

Committee: Licensing Sub Committee	Date 29 October 2024	Classification Unrestricted	Report No.	Agenda Item No.
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Report of: Tom Lewis Service Manager Regulatory Services (Commercial) Originating Officer: Corinne Holland Licensing Officer	Title: Licensing Act 2003 Application for a new Premise Licence for Quiz Room, Ground Floor Brody House, 19-25 Bell Lane, London, E1 7LA Ward affected: Spitalfields & Banglatown
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1.0 Summary

Applicant:	Quiz Room UK Ltd
Name and Address of Premises:	Quiz Room Ground Floor Brody House, 19-25 Bell Lane London E1 7LA
Licence sought:	Licensing Act 2003 Sale by retail of Alcohol (on sales) Regulated entertainment (films, recorded music)
Objectors:	Licensing Authority Environmental Protection Residents

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

Corinne Holland
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3.0 **Background**

- 3.1 This is an application for a new Premise Licence for Quiz Room, Ground Floor Brody House, 19-25 Bell Lane, London, E1 7LA.
- 3.2 The applicant has described the premises as: *An interactive entertainment venue where customers can play knowledge-based quiz games in groups of friends or colleagues.*
- 3.3 A copy of the application is shown in **Appendix 1**
- 3.4 The hours applied for are as follows:

Sale of Alcohol (On sales only)

Monday – Saturday 11:00 – 22:45 hours

Sunday 11:00 – 20:45 hours

Regulated Entertainment

Films and Recorded Music (indoors),

Monday – Saturday 11:00 – 23:00 hours

Sunday 11:00 – 21:00 hours

Opening times

Monday – Saturday 11:00 – 23:00 hours

Sunday 11:00 – 21:00 hours

4.0 **Location and Nature of the premises**

- 4.1 The site plan of the venue is included as **Appendix 2**.
- 4.2 Maps showing the vicinity are included as **Appendix 3**.
- 4.3 Photographs of the premises are included in **Appendix 4**.
- 4.4 Details of other licensed venues in the immediate vicinity are included as **Appendix 5**.

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 2023.
- 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 December 2023.

5.4 Relevant Sections of this advice are brought to Members attention within the Licensing Officers report. Members should note however, than 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 39**

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 the following.

Licensing Authority	Appendix 6
Environmental Health	Appendix 7
Elise Godsell	Appendix 8
Tony Thomas	Appendix 9
Michael Howe	Appendix 10
Kemely Chow	Appendix 11
Robert Breslin	Appendix 12
Andrew Scholar	Appendix 13
Edoardo Zarghetta	Appendix 14

Stuart Weatherson	Appendix 15
Joao Coelho / Vanessa Buchholz	Appendix 16
Linda Dickinson	Appendix 17
Kent Nickerson / Ann Godbehere	Appendix 18
Antje Breslin	Appendix 19
Emmanuel Androulidakis	Appendix 20
Emmanouil Karanikolas	Appendix 21
Srigopika Radhakrishnan	Appendix 22
Martin Benjamin	Appendix 23
Kallirroï Deligianni	Appendix 24
Matthew Saal	Appendix 25
Christopher Dodman	Appendix 26
Sebastien Gay	Appendix 27
David Williams	Appendix 28
Tanya Jansen	Appendix 29
Luke Westhead	Appendix 30
Kenneth Alexander	Appendix 31
Debbie Hartley	Appendix 32
Massimo Obertelli	Appendix 33
Katy Parnell	Appendix 34
Dr Alexandra Hendriok	Appendix 35
Mark Ellis	Appendix 36
David Hoole	Appendix 37

- 6.9 All of the responsible authorities have been consulted about this application. They are as follows:
- The Licensing Authority
 - The Metropolitan Police
 - The LFEPA (the London Fire and Emergency Planning Authority).
 - Planning
 - Health and Safety
 - Noise (Environmental Health)
 - Trading Standards
 - Child Protection
 - Public Health
 - 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 relate to:

- Public nuisance
- ASB
- Crime & Disorder

6.12 Essentially, the relevant parties oppose the application because the applicant has not explained how within the context of the application they will meet licensing objective of the prevention of public nuisance and the prevention of crime and disorder.

6.13 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.

6.14 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 *(plus additional conditions in agreement with police)*

1. The licensable activities authorised by this licence and provided at the premises shall be ancillary to the main function of the premises as a quiz room entertainment facility.
2. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Licensing Police. 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. Recordings shall be made available immediately upon the request of Police or authorised officer throughout the preceding 31 day period.
3. 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 is open to the public. This staff member shall be able to show Police recent data or footage with the absolute minimum of delay when requested.
4. CCTV Signage shall be prominently displayed throughout the premises.

5. An incident log shall be maintained at the premises and made available on request to an authorised officer, the Local Authority or Police. The register shall 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 or searching equipment or scanning equipment.
 - g) Any refusal of the sale of alcohol.
 - h) Any visit by a relevant authority or emergency service
6. A record shall be kept detailing all refused sales of alcohol. The record should include the date and time of the refused sale and the name of the member of staff who refused the sale. The record shall be available for inspection at the premises by the police or an authorised officer of Tower Hamlets Council at all times whilst the premises is open.
7. Food and non-alcoholic beverages, including drinking water, shall be available in all parts of the premises where alcohol is sold or supplied for consumption on the premises.
8. Notices will be prominently displayed at exits requesting the public to respect the need of local residents and to leave the premises and the area quietly.
9. Notices shall be prominently displayed at any area used for smoking requesting patrons to respect the needs of local residents and use the area quietly.
10. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
11. The area immediately outside the premises, shall be swept and or washed, and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements.
12. There shall be no striptease or nudity, and all persons shall be decently attired at all times.
13. An entry, closure and dispersal policy for controlling the opening of the premises and the departure of customers from the premises at the conclusion of the licensed activities shall be put in place and shall be actively operated. The policy shall be in written form and made available upon request by an authorised officer of the Police and authorised officers.

14. A challenge 25 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.
15. Signage advertising the aforementioned proof of age scheme shall be prominently displayed throughout the premises and on the alcohol display area and service area.
16. There shall be no sales of alcohol for consumption off the premises.
17. The venue is to provide information on local taxi firms and transport links to patrons leaving the venue upon request.
18. A direct telephone number for the manager at the premises shall be publicly available. This telephone number is to be made available to residents and businesses in the vicinity upon request.
19. All staff responsible for selling alcohol shall receive regular training in the Licensing Act 2003 in terms of the licensing objectives, offences committed under the Act and conditions of the Premises Licence. Written records of staff training in relation to the Licensing Act 2003 shall be retained and made available to police and authorised officers of the Licensing Authority on reasonable request.
20. There shall be a zero-tolerance policy for violence, drugs, and other illegal activities.
21. No irresponsible drink promotions will be offered that could encourage excessive consumption.
22. The licence holder shall maintain a comprehensive Children's Safeguarding Policy and ensure that an appropriately trained and vetted member of staff is on duty whenever the premises are open to the public. This Policy shall be produced on demand to Police and authorised persons. Staff training on the Children's Safeguarding Policy shall be renewed yearly.
23. Safety checks shall be carried out before the admission of the public. Details of safety checks shall be kept in a Log-book on the premises. The Log-book shall be made available for inspection by authorised officers.
24. In the event that a serious assault is committed in or directly outside of the premises (where staff witness) or appears to have been committed the management will immediately ensure that:
 - a) the police (and, where appropriate, the London Ambulance Service) are called without delay;
 - b) the crime scene is preserved so as to enable a full forensic investigation to be carried out by the police; and

- c) such other measures are taken (as appropriate) to fully protect the safety of all persons present on the premises.

25. Children under the age of 16 shall not be allowed inside the premises past 19:00 hours unless accompanied by a person over the age of 18 who must not be drunk/incapable. A Challenge 25 scheme will apply to any adult looking after children.

8.0 **Conditions Agreed/Requested by Responsible Authority**

Conditions agreed with the police – **Appendix 38**

9.0 **Licensing Officer Comments**

9.1 The Live Music Act removed licensing requirements for the following:

- amplified live music and recorded music between 8am and 11pm before audiences of no more than 500 people on premises authorised to sell alcohol for consumption on the premises;
- unamplified live music between 8am and 11pm in all venues.
- Further exemptions apply see Section 16.5-16.6 of Section 182 Guidance.

9.2 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.

9.3 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)

- 9.4 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.
- 9.5 In all cases the Members should make their decision on the civil burden of proof, that is “the balance of probability.”
- 9.6 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.

- 9.7 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)
- 9.8 The Council's Licensing Policy generally expects applicants to address the licensing objectives and discuss how to do this with the relevant responsible authorities.
- 9.9 In **Appendices 39 – 46** 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.

10.0 **Legal Comments**

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

11.0 **Finance Comments**

- 11.1 There are no financial implications in this report.

12.0 Appendices

Appendix 1	A copy of the application
Appendix 2	Site Plan
Appendix 3	Maps of the surrounding area
Appendix 4	Photographs of the premises
Appendix 5	Other licensed venues in the area
Appendix 6	Representations from LA
Appendix 7	Representation from EH
Appendix 8 - 37	Resident representations
Appendix 38	Police agreements/conditions
Appendix 39	Section 182 Advice by the DCMS- Relevant, vexatious and frivolous representations
Appendix 40	Licensing Officer comments on public nuisance
Appendix 41	S182 advice on public nuisance
Appendix 42	Licensing Officer comments on crime & disorder
Appendix 43	S182 advice on crime & disorder
Appendix 44	ASB on leaving the premises
Appendix 45	Licensing Policy relating to hours of trading
Appendix 46	Planning