

/Committee: Licensing Sub-Committee	Date 18 July 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 (Carwash), 1 Quaker Street, London E1 6SZ Ward affected: Weavers
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1.0 Summary

Applicant:	Damon Borley
Name and	(Carwash)
Address of Premises:	1 Quaker Street London E1 6SZ
Licence sought:	Licensing Act 2003 – premises licence <ul style="list-style-type: none"> • The sale by retail of alcohol (on and off sales)
Representations:	Licensing Authority (RA) Environmental Protection Residents (includes a petition)

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 premises licence for (Carwash), 1 Quaker Street, London E1 6SZ.

3.2 The applicant has described the premises as a:

“The venue will be mostly used for promotional activities, community, and arts events...”

3.3 A copy of the premises licence application form is enclosed as **Appendix 1**. The licensable activities and timings that have been applied for are as follows:

The sale by retail of alcohol (On and off sales)

- *Monday to Sunday, from 11:00 hrs to 23:00 hrs*

Hours premises are open to the public

- *Monday to Sunday, from 11:00 hrs to 23:00 hrs*

4.0 **Location and Nature of the premises**

4.1 Maps of the venue are included as **Appendix 2**.

4.2 Photographs showing the vicinity are included as **Appendix 3**.

4.3 Details of the nearest licensed venues are included as **Appendix 4**.

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) ----- **Appendix 5**
 - Environmental Protection ----- **Appendix 6**
 - Christopher Lloyd ----- **Appendix 7**
 - Martin Hughes ----- **Appendix 8**
 - Sajna Miah (includes a petition from residents) --- **Appendix 9**
- 6.4 Essentially, the relevant parties oppose the application because the applicant has not explained how within the context of the application, they will meet the following licensing objective(s).
- The prevention of crime and disorder
 - The prevention of public nuisance
- 6.5 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.
- 6.6 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 *The Premises Licence shall be limited to six (6) events in any one calendar month with no carry over. In addition there shall be no more than 3 of 6 events that take place on Fridays and Saturdays in each calendar month.*
- 7.2 *All events must be pre-booked 14 days in advance. A record of all guests will be held for each event, this record to be retained on the premises for a minimum of 6 months. The booking and guest list shall be available for inspection at the premises by the police or an authorised officer.*

- 7.3 *Alcohol will only be sold when a pre-booked event takes place at the premises. The sale of alcohol will be ancillary to the event taking place.*
- 7.4 *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.*
- 7.5 *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.*
- 7.6 *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.*
- 7.7 *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.*
- 7.8 *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. 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.*

- 7.9 *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.*
- 7.10 *The premises shall risk assess all events taking place at the venue. The assessment shall look at all potential risks including but not limited to violence, intoxication, underage drinking and drug use. This assessment shall be written down and stored for 1 year and made available to Police upon request.*
- 7.11 *The premises must have a detailed documented security plan, that must include an ejections policy, search policy, anti-theft policy, and SIA numbers, The security plan will be made available to police upon request.*
- 7.12 *In relation to off sales of alcohol from the premises, this can only be sold in sealed containers. Patrons are not permitted to remove open bottles/glasses or other open vessels from the licensed premises.*
- 7.13 *The licence holder shall enter into an agreement with a hackney carriage and/or private carriage firm to provide transport for customers, with contact numbers made readily available to customers who will be encouraged to use such services.*
- 7.14 *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.*
- 7.15 *The number of persons permitted in the premises at any one time (including staff) shall not exceed 100 persons.*
- 7.16 *A noise limiter must be fitted to the musical amplification system set at a level determined by and to the satisfaction of an authorised officer of the Environmental Health Service, so as to ensure that no noise nuisance is caused to local residents or businesses. The operational panel of the noise limiter shall then be secured by key or password to the satisfaction of officers from the Environmental Health Service and access shall only be by persons authorised by the Premises Licence holder. The limiter shall not be altered without prior agreement with the Environmental Health Service. No alteration or modification to any existing sound system(s) should be effected without prior knowledge of an authorised Officer of the Environmental Health Service. No additional sound generating equipment shall be used on the premises without being routed through the sound limiter device.*
- 7.17 *Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.*

- 7.18 *Notices shall be prominently displayed at any area used for smoking requesting patrons to respect the needs of local residents and use the area quietly.*
- 7.19 *No waste or recyclable materials, including bottles, shall be moved, removed from or placed in outside areas between 21:00 hours and 07:00 hours on the following day.*
- 7.20 *No collections of waste or recycling materials (including bottles) from the premises shall take place between 21:00 hours and 07:00 on the following day.*
- 7.21 *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.*
- 7.22 *All staff whose duties include the serving of alcohol must be trained in the requirements of this scheme including the importance of recording any refusals.*
- 7.23 *Entry by children under the age of 18 is prohibited unless accompanied by an adult over the age of 18.*

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 31st March 2025 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 application
Appendix 2	Maps of the venue
Appendix 3	Photographs showing vicinity of the venue
Appendix 4	Details of nearest licensed venues
Appendix 5	Representation of Licensing Authority (RA)
Appendix 6	Representation of Environmental Protection
Appendix 7	Representation of Christopher Lloyd
Appendix 8	Representation of Martin Hughes
Appendix 9	Representation of Sajna Miah (includes a petition from residents)