATION FOR A PREMISES LICENCE FOR AIRSOFT, BASEMENT, 52-58 COMMERCIAL ROAD, LONDON E1 1LP

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

Each application must be considered on its own merits. The Sub-Committee carefully considered all of the evidence before them at meeting, both oral and written in the agenda pack.

The Sub-Committee noted from the report, that this was an application for a new premises licence for Airsoft, Basement 52-58 Commercial Road London E1 1LP The hours applied for were as follows:

The hours that have been applied for are as follows:-

Sale of Alcohol (on and off sales)

Monday to Saturday 11:00 hours to 23:00 hours

Sunday from 11:00 hours to 22:00 hours

Hours premises is open to the public:

Monday to Saturday 11:00 hours to 23:30 hours

Sunday from 11:00 hours to 22:30 hours

The Sub-committee considered the presentation from Mr Gibson, the agent representing the applicant, who described the venue as an indoor sporting and activity centre with catering and small cocktail bar. The Sub-Committee noted from Mr Gibson that the applicant had withdrawn the off-sales part of the application.

The Sub-Committee noted that the premises would have a cocktail bar which would be ancillary to the business, and that there would be no off-sales. The premises would be a laser tag business serving snacks with alcohol being offered alongside those.

The Sub-Committee noted that the applicant's offer of a condition that there would be two SIA accredited staff on duty from 19:00 hours, one on the ground floor level and one on the basement floor. The Sub-Committee noted that background music would be played ancillary to the laser tag game.

The Sub-Committee noted the representation made by Mr Fontana who was concerned that the sale and consumption of alcohol at the premises would deeply affect the life of the residents of the building. The Sub-Committee noted Mr. Fontana's concern that the application, if granted would lead to increased rubbish against the backdrop of an already stretched rubbish collection system that is in place.

The Sub-Committee also noted Mr. Fontana's concern that if granted, the application would lead to an increased presence of rats in the bin stores, which was already a problem. The Sub-Committee noted Mr. Fontana's safety concerns on behalf of the people living here (many families with children), due to the crowd of people buying and consuming alcohol, gathering in the premises.

The Sub-Committee also noted Mr. Fontana's concern that granting the application would lead to increased traffic and parking problems in the area as well as the increase of people using drugs in the area, and littering in the street.

The Sub-Committee considered the importance of making a decision which would be reasonable and proportionate in light of the circumstances of the individual case, and with regard to the licensing objectives set out in the Licensing Act 2003, the London Borough of Tower Hamlets' Statement of Licensing Policy, and the Secretary of State's guidance.

Where reasonable and proportionate in light of all of these, it was appropriate to grant an application with appropriate conditions to ensure that the licensing objectives were upheld, namely, the prevention of public nuisance, the prevention of crime and disorder, the prevention of children from harm, and the promotion of public safety.

Accordingly, the Sub-Committee unanimously;

RESOLVED

That the application for a new premises licence in respect of Airsoft, Basement, 52-58 Commercial Road London E1 1LP E14 5RB **be granted as amended, the applicant having withdrawn the off sales element, with conditions as follows: -**

11. 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.
2. 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 at all times whilst the premises is open.
3. 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. A staff member from

the premises who is conversant with the operation of the CCTV system shall be in the premises at all times when the premises is open. This staff member must be able to provide to the Police or an authorised Council officer, copies of recent CCTV images or data with the absolute minimum of delay when requested and within a maximum of 24 hours of the initial request. Subject to Data Protection guidance and legislation, the management of the premises will ensure that key staff are fully trained in the operation of the CCTV, and will be able to download selected footage onto a disk/USB Stick for the Police or as practicable. Repair records / invoices regarding the CCTV system shall be kept on site for at least 12 months and be readily available to be viewed by all the Police or an authorised Council officer upon request. Any CCTV breakdown or system failure will be notified to the Police and Local Authority immediately & remedied as soon as practicable. Notices shall be prominently displayed within the premises stating that CCTV is in operation.

4. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.

5. Patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke, shall be limited to 8 persons at any one time.

6. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises, which gives rise to a public nuisance.

7. There should be no off-sales of alcohol served to members of the public who are not booked on any of the activities offered by the business.

8. There shall be no vertical drinking.

9. No waste shall be disposed of by the business between 00.00hrs and 07:00hrs Monday-Sunday.

10. All staff will be fully trained in their responsibilities with regard to the sale of alcohol, and will be retrained every six months, with recorded training records kept for inspection.

11. All staff members should be checked to ensure they have the right to work in the UK. These checks should be made available upon requests to all responsible authorities. All associated 'entitlement to work' documents: a) must be logged and kept on the premises for the duration of the employment; and b) must be retained for a minimum of 12 months after employment has ceased.

12. Customers shall not be permitted to consume alcohol which has not been purchased from the premises.

13. All alcohol products sold at the premises shall have the relevant UK duty paid label attached.

14. No customer shall be allowed to leave the premises whilst in the possession of any drinking vessel or open glass bottle, whether empty or containing any beverage.

15. Any person entering the premises who appears to be under the influence of alcohol or drugs shall in the interests of other members of the public using the premises be requested to leave the premises.

16. The premises shall operate a zero-tolerance policy to the supply and use of drugs.

17. Anyone who appears to be drunk or intoxicated shall not be allowed entry to the premises and anyone in that condition who has already gained entry will be escorted from the building immediately.

18. Two SIA accredited security officers will be on duty at the premises every evening from 19:00 hours, one to be stationed at the shop entrance, the other to supervise the entire basement area.

19. All staff will receive training on how to be alert to any potential danger to customers and how to react accordingly, including if they are unable to quickly defuse the situation without risk to customer or staff, call the police.

20. An on-site accident book will be maintained to record any accident/ injury incurred on the premises. Entries in this book will be retained for inspection by the business for a period of three years.

21. Patrons attending the premises will be reminded of their responsibilities to leave the premises quietly.

22. A smoking policy will be available on site for inspection as required. Cigarette bins will be provided to encourage smokers to dispose of their cigarettes in a safe manner.

23. Signage relating to taxi services available, including phone numbers, will be displayed at the entrance to the premises.

24. A 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. All staff whose duties include the serving of alcohol must be trained in the requirements of this scheme including the importance of recording any refusals. Prominent, clear and legible signage (in not less than 32 font bold) shall also be displayed at all entrances to the premises as well as at, at least one location behind any bar advertising the scheme operated.

5. LICENSING ACT 2003 APPLICATION FOR A NEW PREMISE LICENCE FOR LONDON METROPOLITAN UNIVERSITY, 16 GOULSTON STREET, LONDON, E1 7TP

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

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 meeting.

The Sub-Committee noted from the report, that this was an application for a new premises licence for London Metropolitan University located in the Brick Lane Cumulative Impact Zone (CIZ).

The Sub-Committee noted that the applicant applied for the following:

Sale of Alcohol (on sales)

Monday – Thursday 10:00 – 23:00 hours

Friday – Saturday 10:00 – 00:00 hours (midnight)

Sunday 10:00 – 22:00 hours

Regulated Entertainment – (Plays, films, live music) - **indoors and outdoors**, (performance of dance) - **indoors only**

Monday – Thursday 08:00 – 23:00 hours

Friday – Saturday 08:00 – 00:00 hours (midnight)

Sunday 08:00 – 22:00 hours

Seasonal variation - Live Music

In Summer outside events in the courtyard – 09:00 – 22:00 hours

Non-standard hours – sale of alcohol / live & recorded music

Friday, Saturday and Sunday preceding a bank holiday, New Years Eve and New Years Day – 24 hours for all licensing activities

Recorded music - Outside courtyard 09:00 – 00:00 hours (midnight) on these days

The Sub-Committee noted Mr Caleb's presentation of this application as being designed to enable students to do various events throughout the year such as fashion shows with a bar run as part of events. The Sub-Committee noted that the applicant expressed there would be no late-night events.

The Sub-Committee noted that the applicant intended to build up more community engagement events enabled by the licence sought, rather than applying for more temporary event notices, in order to encourage more licensed events such as at graduations.

The Sub-Committee noted that the applicant agreed to remove any amplification in the courtyard as well, and the applicant's mention that they already had experience of operating a decibel monitor at a student bar in the Holloway Road campus.

The Sub-Committee considered that the application as presented might be sufficient support the licensing objectives in relation to premises outside a cumulative impact zone (CIZ). However, the Sub-Committee had to be mindful that the premises are in a CIZ, and were concerned that the application did not expressly address the fact that the premises are in a CIZ. The Sub-Committee were also concerned that such premises are in an area with a density of licensed premises and residential accommodation, and that the application envisaged outdoor events.

The Sub-Committee noted from objectors' evidence, particularly that of local residents who of course know their area, that the premises are in one of the most prolific hotspots for anti-social behaviour in the Spitalfields and Banglatown Ward. The Sub-Committee noted that the Brune Estate, which is just on the doorstep of London Metropolitan University remained one of our three top priority areas for anti-social behaviour and low-level crime.

The Sub-Committee had regard to the licensing objectives set out in the Licensing Act 2003, the London Borough of Tower Hamlets' Statement of Licensing Policy, and the Secretary of State's guidance, particularly in the context of premises in a CIZ.

Paragraph 14.40 of the Secretary of State's guidance says that it is open to a licensing authority to grant an application where it considers it appropriate and where the applicant can demonstrate in the operating schedule that they would not be adding to the cumulative impact.

With regard to the London Borough of Tower Hamlets' Statement of Licensing Policy, which is freely available for public view on the London Borough of Tower Hamlets' website, paragraph 19.6 says, "The Special 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 against applications within the CIZ zones the application will be refused.”

Paragraph 19.7 of the same says, “Where representations have been received in respect to applications within the CIZ zones the onus is on applicants to adequately rebut the presumption. Applicants will need to demonstrate in their applications why the granting of their application will not negatively add to the cumulative already experience within the CIZ Zones. Applicants may wish to address the following in their applications:

- Genuinely exceptional circumstances,
- Relevant good practices they employ (for example, this could include details of membership of local Pubwatch/other trade groups,
- Accreditation of Award Schemes (as applicable), and any participation in Police/Council initiatives),
- Other good operational/practice arrangements in respect of any outside drinking and smoking to control potential impact in the area,
- Measures used to promote the licensing objectives (for example, any relevant conditions to control noise, dispersal, litter and other anti-social issues.”

Paragraph 19.8 of the same says, “This Policy will be strictly applied and where relevant representations are received it is the view of the Council that the application will be refused. Applicants will need to demonstrate that there are exceptional circumstances and that granting their application will not negatively add to the cumulative effect on the Licensing Objectives within the Brick Lane and Bethnal Green CIZ if they wish to rebut this presumption.

Examples of factors the Licensing Authority may consider as exceptional may include, though are not limited to:

- small premises with a capacity of fifty persons or less who only intend to operate during Framework Hours,
- premises which are not alcohol led and operate only within Framework Hours, such as coffee shops,
- instances where the applicant has recently surrendered a licence for another premises of a similar size and providing similar licensable activities in the same Special Policy Area.

Examples of factors the Licensing Authority will not consider as exceptional include:

- that the premises will be well managed and run,
- that the premises will be constructed to a high standard,

- that the applicant operates similar premises elsewhere without complaint. “

The Sub-Committee noted that the only condition offered by the applicant to address noise disturbance was a proposal to have noise reduction measures to address public nuisance objectives, which was vague. It did not specify how the applicant was going to prevent public nuisance resulting from the noise caused by people entering and leaving the premises, and people loitering outside the premises. The applicant had not provided sufficient information to demonstrate how there would be no addition to the cumulative impact of noise disturbance, giving rise to public nuisance in that area, nor as to how there would be no addition to the cumulative impact in terms of crime and disorder in the area.

The Sub-Committee did not consider that the applicant had given them any exceptional reasons as to why the presumption against a grant should not be applied.

Therefore, Members made a unanimous decision to refuse the application.

Accordingly, the Sub-Committee unanimously;

RESOLVED

That the application for a new premises licence in respect of London Metropolitan University, 16 Goulston Street, London E1 7TP be **REFUSED**

6. EXTENSION OF DECISION DEADLINE: LICENSING ACT 2003

Roe Restaurant Unit A1.1 Park Drive, Wood Wharf E14	21 November
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Milano Express Pizza & Peri Peri, 479 Cambridge Heath Road, London, E2 9BU	21 November
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The meeting ended at 7.55 p.m.

Chair, Councillor Ana Miah
Licensing Sub Committee