

/Committee: Licensing Sub-Committee	Date 18 June 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 (Studio Spaces Ltd / E1), 110 Pennington Street, London E1W 2BB Ward affected: St. Katherine's and Wapping
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1.0 Summary

Licence holder:	Studio Spaces Limited
Name and Address of Premises:	(Studio Spaces Limited / E1) 110 Pennington Street London E1W 2BB
Licence sought:	Licensing Act 2003 - variation <ul style="list-style-type: none"> • To extend the times of licensable activities • Amend the plan of the premises
Representations:	Licensing Authority (RA) Environmental Protection

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 variation of a variation of a premises licence for (Studio Spaces Ltd / E1), 110 Pennington Street, London E1W 2BB.

3.2 A copy of the existing licence (Lic no. 148556) 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

- *Sunday to Thursday, from 08.00 hours to 00.00 hours (midnight)*
- *Friday and Saturday, from 08.00 hours to 07.00 hours the following day*

The provision of late night refreshments - Indoors

- *Sunday to Thursday, from 23.00 hours to 00.00 hours (midnight)*
- *Friday and Saturday, from 23.00 hours to 07.00 hours the following day*

Provision for Regulated Entertainment - Indoors

(Plays and Films, Live Music, Recorded Music, Performance of Dance and Anything of a Similar Description.)

- *Sunday to Thursday, from 06:00 hours to 00:00 hours (midnight)*
- *Friday and Saturday, from 06.00 hours to 07.00 hours the following day*

Non-standard timings

- *Licensable activities, from the beginning of permitted hours on New Year's Eve to the end of permitted hours on New Year's Day and on all days preceding a Bank Holiday until 07:00hrs the next day.*

Conditions for Garden area (outdoor space)

The sale by retail of alcohol

- *Monday to Sunday 08:00 hours to 20:30 hours with half an hour drink up time until 21:00 hours.*

The provision of regulated entertainment – Outdoors

Recorded music outdoors for garden area only

- *Monday to Sunday 08:00 hours to 21:00 hours*

Photographic Studio

A small indoor photographic studio area 120 meter squared to operate as per the existing hours permitted on the premises licence.

The opening hours of the premises

- *Sunday to Thursday, from 06:00hrs to 00:30hrs (the following day)*
- *Friday and Saturday, from 06.00 hours to 07.00 hours the following day*

The opening hours of the outdoor space

- *Monday to Sunday from 08:00 hours to 21:30 hours.*

Non-standard timings

Licensable activities, from the beginning of permitted hours on New Year's Eve to the end of permitted hours on New Year's Day and on all days preceding a Bank Holiday until 07:30hrs the next day.

- 3.3 A copy of the variation application is enclosed as **Appendix 2**. The applicant has described the variation as follows:
"To extend hours for all activities on Sunday into Monday mornings only. Amend layout plan at Annex to reflect a minor amendment to the internal part of the premises".

- 3.4 Although there are different hours stated on the application form to what is on the licence, the applicant has confirmed the only licensable activities and timings that have been applied for are:

The sale by retail of alcohol – On sales only

- *Monday, from 00:00 hours to 07:00 hours*

The provision of late night refreshments - Indoors

- *Monday, from 00:00 hours to 05:00 hours*

Provision for Regulated Entertainment - Indoors

(Plays and Films, Live Music, Recorded Music, Performance of Dance and Anything of a Similar Description.)

- *Monday, from 00:00 hours to 06:00 hours*

The opening hours of the premises

- *Monday, from 00:00 hours to 07:00 hours*

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:
 - Licensing Authority (RA Objector) - **(Appendix 6)**
 - Environmental Protection - **(Appendix 7)**
- 6.4 Since the representations were made, the agent acting on behalf of the licence holder has been in communication with the relevant parties. However at the time of writing this report, no agreement had been reached between them.
- 6.5 Essentially, the relevant parties oppose the application because the applicant has not explained how within the context of the application, they will meet all of the above the licensing objective(s).
 - the prevention of crime and disorder
 - the prevention of public nuisance
- 6.6 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.

6.7 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**

7.1 As per the conditions on the existing premises licence (See **Appendix 1**):

7.2 *When the licence holder intends to use the venue for any licensable activities between 00:00 – 06:00 on the day following Sunday into Monday a minimum of 14 days prior notice shall be given to the Licensing Officers at Tower Hamlets Police Service. Event specific risk assessment and plans shall then be made available to authorised officers on request*

8.0 **Conditions in consultation with the responsible authorities/other person**

8.1 None

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 30th September 2022 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 Licensing Authority (RA
Appendix 7	Representation of Environmental Protection