

LONDON BOROUGH OF TOWER HAMLETS
MINUTES 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
Councillor Dave Chesterton

Officers Present:

Corinne Holland	–	(Licensing Officer)	
Vivienne Walker	–	(Senior Prosecution Lawyer)	
Simmi Yesmin	–	(Senior Committee Officer, Democratic Services)	

Representing applicants	Item Number	Role
Jon Payne	3.1	Licensing Representative
Denis McCourt	3.1	Applicant

Representing objectors	Item Number	Role
David Donoghue	3.1	Representing SPIRE
Charlie Dunlop	3.1	Resident
David Spurring	3.1	Resident
R. Singh	3.1	Resident
Maria Papageorgio	3.1	Resident

Apologies

None

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

At the request of the Chair, Ms Corinne Holland, Licensing Officer, introduced the report, detailing the application for The London City Beach, Land off Buxton Street, London E1 6QL. It was noted that objections had been received by local residents and resident associations.

Ms Holland explained that representations from the Metropolitan Police and the Licensing Authority had been withdrawn due to a number of amendments to application and proposed conditions offered by the applicant. Ms Holland stated that the applicant may wish to clarify whether the condition requested by Trading Standards for a challenge 25 policy been agreed. The applicant confirmed this as agreed.

It was noted that a comprehensive set of conditions had been proposed by the applicant, which had been, circulated to all interested parties.

At the request of the Chair Mr Jon Payne, Legal Representative for the Applicant explained that there had been a number of changes to the application since it was first submitted. He explained that if the licence was to be granted, it would be used for a limited period each year (1st June – 31st July). It was noted that the events would not be every night during this period. Mr Payne explained that these events could have been dealt with a number of Temporary Event Notice applications but wanted to apply for a licence for a number of reasons, to provide safety, controls and measures in place and a set of robust conditions to help promote Licensing Objectives.

It was noted that last year when events were held there were no significant concerns raised by the Police or Environment Health. Mr Payne explained that conditions had been agreed with Police and the Licensing Authority and therefore there were no objections from Responsible Authorities.

It was noted that the events would mainly be corporate events for private clienteles and the advantages of this was the fact that tighter control over the event and management would know who was attending etc.

Mr Denise McCourt, applicant then addressed the Sub-Committee and gave a brief summary of his background history, his experiences to date and explained that he had 25 years of experience operating and managing events and working with local residents to address concerns. He then gave some examples of the successful events he had had in the past. Mr McCourt said that he had worked closely with the Police and Licensing Authority when had previous events in the area there had been no complaints.

Mr Payne concluded by saying that residents were 50 metres away from the premises and explained that the benefits of having the venue, occupied by security staff, CCTV cameras would therefore be a benefit to the area which would rebut the presumption of the cumulative impact zone.

Members then heard from local residents, Mr David Donoghue, Mr Charlie Dunlop, Mr David Spurring, Mr R Singh and Ms Maria Papageorgiou who all raised similar concerns about lack of any consultation with residents in the area, the likely increase in anti-social behaviour, public nuisance and crime and disorder if another licence was to be granted in the area. The lack of police presence in the area and it was noted that there would be no control over where customers go after they leave the venue whilst travelling through the residential streets.

In response to questions from Members the following was noted;

- That the venue could accommodate up to 1000 guests, the applicant expected between 100-600 people on weekdays and 700-800 on weekends.
- That Corporate Events would be during the weekdays and open to the general public on weekends.
- That there had been no consultation with local residents in the area.
- That there would be one event per day.
- The premises licence would allow the flexibility to sometimes have day events and open events for the general public.
- There would be no entry fee.
- That the screening of the World Cup would be restricted to Corporate Events only.
- It was confirmed that the sale of alcohol would cease 30mins before closing (10.30pm).
- There were concerns that after an event, everyone would leave together and the impact of noise nuisance that would be experienced.
- That every year an event management plan would be submitted to the Responsible Authorities to review and see if the event was fit for purpose.
- That the noise limiter would be set at an agreed level by a LBTH Environmental Health Officer.
- That after 9pm customers would be moved into the marquee to stop noise emanating from the premises.
- That in order to rebut the presumption of the CIZ, the applicant believed that the nature of the events, a robust dispersal policy and noise and sound control was appropriate.
- That the corporate events would be high end clients and therefore events would be much more controlled and quieter in nature.
- The applicant was happy to add a further condition that they would have meeting with residents before events.
- The officer on behalf of the Licensing Authority confirmed they had no concerns over the impact on the CIZ.

Members adjourned the meeting at 7.40pm to deliberate and reconvened at 7.55pm.

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 licencing 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 7.55 p.m.

Chair, Councillor Joshua Peck
Licensing Sub Committee