

MPG St Katherine 2 LP**(the “Applicant”)****Application for a new Premises Licence****The Medieval Banquet, Ivory House, St Katherine’s Dock, East Smithfield, London E1W 1BP (the
“Premises”)****Statement of Case**

This statement is made in support of an application for a new Premises Licence with the intention of outlining the Applicant’s case and seeking to address the concerns of those maintaining representations.

Amplification of the points made below, together with further submissions, will be made orally at the licensing sub-committee hearing.

Background

For over twenty years, the previous tenant of the Premises, The Beefeater of St Katherine’s Dock Limited (“Beefeater”), operated a medieval themed banqueting experience from the Premises where groups would eat and drink whilst being entertained by jugglers, jesters, knights and the like. It was a popular venue with tourists and party goers.

Beefeater was liquidated on 9 November 2020 causing the premises licence of the Premises (which had been in place since the Licensing Act 2003 came into force) to lapse. As no application for an Interim Authority Notice or a Transfer was made within 28 days it is incapable of reinstatement. This application is solely to reinstate the premises licence on similar terms to secure a new tenant.

Whilst the application was made back on 2 February 2021 a number of those maintaining representations were anxious that a prospective tenant was identified before a new licence granted. Although premises licences pertain to a premises rather than an operator, the Applicant heeded to these concerns and adjourned the application sine die until such time as a new tenant was identified.

An Agreement of Lease is now close to being completed with a new tenant with the granting of a lease subject to securing a new premises licence on similar terms to the one that lapsed.

Prospective New Tenant

It took almost a year to potentially re-let the Premises. Themed nights are no longer in vogue and the space is also too large for a conventional restaurant or bar. Finally, an experienced events operator, Best Experienced Live ("BEL"), is close to exchanging contracts on the Premises. BEL host a variety of events from various venues. Recent examples (many of which did not have licensable activities taking place) include:

Nelson Mandela Exhibition

A five-month exhibition which began five years after Nelson Mandela's death. Spread over 10,000 sq. ft. it charted Nelson Mandela's life from his early days through apartheid to his landslide election as president.

Immersive Theatre Show

BEL hosted an immersive theatre show for six months set over 30,000 sq. ft. in Liverpool Street.

Graffiti Inspired Pop UP

For six months BEL ran a rat-themed speakeasy inside Leake Street Tunnel with Banksy original artwork, a host of art installations and weekly live music sessions.

Corporate Events

More than 100 corporate events a year at locations such as the Science Museum, Lambeth Palace, the Southbank Centre, Landing 42 etc for the likes of Sky Media, Google, Redbull, ISS, Salesforce, ESI Media, PWC.

Other Events

More than 50 other events a year including stand-up comedy nights, acoustic nights, lifestyle and clothing markets.

The granting of a new lease, as opposed to the old lease being assigned, is crucial in terms of landlord oversight. Before any lease is entered into, the Applicant and BEL will have to agree a management plan. This plan will provide oversight above and beyond the conditions on any premises licence and will include obligations to vet potential events, restrict the type of events which can be held, establish complaints procedures, potentially require noise surveys and identify the role of any SIA door supervisors. This management plan will be regularly reviewed by the Applicant and can be quickly amended if any complaints are received. The Applicant is happy to commit to this by way of a proposed condition, namely:

“A Management Plan shall be agreed with the landlord and reviewed at least every six months. It shall be available for inspection at all times by any of the statutory authorities.”

Further Amendments to the Application

As is often the case with applications to reinstate lapsed premises licences, the statutory authorities asked the Applicant to agree more up-to-date conditions to uphold the licensing objectives. The Applicant had no concerns in this regard and has agreed to add the following conditions to any premises licence granted:

Licensing Authority

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. When the designated premise supervisor is not on the premises any or all persons authorised to sell alcohol will be authorised by the designated premises supervisor in writing. This shall be available on request by the Police or any authorised officer.
4. All staff whose responsibilities include the retail sale of alcohol shall receive training about the prevention of underage sales on induction and at intervals during the year.
5. 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, 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 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.
7. 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 at all times whilst the premises is open.

Environmental Health

1. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
2. Patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke, shall be limited to 14 persons at any one time.
3. No noise generated on the premises, or by its associated plant or equipment, shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a public nuisance.

Metropolitan Police

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 - g) any refusal of the sale of alcohol;
 - h) any visit by a relevant authority or emergency service.

4. In the event that a serious assault is committed on the premises (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) all measures that are reasonably practicable are taken to apprehend any suspects pending the arrival of the police;
 - c) the crime scene is preserved so as to enable a full forensic investigation to be carried out by the police; and
 - d) such other measures are taken (as appropriate) to fully protect the safety of all persons present on the premises.

5. 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.

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 at all times whilst the premises is open.

7. The premises shall have written Security, Drugs and Dispersal policies, that are reviewed yearly or after any serious incident. Such policies are to be written in consultation with Central East Police Licensing and made available to statutory authorities including the Police upon request.

Discussions with the Friends of St Katherine Dock ("FOSK")

Before the application was lodged the Applicant had discussions with FOSK. There were also further discussions and a meeting at the Premises with Ms Sue Hughes of FOSK last week. If a suitable premises licence is granted the Applicant has committed to keeping FOSK abreast of developments and to take onboard any proposed operational suggestions.

The Representations

The Applicant is pleased that there are no outstanding representations from any of the statutory authorities, but this is generally the case when reinstating a premises licence which has lapsed due to insolvency.

Given that many of the representations are identical, for brevity, the Applicant will comment on the concerns raised, as opposed to each representation. However, as a general point, the Applicant wishes to stress that, as per the management plan described above, each proposed use of the Premises will be heavily scrutinised and it will be happy to discuss any concerns on site if they arise. The Applicant considers this to be a more sensible approach than a premises licence with pages and pages of conditions attached which are inflexible, do not reflect the variety of potential uses and cannot be quickly adapted following feedback from residents.

Lack of Prospective Tenant

Whilst a significant concern during the consultation period, as explained above, this has been addressed.

For the avoidance of doubt, it is common practice to apply for a premises licence without a prospective tenant, especially in new developments. In this case, there has been a licensed premises in situ for years and the licence could have been transferred to another operator in any event without the ability to raise representations.

Number of Licensed Premises in the Area

The Premises are not located within a special Cumulative Impact Policy Area and, in any event, this is a like-for-like replacement.

Noise From Patrons Arriving and Leaving

With BEL as the operator the impact on patrons arriving and leaving is expected to be vastly reduced. Unlike a banquet with a fixed start and finish where guests tend to arrive and leave en masse at the same time, people attending exhibitions, corporate events, markets etc tend to arrive and leave in drips and drabs. Whilst there will be some events where guests will generally arrive and leave at set times, they will not be in the same high spirits as those attending a medieval banquet. There is also the greater protection afforded by the aforementioned management plan.

Potential Noise Escape

The Premises are located in a basement which prevents noise escape and agreed condition 3 with Environment Health provides residents with protection above and beyond that of noise abatement legislation.

The Size of the Premises

The footprint of the Premises is not changed.

Patrons Loitering Outside

The Premises will operate a dispersal policy tailored to each type of activity with staff being immediately outside the Premises later at night to encourage patrons to leave quickly and quietly. A condition has been agreed (see above) limiting the number of smokers to 14 or fewer at any one time, where previously there was no restriction at all.

Cigarette Butts, Glass and Other Litter

The Premises will not permit patrons to take food or drink outside and there will be receptacles for cigarette butts.

Anti-Social and Criminal Activity

Unlike many mixed use commercial and residential developments, the Applicant has a permanent onsite security presence which includes security officers based in the reception areas of each of the main office buildings throughout the day and night. There is also a manned security control room adjacent to the main marina basin and within 200m of the Premises. This control room operates 24/7 with at least two security officers on duty within the control room at any one time. From there CCTV covering the entirety of St Katherine Dock is monitored.

In addition to the control room staff there is a team of estate security officers who are tasked with patrolling the estate and reacting to security related incidents. In the event of any concern being raised the initial response will be by two estate security officers and they can call in assistance from the local police if need be.

Licensing Policy of the Borough of Tower Hamlets (the "Policy")

As this is not an application for a new premises licence in the usual sense, the Applicant did not pre-consult with the statutory authorities. When it is discovered that a premises licence has lapsed irretrievably, time is of the essence to rectify the oversight. However, the Applicant has agreed conditions with all the statutory authorities – the ‘independent experts’ – to uphold the licensing objectives. The hours sought are slightly outside of core but reflect those in force for many years and, as the Policy states, all applications should be treated on their own merits. Any reduction of hours effectively makes this a review

application which it is, of course, not. Finally, the Premises are not located within a special cumulative impact policy area hence there is no rebuttable presumption to refuse.

Conclusion

Due to a quirk of the Licensing Act 2003 a longstanding premises licence in St Katherine Dock has lapsed and needs to be restated at considerable cost to the Applicant. From a residents' perspective, a grant of a new premises licence on the terms sought will see them in a far more advantageous position than prior to the pandemic. A rather old-fashioned alcohol led venue is set to be replaced with a mixed-use space run by a responsible operator with additional protections afforded by the eighteen new conditions agreed/proffered, a management plan and upgraded tenant's covenants in the lease. If any local resident still has any queries or concerns, they are asked to contact the writer, Niall McCann, at niall.mccann@keystonelaw.co.uk to discuss matters in more detail.

The licensing sub-committee is therefore respectfully asked to grant the application on the terms described above.

Niall McCann
KEYSTONE LAW