

LONDON BOROUGH OF TOWER HAMLETS

RECORD OF THE DECISIONS OF THE LICENSING SUB COMMITTEE

HELD AT 6.30 P.M. ON TUESDAY, 3 FEBRUARY 2015

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

Members Present:

Councillor Amy Whitelock Gibbs (Chair)

Councillor Mahbub Alam

Councillor Andrew Cregan

1. DECLARATIONS OF DISCLOSABLE PECUNIARY INTEREST

There were no declarations of disclosable pecuniary interest.

2. RULES OF PROCEDURE

The rules of procedure were noted.

3. MINUTES OF THE PREVIOUS MEETING(S)

The minutes of the Licensing Sub Committee held on 2nd December 2014 were agreed as a correct record.

4. ITEMS FOR CONSIDERATION

4.1 Application for a New Premises Licence for The Loove (formerly known as Public Life), 82A Commercial Street, London E1 6LY

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.

Consideration

Each application must be considered on its own merits and the Chair stated that the Sub Committee had carefully considered all of the evidence before them and had heard representation from all interested parties.

Members reached a decision and the decision was unanimous. Members considered the evidence submitted and heard at the hearing in light of the Licensing Act 2003, Home Office Guidance and the Saturation Policy. The Chair stated that the Cumulative Impact Policy was adopted by the London Borough of Tower Hamlets on 18th September 2013.

Where a premise is situated in the cumulative impact zone and a representation is received, the licence will be refused. However, the effect of this Special Cumulative Impact Policy is to create a rebuttable presumption.

The applicant can rebut the presumption if they can demonstrate that there application for a new licence premises would not undermine one of the four licensing objectives. The applicant is expected to show this through the operating schedule and with supporting evidence (if appropriate) that the operation of the premises will not add to the cumulative impact already being experienced.

The Committee recognises that the cumulative impact of the number, type and density of licensed premises in a given area may lead to serious problems of nuisance and disorder. However, the policy does not act as an absolute prohibition on granting or varying new licences in the Cumulative Impact Zone, neither will the policy be used to revoke an existing licence and will not be applicable during the review of existing licences.

It was noted that the Sub Committee did not take into consideration the issues relating to the previous owner, other premises recently licenced in the area and allegations of drug dealing.

Whilst making the decision Members considered the licensing objectives of crime and disorder and public nuisance. Members heard the strength of community concern, noted the volume of objections and also took into account Members own local knowledge of the area. It was noted that the prevention of public nuisance does include low level nuisance affecting a few people living locally as well as major disturbances.

Members felt that the Applicant had not shown through the operating schedule or with evidence that the operation of the premises would not add to the cumulative impact in the area. Members were not assured that sufficient consideration had been given to the management and supervision of the premises, particularly the outdoor spaces, in terms of capacity, behaviour and control of patrons. Members were not satisfied that the licensing objectives would be met particularly in terms of noise nuisance and anti-social behaviour caused by patrons in the external space of the premises which would impact negatively on residents.

The lack of clarity in the Applicant's management plans failed to convince the Sub Committee that he had rebutted the presumptions created by the

cumulative impact zone and to meet the licensing objectives. Therefore the Sub Committee decided to refuse the application.

Decision

Accordingly, the Sub-Committee unanimously –

RESOLVED

That the application for a New Premises Licence for, The Loove, 82a Commercial Street, London E1 6LY be **REFUSED**.

5. ANY OTHER BUSINESS THAT THE CHAIR CONSIDERS URGENT

Application for a Temporary Event Notice for Arch 11 Gales Gardens, London E2 0EJ

This item was withdrawn by the Applicant and therefore required no consideration by the Licensing Sub Committee.

The meeting ended at 8.35 p.m.

Chair, Councillor Amy Whitelock-Gibbs
Licensing Sub Committee