

LONDON BOROUGH OF TOWER HAMLETS

MINUTES OF THE LICENSING COMMITTEE

HELD AT 7.00 P.M. ON TUESDAY, 13 SEPTEMBER 2016

**THE COUNCIL CHAMBER, 1ST FLOOR, TOWN HALL, MULBERRY PLACE, 5
CLOVE CRESCENT, LONDON, E14 2BG**

Members Present:

Councillor Rajib Ahmed (Chair)
Councillor Peter Golds (Vice-Chair)
Councillor Khaled Uddin Ahmed
Councillor Amina Ali
Councillor Sirajul Islam
Councillor Mahbub Alam
Councillor Shah Alam
Councillor Dave Chesterton
Councillor Suluk Ahmed
Councillor Candida Ronald

Apologies

Councillor Denise Jones
Councillor Harun Miah
Councillor Md. Maium Miah
Councillor Joshua Peck

Officers Present:

Agnes Adrien (Team Leader, Enforcement & Litigation, Legal Services, Chief Executive's)
Mohshin Ali (Senior Licensing Officer)
David Tolley (Head of Environmental Health and Trading Standards, Safer Communities, Communities Localities & Culture)
Antoinette Duhaney (Interim Senior Committee Officer)

1. DECLARATIONS OF DISCLOSABLE PECUNIARY INTEREST

There were no declarations of interest.

2. MINUTES OF THE PREVIOUS MEETING(S)

The meetings of the previous meeting held on 14.06.16 were agreed as an accurate record of the proceedings.

3. RULES OF PROCEDURE - LICENCES FOR SEXUAL ENTERTAINMENT VENUES

The Rules of Procedure were noted.

VARIATION OF THE ORDER OF BUSINESS

The Committee agreed to vary the order of business to allow items 4.3 and 4.4 to be considered prior to items 4.1 and 4.2.

3.1 Gambling Policy 2016 - 2019

The report was introduced by David Tolley, Head of Trading Standards & Environmental Health who advised that formal consultation took place from 19th October 2015 to 17th January 2016. The Gambling Policy was required to comply with guidance issued by Central Government and the Gambling Commission. There were approximately 80 Gambling Licenses in operation although it had been several years since a new Gambling License was granted.

The Council as Planning Authority, had recently strengthened its powers in relation to betting shops following a government change to the Use Classes Order. Applications for a Gambling License could only be refused if they were not in accordance with the Licensing Objectives and the use of fixed odd betting terminals did not require a license.

In the light of feedback received during the consultation period, the following additions/changes had been made in the following areas:

- Local Profile
- Inspection Format
- Scope of Risk Assessment
- Sample Conditions

The Committee expressed concerns regarding the increased use of fixed odd betting terminals and requested officers to investigate and requested offices to investigate how this could be managed.

RESOLVED – That the report be noted and the Gambling Policy recommended to Council for adoption.

3.2 Update in relation to Prosecutions and Appeals- Quarter 1 - 2016/2017

The report was introduced by Agnes Adrien, Team Leader Enforcement & Litigation who advised that the report provided details of completed licensing related prosecutions and appeals for the first Quarter of 2016/2017.

RESOLVED – That the report be noted.

**3.3 Local Government (Miscellaneous Provisions) Act 1982 (as amended)
Application for Variation to Sexual Entertainment Venue (SEV) Licence
for Metropolis, 234 Cambridge Heath Road, London E2 9NN**

This report was considered in conjunction with item 3.4 below (Application for a new premises licence for Metropolis, 234 Cambridge Heath Road under the Licensing Act 2003).

In attendance for this Item

David Tolley, Head of Environmental Health and Trading Standards
Mohshin Ali, Senior Licensing Officer
David Graham, Counsel for the Committee
Agnes Adrien, Legal Services
Antoinette Duhaney, Democratic Services
Gareth Hughes, Applicant's Legal Representative
Steven Martin, Applicant

At the request of the Chair, Mohshin Ali, Senior Licensing Officer, introduced a report which detailed the history and background to the Sexual Entertainment Venue Licensing and the changes proposed to be made to that Licence, together with the considerations for determining such an application and also a report detailing an application for a new Premises Licence application based on the same physical alterations to the premises.

The Committee were advised that the premises are currently granted a Sexual Entertainment Venue Licence under the Local Government (Miscellaneous Provisions) Act 1982 (as amended). This licence was in force up to: 31st May 2016 and a renewal application has been submitted. The premises also held a licence under the Licensing Act 2003.

In respect of the SEV application, Members were referred to the layout plan, the checklist of questions that was completed for the renewal application, the applicant's Codes of Conduct and Policies, the assessment and information for the vicinity and locality, and the number of Sexual Entertainment Venues within the borough. Members were also referred to the site notice, the press advert, the representations of the local residents, complaints and enforcement history and the LBTH Sexual Entertainment Venue Policy.

Members were reminded that in considering the premises licence application, they were required to consider the same in accordance with the Home Office Guidance and the Council's Statement of Licensing Policy and other relevant legislations.

Mohshin Ali clarified that although the Licensing Act 2003 application has been effectively described in the report as a variation, it is in fact a new application due to the substantial changes being proposed and therefore, the application should be treated as a new licence application rather than a variation.

It was debateable whether the applications should have been presented to the Committee prior to the determination of the application for renewal of the SEV licence. However, as the current applications were submitted prior to expiry of the current SEV Licence, officers were of the view that it was appropriate for the applications to be considered.

Gareth Hughes addressed the meeting on behalf of the applicant and confirmed that the Applicants' position was that a variation under Section 34 of the Licensing Act 2003 would not be the correct procedure as the variation to the premises was "substantial" and it was a new application. Alterations were proposed to the premises but there were no proposed changes to any of the licensable activities, only to the layout. As the plans were incorporated as a condition of the SEV licence, he said that the applicant could not change the premises without the Committee's authorisation.

Apart from the plans, the proposed licence would mirror the current licence. If the Committee was minded to grant the application, all existing conditions would be carried forward along with additional conditions suggested by the Metropolitan Police and Environment Health. His clients had been there since before the 2003 Act came into force. Mr Martin said it has been his father's business there since he was nine years old in 1976.

Although the planning application to make alterations to the premises was submitted in November 2015, it was not determined until May 2016 and once the scheme was approved, the new premises licence application was submitted. In respect of the potential for noise nuisance when the roof terrace was in use, Mr Hughes referred to the Acoustic Assessment of the roof terrace (pages 234 – 238 of the agenda pack) which suggested that noise disturbance was unlikely, subject to measures including a limit on the number of patrons on the terrace (although no number or limit was offered/set). He said they had never had an issue about noise escape from the current premises.

The alterations to the premises would increase the capacity of the premises to 600 patrons and reduce what he described as 'considerable queueing' outside the premises. He stated that there had been attacks on individuals whilst queueing and with police protection they had put up a barrier on the street (documented at page 201—202). This application would mean people came in quicker, and would prevent patrons attending Lesbian, Gay, Bisexual and Transgender events from being targeted whilst queueing to enter the premises. The dispersal policy had been updated to accommodate the increase in capacity and additional conditions suggested by Environmental Health (page 264).

Mr Hughes stated that no objections had been submitted by any of the Responsible Authorities and there was no history of Anti-Social behaviour or noise nuisance associated with the premises. There were no proposals to reduce the opening hours of the premises as the alterations to the premises did not impact on the hours during which the premises were in use.

In response to observations and questions from Committee Members, Mr Hughes stated the following with assistance from Mr Martin:

- The premises ran a range of themed nights for different target audiences which were widely advertised in publications such as *Time Out*, *GQ*, *QX* and *Boys Magazines*. Mr Martin advised that the majority of patrons attended LGBT nights on Fridays and Saturdays. In the future it was proposed to extend LGBT nights to Sundays too, with striptease the rest of the week.
- The capacity of the premises would be increased to more than double as a result of the new fire escapes and additional floor space provided by the basement and roof terrace.
- With the new configuration of the premises, private booths would be located in the basement, live entertainment would be on the ground floor, the main stage located on the first floor and the roof terrace was on the second floor. The applicant was doing work in the cellar.
- There would be strict limits on the number of patrons on the roof terrace at any one time and staffing levels would be increased to cover the increased capacity of the premises. There would be capacity at the top of the venue for 150 people though not all would be outside at once.
- There were usually around 25 smokers outside in the street at the moment, though numbers were variable, and there was no specific policy to limit or control numbers.
- When the roof terrace was open, patrons would not be visible from the street or other adjacent premises.
- The increase in capacity would reduce the number of patrons queuing outside to enter the premises. Mr Martin stated that at the moment the venue was full up by 1.30 to 2 am in the morning after the busiest nights and Gareth Hughes referred to "considerable queuing." (Mr Martin also stated that he would have no issue if the premises were full to capacity and 300 people were queuing outside the premises).
- The proposal was for sexual entertainment to be licensed to take place on every floor of the enlarged venue.

When the representations were concluded, the applicant was advised that the Committee would withdraw to consider its decision in private and that formal written notification of the decision would be sent in due course.

The hearing then concluded and the Committee withdrew to deliberate in private.

RESOLVED – That the application for a Sexual Entertainment Venue (SEV) Licence for Metropolis, 234 Cambridge Heath Road, London E2 9NN be refused. See link below for details of the reasons for the Committee's decision.

<http://democracy.towerhamlets.gov.uk/mgCommitteeDetails.aspx?ID=324>

3.4 Licensing Act 2003, Application for a Premises License for Metropolis, 234 Cambridge Heath Road, London E2 9NN

In attendance for this Item

David Tolley, Head of Environmental Health and Trading Standards
Mohshin Ali, Senior Licensing Officer
David Graham, Counsel for the Committee
Agnes Adrien, Legal Services
Antoinette Duhaney, Democratic Services
Gareth Hughes, Applicant's Legal Representative
Steven Martin, Applicant

This report was considered in conjunction with item 3.3 above.

RESOLVED – That the application for a Premises Licence for Metropolis, 234 Cambridge Heath Road, London E2 9NN be refused. See link below for details of the reasons for the Committee's decision.

<http://democracy.towerhamlets.gov.uk/mgCommitteeDetails.aspx?ID=324>

4. ANY OTHER BUSINESS THAT THE CHAIR CONSIDERS URGENT

There was no urgent business.

The meeting ended at 8.55 p.m.

Chair, Councillor Rajib Ahmed
Licensing Committee