

**Samuel Smith (Southern) (the “Applicant”)**

**Application to vary a Premises Licence**

**Captain Kidd, 108 Wapping High Street, London E1W 2NA (the “Premises”)**

**Applicant’s Written Submissions**

This statement is made in support of an application to vary a 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**

The Applicant is a longstanding independent brewery which takes a long-term view. It is unique in that it only stocks its own products (including soft drinks and snacks) and has a staunchly traditional approach to its pubs in that they do not play any music, nor have televisions, nor permit laptops to be used. The whole ethos is that local communities can enjoy spending time together without unwanted distractions. By not playing music and showing television, the pubs do not attract trouble.

The Premises is situated within a building which originates in the 19<sup>th</sup> century and became a pub in the 1980’s. The current layout plans have not changed since the licence was converted in 2005, to a premises licence under the Licensing Act 2003.

**The Application**

The application seeks to extend the hours for the sale of alcohol by one hour on Fridays and Saturdays and by 30 minutes on Sundays.

The Applicant rarely seeks to extend the hours of its licences. However, the current economic climate is challenging for hospitality operators following the covid 19 pandemic, increases in inflation, increasing energy bills and business rates. The Premises has also been impacted by those working in the City of London spending less time in the office and more time working from home, which has resulted in a reduction in the number of customers frequenting the Premises. The Applicant is therefore seeking additional trading hours in order to counteract some of the financial headwinds the Premises has faced.

The Applicant is aware of its responsibilities to ensure that the four licensing objectives are promoted and the measures which have been offered in this respect are outlined within the application and will be discussed further, both in this submission and at the hearing.

### **Representations from Local Residents**

The concerns raised by local residents within their respective representations relate to the potential for crime and disorder and noise nuisance if the application is granted.

The Applicant is a very experienced operator and has operated the Premises since the 1980's without complaint.

The current premises licence does not prescribe any conditions and therefore the Applicant has offered the following conditions to ensure that each of the four licensing objectives are promoted:

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. The CCTV system serving the premises shall:
  - be maintained fully operational and in good working order at all times;
  - make and retain clear images that include the points of sale of alcohol and facial images of the purchasers of the alcohol; and
  - show an accurate date and time that the images were made.
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 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.
4. 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:
  - all crimes reported to the venue;
  - all ejections of patrons;
  - any complaints received concerning crime and disorder
  - any incidents of disorder;
  - all seizures of drugs or offensive weapons;

any faults in the CCTV system, searching equipment or scanning equipment;

any refusal of the sale of alcohol;

any visit by a relevant authority or emergency service.

5. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
6. A direct telephone number for the manager at the premises shall be publicly available at all times the premises is open. This telephone number is to be made available to residents and businesses in the vicinity.
7. A written dispersal policy shall be in place and implemented at the premises to move customers from the premises and the immediate vicinity in such a way as to cause minimum disturbance or nuisance to neighbours.
8. The premises licence holder shall ensure that any patrons drinking and/or smoking outside the premises do so in an orderly manner and are supervised by staff so as to ensure that there is no public nuisance or obstruction of the public highway.
9. No waste or recyclable materials, including bottles, shall be moved, removed from or placed in outside areas between 20:00 hours and 07:00 hours on the following day.
10. No collections of waste or recycling materials (including bottles) from the premises shall take place between 20:00 hours and 07:00 hours on the following day.
11. During the hours of operation of the premises, the licence holder shall ensure sufficient measures are in place to remove and prevent litter or waste arising or accumulating from customers in the area immediately outside the premises, and that this area shall be swept and or washed, and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements by close of business.
12. 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.

The Applicant has offered a robust set of conditions in order to ensure that each of the licensing objectives are promoted, the premises is operated responsibly and that any potential disturbance to local residents is minimised.

The conditions confirm that a dispersal policy will be in place, staff will monitor external areas of the Premises and residents within the vicinity of the Premises will also be provided with a direct contact number for the manager of the Premises in order to ensure that if any issues do arise, they can be notified to the manager and dealt with swiftly. The Applicant feels that these conditions are proportionate and deal with the concerns raised within the representations. The other conditions offered by the Applicant seek to update the operating schedule and ensure the promotion of the licensing objectives.

The Applicant feels that an additional hour of trade on Fridays and Saturdays, and an additional half hour of trade on Sundays, will aid with the dispersal of customers from the Premises as customers will naturally disperse at a more gradual rate.

### **Section 182 Licensing Act 2003 Guidance**

The guidance to the Licensing Act 2003 features several points which support this application. The guidance will be discussed in detail during the hearing, but two important points can be summarised as follows:

- The Responsible Authorities have not made any representations to the application. The guidance states, at paragraph 9.12 “Each responsible authority will be an expert in their respective field, and in some cases it is likely that a particular responsible authority will be the licensing authority’s main source of advice in relation to a particular licensing objective.” Therefore the absence of any representations, particularly from the Metropolitan Police or the Environmental Health Team, suggests that the Authorities do not feel that the grant of this application is likely to result in any of the four licensing objectives being undermined.
- The lack of any substantiated complaints of crime and disorder and public nuisance relating to the Premises should be a relevant consideration for the Licensing Sub-Committee and this is confirmed at paragraph 9.43 which states “The authority’s determination should be evidence-based, justified as being appropriate for the promotion of the licensing objectives and proportionate to what it is intended to achieve.”

### **Financial Considerations**

Whilst the Applicant has a long history, it is not immune to financial pressures. Utility and staffing costs have increased significantly, whilst the volume of trade has decreased. These economic factors can properly be considered in a licensing determination. In *R (o/a/o Hope and Glory Public House Ltd) v City of Westminster Magistrates’ Court and Others* [2011] EWCA Civ 31, the Court of Appeal (per Toulson LJ) observed that [at 42]:

*‘Licensing decisions often involve weighing a variety of competing considerations: the demand for licensed establishments, **the economic benefit to the proprietor and to the locality by drawing in visitors and stimulating the demand**, the effect on law and order, the impact on the lives of those who live and work in the vicinity, and so on.’*

### **Conclusion**

This application seeks a small extension to the hours for the sale of alcohol on Fridays, Saturdays and Sundays. The Applicant submits that the increase in hours will be counterbalanced by a significant number of new conditions which will ensure that the licensing objectives will be better upheld.

Should anyone wish to discuss matters further prior to the licensing sub-committee hearing the writer can be contacted at [s.taylor@keystonelaw.co.uk](mailto:s.taylor@keystonelaw.co.uk).

**Sarah Taylor**

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