

LONDON BOROUGH OF TOWER HAMLETS

RECORD OF THE DECISIONS OF THE LICENSING SUB COMMITTEE

HELD AT 6.30 P.M. ON TUESDAY, 19 NOVEMBER 2024

COUNCIL CHAMBER - TOWN HALL, WHITECHAPEL

Members Present in Person:

Councillor Suluk Ahmed
Councillor Faroque Ahmed
Councillor Rebaka Sultana

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 (Knave of Clubs) 1 Club Row, London E1 6JX

This is an application by Club Row Ltd. for a premises licence in respect of The Knave of Clubs, 1 Club Row, London E1 6JX.

The application sought: -

The sale by retail of alcohol (on and off sales)

Monday to Thursday from 09:00hrs. to 23:00hrs.

Friday and Saturday from 09:00hrs. to 00:00hrs.

Sunday from 09:00hrs. to 22:30hrs.

The provision of late night refreshment - Indoors

Monday to Thursday from 23:00hrs. to 23:30hrs.

Friday and Saturday from 23:00hrs. to 00:00hrs.

The provision of regulated entertainment – Indoors

Live music and recorded music

Monday to Thursday from 10:00hrs. to 23:00hrs

Friday and Saturday from 10:00hrs. to 00:00hrs.

Sunday from 10:00hrs. to 22:30hrs.

Mr. James Anderson, Legal Representative for the applicant presented the application as seeking to bring back into service, an old public house, with a traditional style pub on the ground floor, a New York style restaurant on the first floor, and a private dining room on the second floor usable only by booking in advance. The nature of the business was presented as a high end pub with a restaurant offering good quality food. The premises does not have its own external area, and so will rely upon the pavement immediately outside for customers seeking to go outside during their patronage.

The application incorporates a number of conditions, the revised set of which appears on pages 5 and 6 of the supplementary agenda. Those include conditions designed to mitigate the impact of customers going outside. The applicant sought to balance its legitimate business aims with the effect of operating in a cumulative impact zone. The conditions put forward will result in a tighter regime than that which arises from the conditions of the shadow licence held by a separate premises licence holder in relation to these premises.

The following points were clarified on behalf of the applicant: -

The capacity of the premises will be 60-80 customers on the ground floor, and 55 customers on the first floor.

The applicant proposed having at least two SIA accredited door supervisors on duty on Saturdays.

Music at the premises will be background music.

Bringing an old pub back into operation will bring life back into the area, so it will have a positive impact.

The applicant was realistic that customers would expect to be able to go outside, especially in the Summer, but accepted the necessity for a restriction on the numbers of customers outside the premises.

The lapsed licence mentioned by the applicant's solicitor on page 28 of the supplementary agenda was not the shadow licence, but that formerly held by a now defunct company, who were a different company from the holder of the shadow licence.

Objections were received against the application from one resident, Environmental Health, and Licensing.

The resident did not attend the meeting, but her written representations on pages 79 to 80 of the main agenda papers were noted. The resident was concerned about the impact of a nightclub in relation to public nuisance caused by noise; and crime and disorder and public safety issues arising from alcohol-fuelled behaviour.

Kathy Driver expressed on behalf of the Licensing Team, concerns with regard to the premises being in cumulative impact area (CIA) with a narrow pavement immediately outside close to residential premises, in an area with a high degree of antisocial behaviour, especially public urination.

Environmental Health were concerned about the addition to cumulative impact of public nuisance in a CIA, with noise giving rise to public nuisance. Nicola Cadzow presenting on behalf of Environmental Health observed that the pavement immediately outside the premises is very narrow and close to nearby residential premises, with the potential for blocking of the pavement by numbers of customers in addition to the noise they would cause. She suggested a limit on the numbers of customers allowed outside.

The relevant criteria are the licensing objectives and the Council's cumulative impact policy.

This application engages the licensing objectives of public nuisance, and to a lesser extent, crime and disorder and public safety 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 objectors 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 nature of the business, a high end pub with a restaurant, and the revised conditions offered on pages 5 and 6 of the supplementary agenda, as well as the applicant’s acknowledgement of the necessity for a restriction on the numbers of customers outside the premises.

The Sub-Committee noted that the objections from a resident were in the context of concerns over the impact of a nightclub in the area, but the applicant did not seek to operate a nightclub, rather a high end pub with a restaurant, which tends towards a lesser potential adverse impact, because a nightclub would produce more noise and would tend towards a more alcohol fuelled clientele than a high end pub with a restaurant.

Given the stated presumption arising from the Council’s cumulative impact policy, not every application relating to premises in a CIA will be granted, unless an applicant demonstrates that the operation of their premises will not add to the cumulative impact in the area.

In this case, the Sub-Committee noted that the nature of the business is a high end pub with a restaurant. It was presented as aiming at an upmarket clientele. A traditional pub with a New York style restaurant is less likely to attract the kinds of customers who drink excessively and indulge in alcohol fuelled antisocial behaviour, and more likely than not to attract a more refined clientele which will positively impact the area. Even if it were argued that this is open to doubt, the proposed conditions would create a tightly run operating schedule which will significantly mitigate the impact of operating in a CIA, particularly the condition relating to the use of SIA accredited door supervisors with at least two of those on a Saturdays with risk review assessments to determine when more of such personnel may be needed; the condition that on the first and second floors, the supply of alcohol at the premises shall only be by waiter/waitress service and to a person seated taking a substantial table meal there and for consumption by such a person as ancillary to their meal; and the conditions limiting customer access outside up to 21:00 hours, and even then only up to six for smoking, with those going outside being supervised, a condition prohibiting drinks or glass containers being taken outside, and a condition that the premises licence holder conduct a sweep outside to remove anything attributable to the premises. The Sub-Committee also noted the applicant’s acknowledgement of the necessity for a restriction

on the numbers of customers outside the premises, which if added by the Sub-Committee as a condition, would further mitigate any additional impact of these premises.

With regard to one of the conditions offered, "Premises licence holders should ensure that any customers drinking and/or smoking outside the premises shall do so in an orderly manner and are supervised by staff so as to ensure there is no public nuisance or obstruction of the public highway", the Sub-Committee felt that the words "in an orderly manner" were open to varying interpretations, which might cause enforcement issues, and so decided that that condition would be stronger without the words "shall do so in an orderly manner and".

As the applicant had acknowledged the need for some restriction on the numbers of customers outside the premises, the Sub-Committee felt that in addition to the condition offered limiting the number of smokers outside beyond 21:00 hours, it would be reasonable and proportionate to support the licensing objectives of preventing public nuisance and crime and disorder by imposing a condition limiting the number of customers outside to no more than ten, for the period up to 21:00 hours when customers were allowed outside.

The Sub-Committee was therefore satisfied that the applicant had rebutted the presumption against refusal of the application, so that granting the licence sought was reasonable and proportionate, and would not result in an addition to the cumulative impact in the area in terms of public nuisance, crime and disorder, and public safety.

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

Accordingly, the Sub Committee unanimously;

RESOLVED

That the application for a new premises licence for Knave of Clubs, 1 Club Row, London E1 6JX be **GRANTED subject to the following conditions.**

The sale by retail of alcohol (on and off sales)

Monday to Thursday from 09:00hrs. to 23:00hrs.

Friday and Saturday from 09:00hrs. to 00:00hrs.

Sunday from 09:00hrs. to 22:30hrs.

The provision of late night refreshment - Indoors

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The provision of regulated entertainment – Indoors

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Monday to Thursday from 10:00hrs. to 23:00hrs

Friday and Saturday from 10:00hrs. to 00:00hrs.

Sunday from 10:00hrs. to 22:30hrs.

Conditions

1. 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. Notices restricting the number of smokers to also be displayed at all exits.
2. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the LBTH Police Licensing Team: -
 - a. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition.
 - b. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises.
 - c. All recordings shall be stored for a minimum period of 31 days with date and time stamping.
 - d. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the entire 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. 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.
4. The Licence Holder shall ensure that the details of all complaints are recorded in an occurrence book and such book shall be available for police inspection.
5. The pavement from the building line to the kerb edge immediately outside the premises, including gutter/channel at its junction with the kerb edge, shall be swept and/or washed, and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements.
6. Non-intoxicating beverages, including drinking water, shall be available to patrons throughout the permitted hours for the sale or supply of alcohol.
7. No music or amplified sound shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance at the nearest noise sensitive premises.
8. Clearly legible notices shall be displayed at all exits from the premises requesting patrons to respect the needs of local residents and to leave the premises and area quietly.
9. A dedicated telephone number for the Designated Premises Supervisor or the duty manager shall be maintained for use by any person who may wish to make a complaint and shall be advertised at the premises or on its website.

10. 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

11. A minimum of two SIA licensed door supervisors shall be on duty at the premises from 20:00 hours until closing on Friday and Saturday. A minimum of one SIA licensed door supervisor shall be on duty the Thursday directly before a Bank Holiday Friday and on the Sunday directly before a Bank Holiday Monday from 20:00hrs. until closing. Additional SIA licensed door supervisors shall be employed on a risk assessment basis. These risk assessments are to be written and reviewed yearly and made available to the Police as soon as practicable.

12. Loudspeakers shall not be located in the entrance and exit of the premises or outside the building.

13. On the first and second floor of the premises, the supply of alcohol at the premises shall only be by waiter/waitress service and to a person seated taking a substantial table meal there and for consumption by such a person as ancillary to their meal.

14. No collections of waste or recycling materials (including bottles) from the premises shall take place between 11pm and 8am hours on the following day.

15. An incident log shall be kept at the premises, and made available on request to an authorised officer of the City 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. In the event that a serious assault is committed on or directly outside 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.

18. All front of house staff shall complete welfare and vulnerability awareness training as part of their induction process to work at the premises. This training shall be documented and repeated/refreshed at yearly intervals.

19. The use of the outside area of the premises will cease at 21:00 hours each day, save for a maximum of six smokers.

20. The premises licence holder shall ensure that any customers drinking and/or smoking outside the premises are supervised by staff so as to ensure there is no public nuisance or obstruction of the public highway.

21. Customers permitted to temporarily leave and re-enter the premises e.g. to smoke, after 21:00 hours shall not be permitted to take drinks or glass containers with them.

22. After the outside area is closed, the premises licence holder will do a full sweep of the perimeter of the premises to ensure that any remaining glasses or litter attributed to the premises is removed from the street or the premises window ledges.

23. No more than 10 customers shall be permitted in the immediate vicinity outside the premises up to 21:00 hours.

4. EXTENSION OF DECISION DEADLINE: LICENSING ACT 2003

Nil items.

The meeting ended at 8.25 p.m.

Chair, Councillor Suluk Ahmed
Licensing Sub Committee