

LONDON BOROUGH OF TOWER HAMLETS**MINUTES OF THE LICENSING SUB COMMITTEE****HELD AT 5.38 P.M. ON TUESDAY, 15 SEPTEMBER 2020****ONLINE 'VIRTUAL' MEETING - [HTTPS://TOWERHAMLETS.PUBLIC-I.TV/CORE/PORTAL/HOME](https://towerhamlets.public-i.tv/core/portal/home)****Members Present:**

Councillor Eve McQuillan (Chair)
 Councillor Peter Golds
 Councillor Mohammed Ahabab Hossain

Officers Present:

Nicola Cadzow	– (Environmental Health Officer)
Kathy Driver	– (Principal Licensing Officer)
Corinne Holland	– (Licensing Officer)
Luke Wilson	– (Legal Services)
Farhana Zia	– (Democratic Services Officer, Committees, Governance)

Representing applicants	Item Number	Role
Mr Philip Dayle	4.1	Counsel
Ms Carolin Paarmann	4.1	Applicant
Mr Andrew Woods	4.2	Solicitor
Mr Gavin Tresidder	4.2	Applicant

Representing objectors	Item Number	Role
Ms Nicola Cadzow	4.1	Environmental Health
Mr Daniel Gleeson	4.1	Resident
Ms Megan Raven (also known as Susanna)	4.1	Resident
Ms Kathy Driver	4.2	Licensing Authority
PC Mark Perry	4.2	Metropolitan Police

1. DECLARATIONS OF INTEREST

There were no declarations of interests made.

2. RULES OF PROCEDURE

The rules of procedure were noted.

3. MINUTES OF THE PREVIOUS MEETING(S)

The minutes of the meetings held on 25th February, 23rd June and 14th July 2020 were agreed and approved as a correct record.

4. ITEMS FOR CONSIDERATION

4.1 Licensing Act 2003 Application for Variation of Premises Licence for Wombats City Hostel, 7 Dock Street, London, E1 8LL

At the request of the Chair, Ms Corinne Holland, Licensing Officer, introduced the report which detailed the application for a variation of the premises licence for Wombats Hostel, 7 Dock Street, London E1 8LL. It was noted that objections had been received on behalf of Environmental Health as well as from local residents.

At the request of the Chair, Mr Philip Dayle, legal representative on behalf of the Applicant, explained that the variation of the premises licence was being sought to allow the sale of alcohol to non-guests until 01:30 a.m. and to permit the playing of non-amplified music outdoors until not later than 11:00 p.m. Mr Dayle referred to the Applicant's written submissions and the witness statement of Ms Carolin Paarmann. He stated that the concerns raised by the Environmental Health Officer and residents had been addressed in these documents. Mr Dayle referred to paragraphs 3 to 8 of his own submissions and paragraph 22 of Ms Carolin Paarmann's statement. Mr Dayle said he noted that SIA security staff were already in place to ensure the dispersal of patrons leaving the hostel; this measure would assist in the monitoring of non-hostel guests. He said that the hostel would ensure the number of guests did not exceed the hostel's capacity which had been reviewed in light of the pandemic guidelines.

Environmental Health Officer Nicola Cadzow and local residents Mr Daniel Gleeson and Ms Megan Raven expressed concern at the risk of public nuisance as a result of the hostel being open to non-guests and playing music outdoors. Mr Gleeson said that residents facing the courtyard would be particularly affected by the noise nuisance and that an earlier closing time of the courtyard would be appropriate to limit the risk of noise nuisance to local residents.

In response to Members' questions, the following was noted:

- The Applicant believed there would be less hostel bar patrons than pre-COVID19 when the Premises had a greater number of beds available for use. Ms Paarmann said that the capacity of the bar was being reviewed and the hostel would monitor the number of people entering the Premises. The Premises would not allow members of the public to enter once full capacity had been reached.

- The Applicant said that she was not aware of public nuisance complaints made to the hostel, other than the objections to the application to vary the licence. Upon further questioning, Ms Paarmann acknowledged that further complaints had been received from neighbours regarding noise nuisance from the Premises.
- In respect to the courtyard, Ms Paarmann said that the hostel usually closed this area at 10:00 p.m. Smokers use the front of the building after 10:00 p.m. Large groups are broken up if there is too much noise outside the front of the building.
- The Applicant confirmed that she would accept a condition to limit the use of the courtyard area until 9:00 p.m.

Both parties made closing remarks.

The Chair advised all parties that a decision would be made by the Sub-Committee once this meeting was over and a decision notice, including the reasons for the decision, would be sent out to all parties within five working days.

The Licensing Objectives

In considering the application, the 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 & Disorder;
2. Public Safety;
3. The Prevention of Public Nuisance; and
4. The Protection of Children from Harm.

Consideration

Each application must be considered on its own merits. The Chair confirmed that the Sub-Committee had carefully considered all the evidence before it and heard oral representations at the meeting from the Applicant's Legal Representative, the Officer representing Environmental Health and local residents objecting to the application, with particular regard to the prevention of public nuisance and crime and disorder.

The Applicant sought to vary the current licence to allow the sale of alcohol to non-guests until 01:30 a.m. and to permit the playing of non-amplified music outdoors until no later than 11:00 p.m. It believed that sufficient measures were in place to ensure that patrons would not cause noise nuisance or anti-social behaviour. Environmental Health and local resident objectors were concerned that the noise from patrons in the courtyard and immediately outside the premises would cause a public nuisance.

The Sub-Committee welcomed the offer by the Applicant to reduce the hours of use of the outdoor areas. The Sub-Committee was satisfied that a condition restricting the use of the outdoor areas to 9pm and a condition not to cause noise nuisance to local residents would alleviate the concerns regarding noise nuisance from the playing of music outdoors.

The Sub-Committee was concerned about the risk of public nuisance and anti-social behaviour if the premises licence was varied to allow it to sell alcohol to any non-guest during licensed hours. The Sub-Committee noted that the premises was located in a heavily populated residential area and concluded that the variation was likely to result in noise nuisance by patrons entering and leaving the premises at noise sensitive hours. The Sub-Committee was not satisfied that the Applicant had sufficiently addressed the licensing objectives.

Accordingly, the Sub-Committee unanimously:

RESOLVED

That the application for a variation of the premises licence for Wombats Hostel, 7 Dock Street, London E1 8LL be **GRANTED IN PART with conditions.**

The supply of Alcohol (on premises only)

Monday to Sunday from 12:00 hours (midday) to 01:30 hours (the following day)

The provision of Regulated Entertainment in the form of Live Music and Recorded Music

Indoors - Monday to Sunday from 12:00 hours (midday) to 01:30 hours (the following day)

Outdoors – Monday to Sunday from 12:00 hours (midday) to 21:00 hours.

Opening hours of the premises

Monday to Sunday from 12:00 hours (midday) to 01:30 hours (the following day)

Conditions consistent with the Operating Schedule

5. CCTV is to be installed.
 - a) A CCTV camera system covering both internal and external to the premise is to be installed;
 - b) The CCTV recordings are to be maintained for 31 days and to be provided upon request to either a Police Officer or an officer of any other Responsible Authority;
 - c) A system shall be in place to maintain the quality of the recorded image and a complete audit trail maintained. The system will be maintained and fully operational throughout the hours that the premises are open for any licensable activity;

- d) At all times the premises is open, a person who can operate the CCTV system must be present on the premises. Who can download the images and present them immediately on request by a police officer or other responsible authority;
6. That an incident report book be kept and record all incidents of crime and disorder associated with the premises;
7. Signs be prominently displayed both inside and outside asking customers to respect local residents and to be quiet when leaving the premises;
8. A minimum of 2 SIA staff be on duty in the bar area from 20:00hrs until close of the bar on Thursday, Friday, Saturday and Sunday nights;
9. No non guests allowed into the bar area after 23:00hrs each night;
10. Non guests have to be signed into the premises by a guest;
11. Tower Hamlets Police Licensing are to be notified 2 weeks in advance of all private bookings of the bar area;
12. A Crime Prevention Plan will be agreed with Tower Hamlets Police;
13. Fire and Safety equipment will be installed to reasonable satisfaction of local Fire and Safety Officer;
14. The applicant will run a Challenge 25 Policy;
15. No unaccompanied persons under the age of 16 will be allowed to go into the Bar area.
16. All staff directly involved with the in the sale of alcohol is receiving appropriate training on their responsibility under the Licensing Act.

Additional Conditions

17. The Premises shall ensure that outdoor seating areas are not used after 9pm.
18. The Premises shall ensure that no drinks are taken to any outdoor area after 9pm.
19. The Premises shall ensure that no noise nuisance is caused to neighbouring residents.

4.2 Gambling Act 2005 Application for a Premises Licence - Adult Gaming Centre for Future Leisure, 10 Brick Lane, London E1 6RF

At the request of the Chair, Ms Corinne Holland, Licensing Officer, introduced the report which detailed the application for a new premises licence for an Adult Gaming Centre for Future Leisure, 10 Brick Lane, London E1 6RF. It was noted objections had been received from Officers representing the Licensing Authority and the Metropolitan Police.

The Applicant's Legal Representative confirmed that the Applicant had taken over the premises of a former betting shop which it wished to convert into an Adult Gaming Centre. The Adult Gaming Centre would have slot machines, with stakes ranging from 10p to £200, which would be supervised by staff on the premises floor. The Applicant's representative referred to the conditions put forward in appendix 2 of the supplement agenda and stated that the measures proposed were in consistent with industry standards and the Gambling Commission guidance. The Applicant's representative stated that

the documentation in the second supplement demonstrated how the Applicant would uphold the licensing objectives of ensuring crime and disorder was prevented and protecting vulnerable people from the harm of gambling. The Applicant's representative stated that Mr Tresidder was an experienced operator with seven to eight other gambling premises in north and east London. He noted that the decision to grant a licence should be based on the Applicant satisfying the criteria and not be based on subjective opinions on the mores of gambling. He referred members to page 67 of the bundle and submitted that the objections raised by the Responsible Authorities were based on concerns that were not specific to the premises in question. He believed the documentation provided to the Sub-Committee would satisfy the concerns raised by the objectors.

The Sub-Committee noted the concerns expressed by the Responsible Authorities that the area had a high level of anti-social behaviour and the premises was located in a highly populated area close to several homeless centres and shelters, with many vulnerable people living in the locality. The police expressed concern about the premises operating for 24 hours and being a magnet for vulnerable people. The close proximity of the homeless shelters, whose residents would be drawn to gambling, was a particular concern. The Responsible Authorities noted the high number of incidences of violence and disorder in the area and the likelihood of further violence and disorder by vulnerable people who have lost money in gambling establishments. PC Perry accepted that the Applicant was an appropriate person to hold a licence but the application was unsuitable given the location of the premises. He said that despite the policies and procedures in place, such as the Challenge 25 policy, there was insufficient measures to protect vulnerable people. The Sub-Committee explored if a condition on having a security presence at the premises for 24 hours would be acquiesced, however, the Applicant noted that this was unlikely to be viable; security requirements would be subject to risk assessments.

In response to questions from Members, the following was noted:

- The Applicant reassured the Sub-Committee that people under 18 would not be permitted on the premises as staff on the shop floor would challenge anyone coming into the premises. Mr Woods stated that staff had been trained to spot vulnerable adults and challenge those who were seen entering the premise with alcohol.
- In response to how staff would be able to spot vulnerable people given the area's unique composition of being highly populated with many homeless shelters, begging, mental health, drug and alcohol and anti-social behaviour and crime problems, Mr Woods referred the Sub-Committee to the second supplement and the information therein. He referred to the scenarios in the Intervention Guide and the Safeguarding Vulnerable Adults and Children guide and said the training packages had been developed over many years. Whilst there were challenges, staff would work to intervene at an early stage by speaking to customers and monitoring their behaviour.

- In response to how intensive the training given to staff was, Mr Woods said although they were not professional social workers, staff had basic training, as indicated in the guides, to look for signs of vulnerability of customers entering the premises. Mr Woods said under the Gambling Act, measures needed to be in place to protect the vulnerable and this had been done.
- The Applicant confirmed he had similar premises in Roman Road, Bethnal Green and in Kilburn High Street, Brent. However, he acknowledged that Brick Lane was different to other locations, given its character and socio-economic issues. He said that the challenges presented were not unique but similar in nature. He said that staff were trained to identify issues quickly and would be patrolling the shop floor to ensure vulnerable people were quickly identified and intervention took place.
- Mr Tresidder said that the need for security staff would be risk assessed and implemented if staff were in harm's way or if the measure was otherwise required. Mr Tresidder said that placing a condition on the licence for 24/7 security was unlikely to be viable. He said he was not aware of any other Adult Gaming Centre having this type of condition placed on its licence. Mr Woods stated that the Applicant would agree to condition imposing a security requirement between 10:00 p.m. and 7:00 a.m.

Both parties made closing remarks.

The Chair advised all parties that a decision would be made by the Sub-Committee once this meeting was over and a decision notice, including the reasons for the decision, would be sent out to all parties within five working days.

The Licensing Objectives

In considering the application, the Members were required to consider the same in accordance with the Gambling Act 2005, the Licensing Objectives, the Gambling Commission's Guidance to Local Authorities and Codes of Practice, and the Council's Gambling Policy with particular regard to the promotion of the three licensing objectives:

1. Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime;
2. Ensuring that gambling is conducted in a fair and open way; and
3. Protecting children and other vulnerable persons from being harmed or exploited by gambling.

Consideration

Section 153 of the Gambling Act 2005 provides that licensing authorities shall aim to permit the use of premises for gambling in so far as they think it in accordance with the relevant code of practice, in accordance with the guidance issued by the Commission, reasonably consistent with the licensing objectives and in accordance with the licensing authority's statement of policy.

Each application must be considered on its own merits. The Chair confirmed that the Sub-Committee had carefully considered all the evidence before them and heard oral representations at the meeting from the Applicant's Legal Representative and Officers representing the Responsible Authorities objecting to the application, with particular regard to crime and disorder and protecting vulnerable people being harmed from gambling.

The Sub-Committee noted that the Applicant had taken over the premises of a former betting shop which it wished to convert into an Adult Gaming Centre. The Sub-Committee noted all the measures carried out and planned by the Applicant to address the licensing objectives. It also noted that the Applicant was an experienced operator with other gaming centres in London.

The Sub-Committee noted the concerns expressed by the Responsible Authorities that the area had a high level of anti-social behaviour and the premises was located in a highly populated area close to several homeless centres and shelters, with many vulnerable people living in the locality.

The issue of security was raised with the Applicant who indicated that having security personnel present at all hours of operation was unlikely to be viable for the business. The Applicant offered to have security present between the hours of 10pm and 7am and to carry out risk assessments for the hours 7am to 10pm.

The Sub-Committee was particularly concerned about the risk of crime and disorder and risk of vulnerable people, particularly those with addiction or mental health issues, being harmed or exploited from gambling. It was noted that the area has unique characteristics including high levels of crime, anti-social behaviour, drug activity, homelessness and deprivation. The Sub-Committee believed that exceptional measures would be required in order to grant a premises licence for an adult gaming centre at the location given the number of vulnerable people and the severity of the issues experienced in the area. The Sub-Committee was not satisfied that the conditions proposed by the Applicant would adequately mitigate the risk of harm to vulnerable persons and the risk of crime and disorder. It concluded that the granting of the premises licence would not be reasonably consistent with the licensing objectives and that the objectives would be undermined if the proposed licence was granted.

Accordingly, the Sub-Committee unanimously:

RESOLVED

That the application for the premises licence under the Gambling Act 2005, for Future Leisure, 10 Brick Lane, London E1 6RF be **REFUSED**.

5. EXTENSION OF DECISION DEADLINE: LICENSING ACT 2003

Members agreed to extend the decision deadlines for the following applications:

Premises	Extended to:
Hopewell Pop Up, Hopewell Square, London E14 0SY	28 th September 2020
Queens Head, 8 Flamborough Street London E2 7LS	12 th October 2020
Six Pack Beer Club, Unit 14, 1 Emma Street, London E2 9PF	2 nd October 2020

The meeting ended at 8.05 p.m.

Chair, Councillor Eve McQuillan
Licensing Sub Committee