

LONDON BOROUGH OF TOWER HAMLETS

MINUTES OF THE LICENSING SUB COMMITTEE

HELD AT 2.30 P.M. ON TUESDAY, 29 OCTOBER 2024

COMMITTEE ROOM - TOWER HAMLETS TOWN HALL, 160 WHITECHAPEL ROAD, LONDON E1 1BJ

Members Present in Person:

Councillor Peter Golds
Councillor Suluk Ahmed
Councillor Sabina Akhtar

Apologies:

None

Others Present in Person:

(Item 3.2)
(Item 3.2)
(Item 3.2)
(Item 3.2)
(Item 3.2)
(Item 3.2)
(Item 3.2)

Others In Attendance Virtually:

(Item 3.2)

Officers Present in Person:

Corinne Holland (Licensing Officer)
David Wong (Legal Services)
Simmi Yesmin (Democratic Services Officer, Committees, Governance)

1. DECLARATIONS OF INTEREST

Councillor Suluk Ahmed declared a personal interest in agenda item 3.2, on the basis that the premise was in his ward (Spitalfields and Banglatown).

2. RULES OF PROCEDURE

The rules of procedure were noted.

3. ITEMS FOR CONSIDERATION

3.1 Application for a New Premise Licence for Tea Garden, 138 Whitechapel Road London E1 1JE

This item was withdrawn by the applicant prior to the meeting.

3.2 Application for a New Premise Licence for Quiz Room, Ground Floor Brody House, 19-25 Bell Lane, London, E1 7LA

At the request of the Chair, Ms Corinne Holland, Licensing Officer introduced the report which detailed an application by Quiz Room UK Ltd. for a premises licence in respect of the Quiz Room, Ground Floor, Brody House, 19-25 Bell Lane, London E1 7LA.

The application sought: -

Sale of Alcohol (On sales only)

Monday – Saturday 11:00 – 22:45 hours

Sunday 11:00 – 20:45 hours

Regulated Entertainment: Films and Recorded Music (indoors),

Monday – Saturday 11:00 – 23:00 hours

Sunday 11:00 – 21:00 hours

It was noted that the application received representations against it from the Licensing Authority, the Environmental Health Team and local residents. These were predominantly based upon the Premises' location within the Brick Lane Cumulative Impact Zone (CIZ) and that the applicant had not rebutted the presumption against the grant of the licence. The responsible authorities and residents asserted that the application would negatively impact upon the licensing objectives of the prevention of crime and disorder and the prevention of public nuisance.

The Sub-Committee was informed that the applicant had reached an agreement with the police as to the hours and conditions. It was also noted that a robust set of conditions had been offered by the applicant.

At the request of the Chair, Ms. Lana Tricker, solicitor for the applicant repeated what was set out on pages 3 to 6 of the supplementary agenda by way of the background to the application, what the business sought to achieve, how it proposed operating, and the measures adopted to ensure that the licensing objectives were upheld such as soundproofing of the premises. It was noted that the application was amended to reduce the terminal hour for alcohol sales on Mondays to Saturdays to 21:30 hours, and on Sundays to 19:30 hours.

It was noted that the maximum capacity of the premises will be 90 people. There were 5 rooms for quiz activities, each room accommodating up to 18

players, with each team-based quiz session lasting up to an hour to 1½ hours long. Ms Tricker explained that the quizzes will be played by patrons standing at electronic consoles on podiums answering questions using a buzzer.

Although there will be background music which is not licensable, quiz questions will feature music and film clips. The applicant explained that winners of the quiz get to come back and play for free on the next visit, and a free tee shirt. It was confirmed that alcohol sales will be ancillary to participation of the quiz games and there would only be a small selection of alcoholic. It was also noted that food and beverages would be served in the reception area.

Ms Tricker explained that 90% of the games would be prebooked and envisaged them to be corporate events. The applicant would not be encouraging hen or stag events. Ms. Tricker presented that the applicant had invested money into the premises, for multimedia upgrades, soundproofing and acoustic works, and that sound testing had been undertaken in relation to residential premises above the applicant's premises with no issues found.

With regard to page 145 of the agenda, the applicant could not agree to a licensing condition that the supply of alcohol only be to persons seated for a table meal, as the premises were not going to operate as a restaurant. The applicant would agree to a condition that when the designated premises supervisor is not on the premises, all persons selling alcohol will be authorised in writing to do so by the designated premises supervisor. The applicant did not agree to a condition as to no vertical drinking, because the applicant did not intend encouraging patrons to linger and drink. The applicant sought to maintain a flow of patrons with quiz sessions of between an hour to 1½ hours long.

Members then heard objections from Licensing Services and Environmental Health on the basis that the application did not address the addition to cumulative impact of public nuisance in a cumulative impact area (CIA). Mr. Olere reminded the Sub-Committee of the rebuttable presumption that where premises are in a CIA, an application will be refused. The Environmental Health Service objection focused on noise breakout from the venue affecting nearby residents. He reminded the Sub-Committee that the relevant criteria are the licensing objectives and the Council's cumulative impact policy.

Members then heard from local residents in relation to the following licensing objectives, public nuisance and, to a lesser extent, crime and disorder. Of the residents, Mr. Robert Breslin and Mr. David Hoole both attended the Sub-Committee meeting in person, Mr. Edoardo Zarghetta attended virtually, whilst all the other resident objectors did not attend, but had already submitted their written representations which the Sub-Committee considered. Residents were concerned about increased footfall from patrons coming to and leaving the premises in the late hours; patrons in high spirits from alcohol loitering nearby after leaving; increased traffic from patrons arriving and leaving; and noise from patrons and the premises, which assurances of measures like a CCTV system would not abate.

In response to questions the following were noted:

- That there would be no alcohol allowed in the quiz rooms
- Mainly pre-booked events by corporate companies for team building etc.
- Sessions would last 1-1.5 hours.
- Winners win a free game and a T-shirt.
- Patrons would not be permitted to take drinks outside the premises.
- That there were 70 such quiz rooms worldwide, this being the first one in the UK.
- Groups would come at designated times, and would therefore be easily managed.

Concluding remarks were made by all parties.

Decision

This application engages the licensing objectives of public nuisance, and to a lesser extent, crime and disorder in relation to antisocial behaviour.

The absence of representations by the police was of neutral significance.

The Sub-Committee appreciated the legitimate concerns of the Environmental Health Service over the impact of licensed premises in a CIA.

The Sub-Committee noted that the premises are in a cumulative impact zone, and so, the effect of premises subject to a licensing application being in a CIA 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 CIA.

Paragraph 7 of appendix 5 to the Council's Statement of Licensing Policy says that the Council's cumulative impact policy "will be strictly applied and where relevant representations are received, and 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 CIAs if they wish to rebut this presumption."

Paragraph 8 of the same 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 (Councillors, Members of the Public) within the CIA zones the application will be refused."

Paragraph 9 of the same says, "Where representations have been received in respect to applications within the CIA zones the onus is on the applicant to adequately rebut the presumption."

Paragraph 11 of the same says, that the Council's cumulative impact policy "is not absolute and the Licensing Authority recognises that it has to balance the needs of businesses with local residents. The circumstances of each application will be considered on its merits and the Licensing Authority shall grant applications, when representations are not received. The applicant should demonstrate that the operation of the premises will not add to the cumulative impact on one or more of the following licensing objectives:

- Prevention of Crime and Disorder;
- Prevention of Public Nuisance.

Therefore, applicants will be expected to comprehensively demonstrate why a new or varied licence will not add to the cumulative impact. They are strongly advised to give consideration to mitigating potential cumulative impact issues when setting out steps they will take to promote the licensing objectives in their operating schedule."

The Sub-Committee noted that the applicant sought to address this by reference to the provision of alcohol ancillary to the provision of quiz based entertainment; additional sound proofing of the premises to mitigate noise breakout from the premises; sound tests at three flats above the premises, which established that there were no unacceptable noise levels impacting residents; relocation of the front entrance further away from residential accommodation; the reduction in the hours sought for alcohol sales; and the revised set of conditions offered in the supplementary agenda.

The Sub-Committee was satisfied that the applicant had rebutted the presumption against refusal of the application, as all of the above ways in which the applicant sought to address this satisfied the Sub-Committee that granting the application with those measures and conditions in place would not result in an addition to the cumulative impact in the area in terms of public nuisance, and crime and disorder.

The Sub-Committee considered the conditions offered on pages 6 to 9 of the supplementary agenda. It was noted that Ms. Tricker had agreed in the meeting to condition number 1 being modified as follows: The licensable activities authorised by this licence and provided at the premises shall be ancillary to participation in quiz activities. The Sub-Committee were unconvinced by the applicant's assertion that a prohibition on vertical drinking was not necessary. Whilst noting that the applicant sought a throughput of clientele, leaving patrons with less drinking time per session, a condition prohibiting vertical drinking was usual in many cases where premises which are not alcohol led are granted a premises licence in a CIA, and consistent with the aims of an applicant who had a stated intention to not operate as a bar. A condition as to no vertical drinking supported the applicant's intention to "ensure the venue is not a bar or club experience and cannot just be converted to such by another operator should the application be granted." The Sub-Committee disagreed with only one of the proposed conditions: condition 16 on page 8 of the supplementary agenda prohibiting sales of alcohol for

consumption off the premises was not necessary, because the application only sought to sell alcohol for consumption on the premises. However, given residents' concerns about alcohol fuelled behaviour by departing patrons, the Sub-Committee felt it prudent to impose a condition that no alcohol shall be removed by patrons from the premises.

Therefore, the Sub-Committee decided to grant the application with the above amendment to the hours for the sale of alcohol and with conditions.

Accordingly, the Sub Committee unanimously;

RESOLVED

That the application for a new premises licence for Quiz Room, Ground Floor, Brody House, 19-25 Bell Lane, London E1 7LA be **GRANTED subject to the following conditions:**

Sale of Alcohol (on sales only)

Monday – Saturday – 11:00 hours to 21:30 hours
Sunday - 11:00 hours to 19:30 hours

Regulated Entertainment – Films and Recorded Music (indoors)

Monday – Saturday – 11:00 hours to 22:00 hours
Sunday - 11:00 hours to 20:00 hours

Opening times

Monday – Saturday – 11:00 hours to 23:00 hours
Sunday - 11:00 hours to 21:00 hours

Conditions

1. The licensable activities authorised by this licence and provided at the premises shall be ancillary to participation in quiz activities.
2. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Licensing Police. 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. Recordings shall be made available immediately upon the request of Police or authorised officer throughout the preceding 31-day period.
3. 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 to the public. This staff member shall be able to show Police recent data or footage with the absolute minimum of delay when requested.

4. CCTV Signage shall be prominently displayed throughout the premises.
5. An incident log shall be maintained at the premises and made available on request to an authorised officer, the Local Authority or Police. The register shall 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 or searching equipment or scanning equipment.
 - G. Any refusal of the sale of alcohol.
 - H. Any visit by a relevant authority or emergency service.
6. 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 Tower Hamlets Council at all times whilst the premises is open.
7. Food and non-alcoholic beverages, including drinking water, shall be available in all parts of the premises where alcohol is sold or supplied for consumption on the premises.
8. Notices will be prominently displayed at exits requesting the public to respect the need of local residents and to leave the premises and the area quietly.
9. 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.
10. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
11. 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.
12. There shall be no striptease or nudity, and all persons shall be decently attired at all times.
13. An entry, closure and dispersal policy for controlling the opening of the premises and the departure of customers from the premises at the conclusion of the licensed activities shall be put in place and shall be actively operated. The policy shall be in written form and made available upon request by an authorised officer of the Police and authorised officers.

14. 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.

15. Signage advertising the aforementioned proof of age scheme shall be prominently displayed throughout the premises and on the alcohol display area and service area.

16. No alcohol shall be removed by patrons from the premises.

17. There shall be no vertical drinking on the premises.

18. The venue is to provide information on local taxi firms and transport links to patrons leaving the venue upon request.

19. A direct telephone number for the manager at the premises shall be publicly available. This telephone number is to be made available to residents and businesses in the vicinity upon request.

20. All staff responsible for selling alcohol shall receive regular training in the Licensing Act 2003 in terms of the licensing objectives, offences committed under the Act and conditions of the Premises Licence. Written records of staff training in relation to the Licensing Act 2003 shall be retained and made available to police and authorised officers of the Licensing Authority on reasonable request.

21. There shall be a zero-tolerance policy for violence, drugs, and other illegal activities.

22. No irresponsible drink promotions will be offered that could encourage excessive consumption.

23. The licence holder shall maintain a comprehensive Children's Safeguarding Policy and ensure that an appropriately trained and vetted member of staff is on duty whenever the premises are open to the public. This Policy shall be produced on demand to Police and authorised persons. Staff training on the Children's Safeguarding Policy shall be renewed yearly.

24. Safety checks shall be carried out before the admission of the public. Details of safety checks shall be kept in a Log-book on the premises. The Log-book shall be made available for inspection by authorised officers.

25. In the event that a serious assault is committed in or directly outside of the premises (where staff witness) 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) the crime scene is preserved so as to enable a full forensic investigation to be carried out by the police; and

c) such other measures are taken (as appropriate) to fully protect the safety of all persons present on the premises.

26. Children under the age of 16 shall not be allowed inside the premises past 19:00 hours unless accompanied by a person over the age of 18 who must not be drunk/incapable. A Challenge 25 scheme will apply to any adult looking after children.

27. When the designated premise 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.

4. EXTENSION OF DECISION DEADLINE: LICENSING ACT 2003

The meeting ended at 4.30 p.m.

Chair, Councillor Peter Golds
Licensing Sub Committee