

/Committee: Licensing Sub-Committee	Date 19 November 2024	Classification Unclassified	Report No.	Agenda Item No.
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Report of: Tom Lewis Service Manager of Regulatory Services (Commercial) Originating Officer: Mohshin Ali Senior Licensing Officer	Title: Licensing Act 2003 Application for a Premises Licence for (Knave of Clubs) 1 Club Row, London E1 6JX Ward affected: Weavers
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1.0 Summary

Licence holder:	Club Row Limited
Name and	(Knave of Clubs)
Address of Premises:	1 Club Row London E1 6JX
Licence sought:	Licensing Act 2003 – New premises <ul style="list-style-type: none"> • The sale by retail of alcohol • The provision of late night refreshment • The provision of regulated entertainment
Representations:	Environmental Protection Licensing Authority (RA) Resident (one)

2.0 Recommendations

- 2.1 That the Licensing Committee considers the application and representations 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
<ul style="list-style-type: none"> • Guidance Issued under Section 182 of the Licensing Act 2003 • Tower Hamlets Licensing Policy • File 		Mohshin Ali 020 7364 5498

3.0 Background

- 3.1 This is an application for a premises licence for (Knave of Clubs) 1 Club Row, London E1 6JX.
- 3.2 A copy of the existing licence (shadow licence no. 127730) held by Resam UK Ltd is enclosed as **Appendix 1**. The licensable activities and timings are stated below for information only:

The sale by retail of alcohol (on sales only)

- Monday to Thursday, from 10:00 hrs to 23:30 hrs
- Friday and Saturday, from 10:00 hrs to 00:00 hrs (midnight)
- Sunday, from 10:00 hrs to 22:30 hrs

The provision of late night refreshment - Indoors

- Monday to Thursday, from 23:00 hrs to 23:30 hrs
- Friday and Saturday, from 23:00 hrs to 00:00 hrs (midnight)
- (Sunday - no late night refreshment)

Non standard timings

From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.

The opening hours of the premises

- Monday to Thursday, from 09:00 hrs to 00:00 hrs (midnight)
- Friday and Saturday, from 09:00 hrs to 00:30 hrs the following day
- Sunday, from 09:00 hrs to 23:00 hrs

Non standard timings

- *From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day*

- 3.3 A copy of the current application is enclosed as **Appendix 2**. The applicant has described the premises as follows a "Licensed Premises."
- 3.4 The licensable activities and timings that have been applied for are:

The sale by retail of alcohol (on and off sales)

- Monday to Thursday, from 09:00 hrs to 23:00 hrs
- Friday and Saturday, from 09:00 hrs to 00:00 hrs (midnight)
- Sunday, from 09:00 hrs to 22:30 hrs

The provision of late night refreshment - Indoors

- Monday to Thursday, from 23:00 hrs to 23:30 hrs
- Friday and Saturday, from 23:00 hrs to 00:00 hrs (midnight)
- (Sunday - no late night refreshment)

The provision of regulated entertainment – Indoors

Live Music and Recorded Music

- Monday to Thursday, from 10:00 hrs to 23:00 hrs

- *Friday and Saturday, from 10:00 hrs to 00:00 hrs (midnight)*
- *Sunday, from 10:00 hrs to 22:30 hrs*

Non standard timings

From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.

The opening hours of the premises

- *Monday to Thursday, from 09:00 hrs to 00:00 hrs (midnight)*
- *Friday and Saturday, from 09:00 hrs to 00:30 hrs the following day*
- *Sunday, from 09:00 hrs to 23:00 hrs*

Non standard timings

- *From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.*

4.0 Location and Nature of the premises

4.1 Maps of the venue are included as **Appendix 3**.

4.2 Photographs showing the vicinity are included as **Appendix 4**.

4.3 Details of the nearest licensed venues 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 the 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, 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 This hearing is required by the Licensing Act 2003, because relevant representations have been made by the following:

- Environmental Protection --- **Appendix 6**
- Licensing Authority ----- **Appendix 7**
- Miss Rebecca Wardel ----- **Appendix 8**

6.4 Essentially, the relevant parties have made representations under the following licensing objective(s).

- the prevention of public nuisance
- the prevention of crime and disorder
- Public safety

6.5 All of the responsible authorities have been consulted about this application. In addition the application has been advertised in a local newspaper and by a blue public notice at the premises.

6.6 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**

LICENSING OFFICER COMMENTS: Some of these conditions below have been modified in agreement with Police (See 8.0 of the report).

7.1 *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. Notices restricting the number of smokers to also be displayed at all exits;*

7.2 *The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the LBTH Police Licensing Team.*

- a) *All entry and exit points will be covered enabling frontal identification of every person entering in any light condition.*
- b) *The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises.*
- c) *All recordings shall be stored for a minimum period of 31 days with date and time stamping.*

- d) *Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the entire 31 day period.*
- 7.3 *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. 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.*
- 7.4 *The Licence Holder shall ensure that the details of all complaints are recorded in an occurrence book and such book shall be available for police inspection.*
- 7.5 *The pavement from the building line to the kerb edge immediately outside the premises, including gutter/channel at its junction with the kerb edge, shall be swept and/or washed, and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements.*
- 7.6 *Non-intoxicating beverages, including drinking water, shall be available to patrons throughout the permitted hours for the sale or supply of alcohol.*
- 7.7 *No music or amplified sound shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance at the nearest noise sensitive premises.*
- 7.8 *Clearly legible notices shall be displayed at all exits from the premises requesting patrons to respect the needs of local residents and to leave the premises and area quietly.*
- 7.9 *A dedicated telephone number for the Designated Premises Supervisor or the duty manager shall be maintained for use by any person who may wish to make a complaint and shall be advertised at the premises or on its website.*
- 7.10 *The premises shall operate a Challenge 21 or 25 Policy.*
- 7.11 *A minimum of 1 SIA licensed door supervisors shall be on duty at the premises from 8pm on Fridays and Saturdays until close. They must correctly display their SIA licence(s) when on duty so as to be visible.*
- 7.12 *Loudspeakers shall not be located in the entrance and exit of the premises or outside the building.*
- 7.13 *On the first and second floor of the premises, the supply of alcohol at the premises shall only be by waiter/waitress service and to a person seated taking a substantial table meal there and for consumption by such a person as ancillary to their meal.*

7.14 *No collections of waste or recycling materials (including bottles) from the premises shall take place between 11pm and 8am hours on the following day.*

7.15 *An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police. It must be completed within 24 hours of*

- a) the incident and will record the following:*
- b) all crimes reported to the venue*
- c) all ejections of patrons*
- d) any complaints received concerning crime and disorder*
- e) any incidents of disorder*
- f) all seizures of drugs or offensive weapons*
- g) any faults in the CCTV system, searching equipment or scanning equipment*
- h) any refusal of the sale of alcohol*
- i) any visit by a relevant authority or emergency service.*

8.0 Conditions in consultation with the responsible authorities/other person

Conditions agreed with Police Licensing (See Appendix 9).

8.1 *A minimum of 2 SIA licensed door supervisors shall be on duty at the premises from 20:00 hours until close Friday and Saturday. A minimum of 1 SIA licensed door supervisors shall be on duty Thursday directly before a bank holiday Friday and Sunday directly before a bank holiday Monday from 20:00 until close. Additional SIA shall be employed on a risk assessment basis. These risk assessments are to be written and reviewed yearly, and made available to Police as soon as practicable.*

(With regards to the above, if your client wishes to add in conditions around the first floor being a restaurant only I'd be happy for it to be 1 SIA)

8.2 *In the event that a serious assault is committed on or directly outside of the premises (where staff witness) or appears to have been committed the management will immediately ensure that:*

8.2..1. the police (and, where appropriate, the London Ambulance Service) are called without delay;

8.2..2. the crime scene is preserved so as to enable a full forensic investigation to be carried out by the police; and

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

8.3 *All front of house staff shall complete welfare and vulnerability awareness training as part of their induction process to work at the*

premises. This training shall be documented and repeated/refreshed at yearly intervals.

Also further to our original conversation, the policy for challenging ID for protection of children from harm, can this be given consideration to be amended to the following:

- 8.4 *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*

9.0 **Licensing Officer Comments**

- 9.1 The Business & Planning Act 2020 came into force on Wednesday 22nd July 2020 and provides a temporary permission for businesses that have a premises licence that permits them to sell alcohol in regards to the ability to sell alcohol as an off sale, i.e. for consumption off the premises. The permission will end on 31st March 2025 unless the legislation is changed by the Secretary of State.

It will only apply to businesses that hold a Premises Licence up to 22nd July 2020 and that in the last 3 years preceding 22 July 2020 those licences have NOT:

- had a premises licence application where permission for off sales was refused;
- had a variation of a premises licence seeking permission for off sales refused
- had a variation seeking to exclude off sales permission granted
- had a premises licence varied or modified by a review hearing to exclude off sales.

The new off-sales permission will permit off-sales to be made at a time when the licensed premises are open for the purposes of selling alcohol for consumption on the premises, subject to a cut off time of 11pm or the cut off time of the current licensed hours stated on the licence, whichever is earlier. Measures also temporarily suspend existing licence conditions in so far as they are inconsistent with the new off-sales permission. Further Guidance on this can be found at <https://www.gov.uk/government/publications/guidance-for-temporary-alcohol-licensing-provisions-in-the-business-and-planning-bill>

- 9.2 In all cases the Members should make their decision on the civil burden of proof, that is “the balance of probability.”
- 9.3 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.

9.4 Members must consider all the evidence and then decide from the following alternatives:

- Grant the application as applied for
- Grant the application with modifications (adjust hours and conditions)
- Refuse

10.0 Licensing Policy and Home Office Advice

10.1 The Council's licensing policy and the Home Office Guidance will be available at the hearing.

11.0 Legal Comments

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

12.0 Finance Comments

12.1 There are no financial implications in this report.

13.0 Appendices

Appendix 1	A copy of the existing licence
Appendix 2	A copy of the variation application
Appendix 3	Maps of the venue
Appendix 4	Photographs showing vicinity of the venue
Appendix 5	Details of nearest licensed venues
Appendix 6	Representation of Environmental Protection
Appendix 7	Representation of Licensing Authority
Appendix 8	Representation of Miss Rebecca Wardel
Appendix 9	Agent's agreement with Police Licensing