

Committee: Licensing Sub Committee	Date 23 April 2024	Classification Unrestricted	Report No.	Agenda Item No.
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Report of: Tom Lewis Service Manager Regulatory Services (Commercial)	Title: Licensing Act 2003 Application for a new Premise Licence for Little LND, Studio 2, Unit3a, 39 Autumn Street, London, E3 2TT
Originating Officer: Corinne Holland Licensing Officer	Ward affected: Bow East

1.0 Summary

Applicant: **Little LND Ltd (Matthew Blewitt)**

Name and Address of Premises: **Little LND**
Studio 2, Unit 3a
39 Autumn Street
London
E3 2TT

Licence sought: **Licensing Act 2003**
Sale by retail of Alcohol (on sales)
Regulated entertainment (films, live & recorded music, dance)

Objectors: **Licensing Authority**
Environmental Health
LLDC
Residents

1.0 Recommendations

1.1 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
020 7364 3986

2.0 Background

- 2.1 This is an application for a new Premise Licence for Little LDN, Studio 2, Unit 3a, 39 Autumn Street, London, E3 2TT.
- 2.2 The applicant has described the premises as: *A new cultural hub and entertainment venue. It will primarily be used for music events with the possibility of private hire for other activities such as fitness classes, private functions/activations and photo shoots. There are likely 1-2 'club night' music events per week.*
- 2.3 A copy of the application is shown in **Appendix 1**
- 2.4 The hours applied for are as follows:

Sale of Alcohol (On sales only)

Monday – Sunday 09:00 – 03:00 hours the following day

Regulated Entertainment

Films, Recorded Music, Dance (indoors)

Monday – Sunday 06:00 – 03:00 hours the following day

Live Music (indoors)

Monday – Sunday 12:00 – 03:00 hours the following day

Non-Standard Hours for sale of alcohol, live & recorded music, and dance for Christmas Eve, Boxing Day, New Year's Eve, New Year's Day, and Bank Holiday weekends

Monday – Sunday 03:00 – 05:00 hours the following day

Opening times

Monday – Sunday 06:00 – 03:00 hours the following day

Non-standard hours for Christmas Eve, Boxing Day, New Year's Eve, New Year's Day, and Bank Holiday weekends

Monday – Sunday 03:00 – 05:00 hours the following day

3.0 Location and Nature of the premises

- 3.1 The site plan of the venue is included as **Appendix 2**.
- 3.2 Maps showing the vicinity are included as **Appendix 3**.
- 3.3 Photographs of the premises are included in **Appendix 4**.
- 3.4 Details of other licensed venues in the immediate vicinity are included as **Appendix 5**.

4.0 Licensing Policy and Government Advice

- 4.1 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.
- 4.2 Relevant Sections of the policy are brought to the attention of Members within the Licensing Officers report.
- 4.3 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.
- 4.4 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.

5.0 Representations

- 5.1 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.
- 5.2 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.
- 5.3 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.
- 5.4 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.
- 5.5 The Home Office recommends that in borderline cases, the benefit of the doubt should be given to the interested party making the representation.
- 5.6 Section 182 Advice by the Home Office concerning relevant, vexatious and frivolous representations is attached as **Appendix 20**
- 5.7 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.

5.8 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
LLDC	Appendix 8
Gabi Crewe	Appendix 9
Jack Bielby/Gbolahan Olapade/ Sam Hills	Appendix 10
Louise Cole	Appendix 11
Michael Dover / Stephen Brown	Appendix 12
Matt Stafford	Appendix 13
Perry Miller	Appendix 14
Nina Tolstrup / Samantha Clark	Appendix 15
Wayne Lloyd	Appendix 16

5.9 Applicants response to objectors – **Appendix 17**

5.10 Applicants additional submissions of Management Plans – **Appendix 18**

- Event Management Plan
- Noise Management Plan
- Traffic & Transport Management Plan
- Security Plan

5.11 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)

5.12 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

5.13 The objections relate to:

- Public nuisance
- ASB
- Crime & Disorder
- Public Safety
- Access & Egress

5.14 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.

5.15 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.

5.16 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.

6.0 Conditions consistent with Operating Schedule

1. For each event taking place under this licence, a venue and event specific Event Safety Management Plan (ESMP) will be formulated by Little LND's in-house production teams and approved contractors.
2. Staff briefing, training, careful planning and constant review and updates of these plans and policies will be implemented by management.
3. Offence specific risk assessments into audience, artist, genre, location etc will take place to determine any specific risk pertaining to the attraction of crime to the event.
4. The venue will have a Health & Safety policy, Noise Management Plan, Waste Management Plan and Crowd dispersal Management Plan, Security Management Plans.
5. All music events shall be for over 18's only.
6. Where children are allowed on the premises, they must be accompanied by a responsible parent or legal guardian. Where children are permitted on the premises an addition will be made to

the ESMP detailing procedure for lost children, safeguarding and any restricted/regulatd content expected at the event.

7. 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.

7.0 Conditions Agreed/Requested by Responsible Authority

Conditions agreed with the police – **Appendix 19**

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. *There shall be a personal licence holder on duty on the premises from 19:00 on a Friday and Saturday night, and when there is a promoted music event, and when called for by the risk assessment.*
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:*
 - 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.*

5. *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.**
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 must show the outcome of the person who was intoxicated i.e. if left with friends, taxi called etc. 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.*
8. *The premises must have a detailed documented security plan, that must include, but not limited to, an ejections policy, search policy, anti-theft policy, and SIA numbers. The security plan will be made available to police upon request.*
9. *The premises shall have a written welfare policy (reviewable annually) that will show how venue staff will manage customers who become vulnerable through intoxication or drugs. Dedicated, trained and clearly identifiable welfare officers will be on duty when promoted music events are taking place at the venue, or called for by the risk assessment. The policy will be made available to Police upon request.*
10. *Drinking water, will be made freely available at the venue.*
11. *All front of house staff shall complete welfare and vulnerability awareness training, such as "WAVE" as part of their induction process to work at the premises. This training shall be documented and repeated/refreshed at yearly intervals.*
12. *All external smoking areas will be segregated from other areas of the venue and will be managed by members of staff.*
13. *The premises shall use an ID scanner that uses photographic identification documents such as ID cards, passports etc, all customers entering the premises where regulated entertainment is*

provided, and or after 8pm shall have their ID scanned by this device. Weddings, film productions, photo shoots, product launches and corporate events shall be excluded from the requirements of this condition provided that the venue has a list of those attending the premises for such events.

- 14. When promoted regulated entertainment is taking place past 11pm, searching including bag searches and wandung all customers and artists take place.*
- 15. The premises shall risk assess all events taking place at the venue. The purpose of this is to identify risks associated with the event and the measures that can be put in place to mitigate against them. Risks could include but not limited to intoxicated customers, violence, drug use, and underage customers. Mitigating measures will include but is not limited to SIA numbers, male and female SIA ratio, SIA placement, searching, ID checks and Welfare Officers. Such risk assessments will be signed off by the premises management and by the security company. The risk assessments will be the subject of an independent audit carried out at least once every six months. The risk assessment is to be recorded and made available to Police or relevant authority upon request.*
- 16. A written entry policy shall be in place and implemented at the premises to move customers into the premises in such a way as to cause minimum disturbance or nuisance to neighbours. The policy shall include details on queue management to ensure any queue to enter the premises is managed effectively and supervised by door staff to ensure that there is no public nuisance or obstruction to the public highway.*
- 17. When hosting events past midnight the venue shall have a "Wind Down Procedure". The procedure will include music levels being brought down to background levels 30 minutes before the venue closes. Light levels being brought up to normal levels 30 minutes before the venue closes. As well as any other procedures venue management deem necessary.*
- 18. A written egress policy shall be in place and implemented at the premises to move customers away from the premises in such a way as to cause minimum disturbance or nuisance to neighbours. The policy shall include details on queue management to ensure any queue to enter the premises is managed effectively and supervised by door staff to ensure that there is no public nuisance or obstruction to the public highway.*

The Egress Policy shall include:

- Details as to how customer / staff egress at the premises shall be managed to minimise causing nuisance.*
- Details of the management of any 'winding down' period at the premises.*
- Details of the use of security and stewarding in respect of managing customer dispersal from the premises.*
- Details of any cloakroom facility at the premises and how it is managed.*
- Detail of road safety in respect of customers leaving the premises.*

- *Details of the management of ejections from the premises.*
- *Details of how refuse / waste in the local vicinity arising through the operation of the premises will be cleared up.*
- *Traffic management plan to show how vehicles picking up customers will be managed to ensure traffic leading up to the venue does not block the road or cause noise nuisance, or impede dispersal.*

19. Should Tower Hamlets Council and Central East Police deem that the transport plan is not working, then the concerns / failures will be presented to the venue in written form, and the venue given one month to rectify them. Should the failures / concerns not be addressed to the satisfaction of the Local Authority and Police then the license will be restricted to framework hours and a review of the premises license submitted by those authorities within 1 month of the venue being restricted to framework hours.

20. There shall be no entry to new customers after 1am.

21. The submitted Traffic Management Plan shall be strictly followed, and subject to annual review, or in the event of a significant incident. Any modifications to the plan must be approved by the Metropolitan Police Service prior to implementation.

8.0 Licensing Officer Comments

8.1 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.

8.2 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.

8.3 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)

- 8.4 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.
- 8.5 In all cases the Members should make their decision on the civil burden of proof, that is “the balance of probability.”
- 8.6 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.
- 8.7 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)
- 8.8 The Council’s Licensing Policy generally expects applicants to address the licensing objectives and discuss how to do this with the relevant responsible authorities.
- 8.9 In **Appendices 20-27** 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.
- 9.0 **Legal Comments**
- 9.1 The Council’s legal officer will give advice at the hearing.
- 10.0 **Finance Comments**
- 10.1 There are no financial implications in this report.

11.0 Appendices

Appendix 1	A copy of the application /Traffic Management Plan
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	Representations from LLDC
Appendix 9-16	Resident/Business representations
Appendix 17	Applicants' response to representations
Appendix 18	Applicants' Management Plans
Appendix 19	Police agreements/conditions
Appendix 20	Section 182 Advice by the DCMS- Relevant, vexatious and frivolous representations
Appendix 21	Licensing Officer comments on public nuisance
Appendix 22	S182 advice on public nuisance
Appendix 23	Noise whilst the premises is in use
Appendix 24	ASB on leaving the premises
Appendix 25	Access & Egress
Appendix 26	Licensing Policy relating to hours of trading
Appendix 27	Planning