

LONDON BOROUGH OF TOWER HAMLETS

RECORD OF THE DECISIONS OF THE LICENSING SUB COMMITTEE

HELD AT 6.30 P.M. ON TUESDAY, 6 MARCH 2018

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

Members Present:

Councillor Joshua Peck (Chair)

Councillor Shah Alam (Member)

Councillor Dave Chesterton (Member)

1. DECLARATIONS OF DISCLOSABLE PECUNIARY INTEREST

No declarations of disclosable pecuniary interests were declared.

2. RULES OF PROCEDURE

The Rules of Procedure were noted by the Sub Committee.

3. ITEMS FOR CONSIDERATION

**3.1 Application for a New Premises Licence for (The London City Beach),
Land off Buxton Street, London E1 6QL**

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:

1. The Prevention of Crime and Disorder;
2. Public Safety;
3. Prevention of Public Nuisance; and
4. The Protection of Children from Harm

Consideration

Each application must be considered on its own merit. The Sub Committee has carefully considered all of the evidence before them and considered

written and verbal representation from both the applicant and his representative and the objectors with particular regard to all four licensing objectives of the prevention of public nuisance, the prevention of crime and disorder and the protection of children from harm and public safety.

The Sub-Committee noted that the premises in question are situated in the cumulative impact zone and when 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 Sub-Committee noted that the applicant can rebut the presumption if they can demonstrate that their application for a premises licence would not undermine any of the four licensing objectives.

The Sub-Committee considered that the onus lay upon the applicant to show this through the operating schedule, with appropriate supporting evidence that the operation of the premises, if licensed, would not add to the cumulative impact already being experienced.

The Sub-Committee noted that the cumulative impact of the number, type and the density of licensed premises in the area may lead to serious problems of nuisance and disorder; and that the cumulative impact zone did not act as an absolute prohibition on granting or varying new licences within that zone.

The Sub-Committee noted the written representations made by objectors and also heard oral representations from objectors regarding the impact of the premises on the Cumulative Impact Zone. The Sub-Committee noted objectors' concerns relating to the existing levels of noise nuisance and anti-social behaviour; and noted objectors' concerns about increased noise nuisance, impact upon family environment, and the likely increased numbers of clientele in the area if the application were to be granted, and thereby the likely impact on the cumulative impact zone.

The Sub Committee noted the applicant's representation that the impact of the premises licence if granted, would be mitigated by the proposed conditions agreed with responsible authorities. However, the Sub Committee heard no evidence that rebutted the presumption of the CIZ. Members acknowledged that the applicant had explained how they would manage the noise from the music etc. but unable to demonstrate how they would manage the noise from crowds leaving the premises. Members noted that a large number of people would be attending and leaving the venue at one time and noted that although the dispersal policy covered the people leaving the premises there was not sufficient measures in place for when they are out of the venue and spilling into residential streets.

The Sub-Committee was concerned about the impact of licensing hours in the evenings and weekend; that the premises would be importing a significant number of people into area for corporate events who would then be leaving to go into the area which already experiences a high volume of crime and disorder, public nuisance and anti-social behaviour. The potential increased footfall arising from any grant of the application in this instance requires a

particularly robust operating schedule, which should demonstrate particular measures at the premises to address the likely impact of increased clientele and potential alcohol fuelled disorder arising there from. The Sub-Committee was not satisfied that the operating schedule as presented at the Sub-Committee meeting met that requirement.

Members were also concerned that on weekends the premises would be an open house and therefore there would be no control over who would be attending and the number of people attending the premises. Members expressed grave concerns about the absence of any consultation with local residents.

The Sub Committee was therefore not satisfied with the application and were of the view that the applicant had failed to successfully demonstrate that they had rebutted the presumption against granting a premises licence for a premises situated in a cumulative impact zone, in that it was considered the applicant failed to demonstrate that their application for a premises licence would not undermine any of the four licensing objectives.

Accordingly, the Sub Committee unanimously

RESOLVED

That the application for a New Premises Licence for (The London City Beach), Land off Buxton Street, London E1 6QL be **REFUSED**

4. EXTENSION OF DECISION DEADLINE: LICENSING ACT 2003

There were no applications that required deadline extensions.

5. APPLICATION FOR A TEMPORARY EVENT NOTICES FOR SHAWARMA, 84 BRICK LANE, LONDON E1 6RL

This item was resolved prior to the meeting.

The meeting ended at 7.50 p.m.

Chair, Councillor Joshua Peck
Licensing Sub Committee