

Committee :	Date	Classification	Report No.	Agenda Item No.
Licensing Sub Committee		Unclassified		

Report of : David Tolley Head of Environmental Health & Trading Standards	Title: Licensing Act 2003 Application for a Premises Licence The Griff Inn, The Garrod Building, Turner Street London E1 2AD
Originating Officer: Lavine Miller-Johnson Licensing Officer	Ward affected: Whitechapel

1.0 Summary

Applicant: **QMSU Services Ltd**
Name and Address of Premises: **The Griff Inn SU**
The Garrod Building Turner Street
London E1 2AD

Licence sought: **Licensing Act 2003**
Supply of Alcohol
Regulated Entertainment
Late Night Refreshment

Objectors: **Licensing**
Environmental Health
Trading Standards

2.0 Recommendations

2.1 That the Licensing Committee considers the application and objections then adjudicate accordingly.

LOCAL GOVERNMENT 2000 (Section 97)
LIST OF "BACKGROUND PAPERS" USED IN THE DRAFTING OF THIS REPORT

Brief description of "background paper"

Tick if copy supplied for register

If not supplied, name and telephone number of holder

File
Section 182 Guidance
LBTH Licensing Policy

Lavine Miller-Johnson
020 7364 2665

3.0 Background

- 3.1 This is an application for a new premises licence for The Griff Inn, The Garrod Building, Turner Street London E1 2AD
- 3.2 A copy of the application is enclosed as **Appendix 1**.
- 3.3 The applicant has described the premises as a Student Union Café, bar and function space facility within the Queen Mary University Campus, Garrod Building. It consists of 4th floor, basement, ground, 1st and 2nd floor.
- 3.4 The hours for licensable activities applied for are:

The provision of film(indoors)

Monday to Saturday from 11:00 hours to 00:00 hours

Sunday from 11:00 hours to 22:00 hours

The provision of live music and recorded music, performance of dance and anything of a similar description (Indoors)

- Monday 23:00 hours to 00:00 hours
- Tuesday 23:00 hours to 23:00:00 hours
- Wednesday 23:00 hours to 00:00 hours

- Thursday 00:00 hours to 01:30 hours
23:00 hours to 00:00 hours

- Friday 00:00 hours to 01:30 hours
23:00 hours to 00:00 hours

- Saturday 00:00 hours to 01:30 hours
23:00 hours to 00:00 hours

- Sunday 00:00 hours to 01:30 hours

Under the deregulation of The Live Music Act 2012 – A premises does not require a premises licence for the playing of recorded music between the hours of 08:00 hours – 23:00 hours, on any day on premises authorised to sell alcohol for the consumption on those premises provided that the audience does not exceed 500.

Late Night Refreshment (indoors)

- Monday- Wednesday 23:00 hours to 00:00 hours

- Thursday 00:00 hours to 01:30 hours
23:00 hours to 00:00 hours

- Friday 00:00 hours to 01:30 hours
23:00 hours to 00:00 hours

- Saturday 00:00 hours to 01:30 hours
23:00 hours to 00:00 hours
- Sunday 00:00 hours to 01:30 hours

Supply of alcohol (on and off sales)

- Monday -Wednesday 11:00 hours – 00:00 hours
- Thursday 00:00 hours - 01:30 hours
11:00 hours - 00:00 hours
- Friday 00:00 hours – 01:30 hours
11:00 hours – 00:00 hours
- Saturday 00:00 hours – 01:30 hours
11:00 hours – 00:00 hours
- Sunday 00:00 hours – 01:30 hours
11:00 hours – 22:00 hours

Nonstandard timings (applies to all of the above)

An additional hour to be added on the specific day only when British Summertime commences.

In the event of the transmission of any recognised international event which falls outside the permitted hours, to allow the activity to commence one hour before the start and ending one hour after the terminal hour. Maximum of 15 occasions each year with the police and licensing authority to be informed in writing at least 10 days before each event and consent to be in writing from the police.

Hours premises is open to the public:

Monday – Sunday 24 hours a day

4.0 Location and Nature of the premises

- 4.1 Photographs of the venue and immediate vicinity will be provided at the hearing.
- 4.2 The site plan of the venue is included as **Appendix 2**.
- 4.3 Maps showing the vicinity are included as **Appendix 3**.
- 4.4 Details of other licensed venues in the immediate vicinity are included as **Appendix 4**.

5.0 Licensing Policy and Government Advice

- 5.1 The Council has adopted a licensing policy and this is available from the Licensing Section, and at the hearing. The revised policy came into effect on 1st November 2018 with an update on the CIZ policy in November 2021.
- 5.2 Relevant Sections of the policy are brought to the attention of Members within the Licensing Officers report.
- 5.3 The Home Secretary has issued Guidance under Section 182 of the Licensing Act 2003. This is available on the Government's website, www.homeoffice.gov.uk. It was last revised in April 2018.
- 5.4 Relevant Sections of this advice are brought to Members attention within the Licensing Officers report. Members should note however, that in some areas Tower Hamlets, after a proper consideration of local circumstances, has not followed the Government's advice, or has developed it further.

6.0 Representations

- 6.1 All representations have to meet basic legal and administrative requirements. If they fail to do so they cannot be accepted. When rejected the person sending in the representation must be written to, and an explanation for rejection given in writing
- 6.2 A responsible authority or other person can make a representation. There are two tests for other persons and only one for a responsible authority. The two tests are contained in Section 18 of the Act.
- 6.3 All representations must be "about the likely effect of the grant of the premises licence on the promotion of the licensing objectives." Likely means something that will probably happen, i.e. on balance more likely than not.
- 6.4 Representations by responsible authorities do not have to meet the second test of not being vexatious and frivolous. Other persons have to meet this test.
- 6.5 The Home Office recommends that in borderline cases, the benefit of the doubt should be given to the interested party making the representation.
- 6.6 Section 182 Advice by the Home Office concerning relevant, vexatious and frivolous representations is attached as **Appendix 5**.
- 6.7 All the representations in this report have been considered by the relevant officer (Team Leader Licensing & Safety) and determined to have met the requirements of the Licensing Act 2003.

6.8 This hearing is required by the Licensing Act 2003, because relevant representations have been made by:

Licensing Authority - **See Appendix 6**

Environmental Health – **See Appendix 7**

Trading Standards – **See Appendix 8**

The Licensing Authority request a number of conditions should Members decide to grant the application.

6.9 All of the responsible authorities have been consulted about this application. They are as follows:

- The Licensing Authority
- The Metropolitan Police
- The LFEP (the London Fire and Emergency Planning Authority).
- Planning
- Health and Safety
- Noise (Environmental Health)
- Trading Standards
- Child Protection
- Primary Care Trust (Public Health England)
- Home office Immigration Enforcement

6.10 In addition the application was required to be advertised in a local newspaper and by a blue poster. Only objections that relate to the following licensing objectives are relevant:

- the prevention of crime and disorder
- public safety
- the prevention of public nuisance
- the protection of children from harm

6.11 The objections cover allegations of:

- Anti social behaviour from patrons leaving the premises
- Disturbance from patrons leaving the premises on foot
- Disturbance from patrons leaving the premises by car

6.12 There are strict time limits to any representations. The time limits are contained in The Licensing Act 2003 (Premises licences and club premises certificates) Regulations 2005.

6.13 The applicant has offered measures in the operating schedule of the application that address the promotion of the Licensing Objectives. If there were no representations, the Licensing Authority would grant the licence, with conditions consistent with the operating schedule, which

are relevant, proportionate and enforceable. Members are asked to consider the schedule and incorporate any conditions as necessary to address the licensing objectives.

7.0 Conditions consistent with Operating Schedule

1. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Tower Hamlets Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the entire 31 day period.
2. 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 are 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.
3. An incident log shall be kept at the premises, and be available on request to the Police or an authorised officer. It must be completed within 24 hours of any 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;
 - g) any refusal of the sale of alcohol;
 - h) any visit by a relevant authority or emergency service.
4. A Challenge 21 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.
5. Appropriate communication will be maintained with students, reminding them to leave the premises quietly and notices to that effect will be displayed in the Students' Union café / bar.
6. Where the premises are open for licensable activities on any day after 23:59, from 21:00 hours, SIA Door Supervisors shall be employed, on the basis of a risk assessment, at the premises until 30 mins after close. Further when engaged, all SIA licensed door supervisors will:

- a) wear their SIA badges;
- b) be equipped with closed circuit radios;
- and
- c) when stationed outside the premises, wear high visibility jackets or vests.
- d) ask customers not to stand around talking in the street outside the premises and ask customers to leave quickly and quietly.
- e) will check the toilets every 30 mins and these checks are to be documented, this condition is of nil effect if the toilets are staffed by a toilet attendant.
- f) Sign in in a register at the start of their shift and sign out at the end of their shift. In this log they will, confirm their full name, date of Birth, SIA registration number, and Contact details (phone number and email address).
- g) remain on duty for half an hour after the close the venue to ensure all patrons are dispersed from the area.
- h) monitor any patrons who are in a designated smoking area.
- i) will have control of clickers ensuring that the venue is not over capacity at any time. Smokers must be included in the clicker count.

7. When SIA are employed at the premises the licence holder will:

- a) keep a photographic copy of each SIA door supervisor's badge, this will be produced upon request to the Metropolitan Police.
- b) Employ a minimum of one (1) female SIA door supervisor, where possible; where this is not possible the licence holder will confirm the reasons in an incident report.

8. There shall be always at least one personal licence holder on duty on the premises from 21:00 hours until close when the premises are authorised to sell alcohol.

9. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.

10. Notices shall be prominently displayed:

- a) at the main exit and the events exit requesting patrons to respect the needs of residents and leave the area quietly.
- b) in the café/bar area stating that the premises has a zero tolerance towards drugs and weapons.
- c) in the café/bar area warning of potential criminal activity such as theft that may target customers.
- d) in the café/bar area advising customers that the premises operates a Challenge 21 proof of age scheme

11. The premises licence holder will ensure that all café/bar staff are trained commensurate with their roles at the premises including:
 - a) The Licensing Act 2003, responsibilities in supporting the four key objectives.
 - b) Crime Scene Preservations
 - c) Welfare and Vulnerability Engagement (WAVE) training
12. The premises licence holder will ensure that records of staff training are kept and, subject to the Data Protection act 2018, made available to Responsible Authority Officers on request.
13. The premises licence holder will ensure that refresher training is provided every 6 months.
14. Deliveries of materials necessary for the operation of the Student Union café/bar business shall be carried out at such time or in such a manner as to prevent nuisance and disturbance to nearby residents.
15. The premises licence holder will devise and maintain the following policies:
 - a) Dispersal
This policy will include but not limited to:
 - i. How patrons leaving the premises will be directed away from the premises;
 - ii. How patrons will be informed of the services of taxi and private hire operators;
 - iii. What staff will be responsible for supervising those leaving the premises and how they will supervise such persons;
 - iii. Any 'wind' down periods;
 - iv. Methods to prevent re-entry to the premises;
 - v. How bottles and glasses will be prevented from being removed from the premises.
 - b) Security
This policy will include but not limited to:
Clear expectations of staff roles (including the DPS, managers/supervisors and door supervisors);
Staff training regarding identification of suspicious activity and what action to take;
 - c) Drugs, this will be a zero-tolerance policy with regard to the use/possession of controlled drugs and psychoactive substances
Including but not limited to:
 - i. Dealing with patrons suspected of using drugs on the premises;
 - ii. Scrutiny of spaces including toilets or outside areas;
 - iii. The handling of items suspected to be illegal drugs or psychoactive substances.

- iv. Steps taken to discourage and disrupt drug use on the premises
- v. Steps to be taken to inform patrons of the premises drug policy/practice.

16. When the premises is open past 01:00 they shall operate a last admittance policy for patrons whereby the last patron shall be admitted to the premises 60 minutes before closing time.

8.0 Licensing Officer Comments

8.1 The following is intended to advise Members of the relevant aspects of the Boroughs Licensing Policy, guidance from the Secretary of State, legislation and good practice. Members may depart from the Council's Licensing Policy and/or Government advice, provide they consider it appropriate to do so, and have clear reasons for their decision.

8.2 Guidance issued under section 182 of the Licensing Act 2003

- ❖ As stated in the guidance it is “provided to licensing authorities in relation to the carrying out of their functions under the 2003 Act.” It is a key medium for promoting best practice, ensuring consistent application and promoting fairness equal treatment and proportionality (1.7).
- ❖ Also “as long as licensing authorities have properly understood this Guidance, they may depart from it if they have good reason to do so and can provide full reasons. Departure from this Guidance could give rise to an appeal or judicial review, and the reasons given will then be a key consideration for the courts when considering the lawfulness and merits of any decision taken.” Therefore licensing authorities will need to give full reasons for their actions (1.9).
- ❖ Also Members should note “A Licensing Authority may depart from its own policy if the individual circumstances of any case merit such a decision in the interests of the promotion of the licensing objectives.” (1.12)
- ❖ Also, “The licensing authority may not impose any conditions unless its discretion has been exercised following receipt of relevant representations and it is satisfied as a result of a hearing (unless all parties agree a hearing is not necessary) that it is appropriate to impose conditions to promote one or more of the four licensing objectives.” Therefore, conditions may not be imposed for the purpose other than promoting the licensing objectives and in some cases no additional conditions will be appropriate. (10.8)
- ❖ Necessary conditions should emerge from a risk assessment by the applicant, which should then be reflected in the operating

schedule (10.4).

- ❖ The Guidance states: “Where there are objections to an application to extend the hours during which licensable activities are to be carried on and the licensing authority determines that this would undermine the licensing objectives, it may reject the application or grant it with appropriate conditions and/or different hours from those requested.” (10.14)
 - ❖ Mandatory conditions must be imposed (10.25) and censorship avoided (10.17).
 - ❖ The Guidance states: “It is still permitted to sell alcohol using promotions (as long as they are compatible with any other licensing condition that may be in force), and the relevant person should ensure that the price of the alcohol is not less than the permitted price. Detailed guidance on the use of promotions is given in the guidance document available on the Gov.uk website.” (10.58)
 - ❖ Also, “Licensing authorities should not attach standardised blanket conditions promoting fixed prices for alcoholic drinks to premises licences or club licences or club premises certificates in an area.” (10.21)
- 8.3 The Licensing Act 2003 permits children of any age to be on the premises which primarily sell alcohol providing they are accompanied by an adult. It is not necessary to make this a condition.
- 8.4 In all cases the Members should make their decision on the civil burden of proof, that is “the balance of probability.”
- 8.5 In all cases Members should consider whether or not primary legislation is the appropriate method of regulation and should only consider licence conditions when the circumstances in their view are not already adequately covered elsewhere.
- 8.6 The Government has advised that conditions must be tailored to the individual type, location and characteristics of the premises and events concerned. Conditions cannot seek to manage the behaviour of customers once they are beyond the direct management of the licence holder and their staff and standardised conditions should be avoided where they cannot be shown to be appropriate. (1.16/1.17)
- 8.7 The Council’s Licensing Policy generally expects applicants to address the licensing objectives and discuss how to do this with the relevant responsible authorities.
- 8.8 In **Appendices 9-13** Members are given general advice, and also have explanations of the Council’s Licensing Policy, Government advice and other legislation relating to the matters previously identified.

9.0 **Legal Comments**

9.1 The Council's legal officer will give advice at the hearing.

10.0 **Finance Comments**

10.1 There are no financial implications in this report.

11.0 Appendices

Appendix 1	A copy of the application
Appendix 2	Site Plan
Appendix 3	Maps of the surrounding area
Appendix 4	Other licensed venues in the area
Appendix 5	Section 182 Advice by the DCMS- Relevant, vexatious and frivolous representations
Appendix 6	Representation from Licensing Authority
Appendix 7	Representation from Environmental Health
Appendix 8	Representation from Trading Standards
Appendix 9	Licensing officer comments on access and egress problems
Appendix 10	Licensing officer comments on protection of children from harm
Appendix 11	Licensing officer comments on public nuisance
Appendix 12	Planning
Appendix 13	Licensing Policy relating to hours of trading.