

LONDON BOROUGH OF TOWER HAMLETS

RECORD OF THE DECISIONS OF THE LICENSING SUB COMMITTEE

HELD AT 6.30 P.M. ON TUESDAY, 14 JANUARY 2020

**THE COUNCIL CHAMBER, TOWN HALL, MULBERRY PLACE, 5 CLOVE
CRESCENT, LONDON, E14 2BG**

Members Present:

Councillor Mohammed Pappu (Chair)

Councillor Mohammed Ahabab Hossain (Member)

Councillor Leema Qureshi (Member)

1. DECLARATIONS OF DISCLOSABLE PECUNIARY INTEREST

There were no declarations of interests made.

2. RULES OF PROCEDURE

The rules of procedure were noted.

3. ITEMS FOR CONSIDERATION

**3.1 Application for a New Premises Licence for Jack the Chipper, 74
Whitechapel High Street, London E1 7QX**

The Licensing Objectives

In considering the application, Members were required to consider the same in accordance with the Licensing Act 2003 (as amended), the Licensing Objectives, the Home Office Guidance and the Council's Statement of Licensing Policy and in particular to have regard to the promotion of the four licensing objectives:

1. The Prevention of Crime and Disorder;
2. Public Safety;
3. The Prevention of Public Nuisance; and
4. The Protection of Children from Harm.

Consideration

Each application must be considered on its own merits. The Chair confirmed that the Sub-Committee had carefully considered all of the evidence before them and heard oral representations at the meeting made by the Applicant's

Business Agent and the Officers from Responsible Authorities objecting to the application, with particular regard to the prevention of public nuisance and prevention of crime and disorder.

The Sub-Committee noted that the premises are in a cumulative impact zone (CIZ), and so, the effect of a premises subject to a licensing application being in a CIZ is that there is a rebuttable presumption that where relevant representations are received by one or more of the responsible authorities and/or other persons objecting to the application, the application will be refused.

The Sub-Committee noted that under the Council's Statement of Licensing Policy, the Applicant can rebut the above presumption if they can demonstrate that their application for a premises licence would not undermine any of the four licensing objectives by not adding to the cumulative impact of licensed premises already in the CIZ.

The Sub-Committee considered that the onus lay upon the applicant to show through their operating schedule, with appropriate supporting evidence that the operation of the premises, if licensed, would not add to the cumulative impact already being experienced.

The Sub-Committee noted the representations from the Licensing Authority, Environmental Health regarding the impact of the premises on the Brick Lane Cumulative Impact Zone (CIZ) and concerns relating to the previous breaches of trading without a licence.

The Sub-Committee therefore considered that it had not heard enough evidence that rebutted the presumption against granting any further premises licence within the CIZ. The Sub-Committee was not satisfied that the operating schedule as presented at the Sub-Committee meeting rebutted the above presumption.

The Sub Committee was therefore not satisfied that there were exceptional circumstances to justify a grant of the application, and were of the view that the applicant had failed to rebut the presumption against granting a premises licence for a premises situated in a cumulative impact zone, in that the applicant failed to demonstrate how they would not undermine any of the four licensing objectives by adding to the cumulative impact in the area.

Accordingly, the Sub Committee unanimously;

RESOLVED

That the application for a New Premises Licence for Jack the Chipper, 74 Whitechapel High Street, London E1 7QX be **REFUSED**.

3.2 Application for a Transfer of a Premises Licence Holder for Queens Head, 8 Flamborough Street, London E14 7LS

The Licensing Objectives

In considering the application, Members are normally required to consider the same in accordance with the Licensing Act 2003 (as amended), the Licensing Objectives, the Home Office Guidance and the Council's Statement of Licensing Policy and in particular to have regard to the promotion of the four licensing objectives:

1. The Prevention of Crime and Disorder;
2. Public Safety;
3. The Prevention of Public Nuisance; and
4. The Protection of Children from Harm

However, in this instance, Members noted that the only licensing objective at issue regarding this transfer application was the prevention of crime and disorder.

Consideration

Each application must be considered on its own merits. The Chair confirmed that the Sub-Committee had carefully considered all of the evidence before them and heard oral representations at the meeting made by the Applicant's Legal Representative and the Officer representing the Metropolitan Police objecting to the application for transfer, with particular regard to the prevention of crime and disorder.

Members heard that since the review of the premises licence in April 2019, there had been no incidents over the last year under the management of Mr S. Fairman and that Mr T. Jefferies has had no day to day management of the premises. The Licensing Sub Committee decided to grant the transfer application by a majority vote with a condition that Mr Thomas Jeffries shall not be permitted to be involved in the day to day management of the premises.

The Sub-Committee considers that on the basis of the evidence heard and read this will promote the Licensing Objective for the prevention of crime and disorder.

The Sub-Committee was satisfied that the licensing objectives would be promoted and that the condition imposed would help alleviate any concerns arising from the Metropolitan Police.

Decision

Accordingly, the Sub Committee by a majority vote;

RESOLVED

That the application for a Transfer of a Premises Licence for, Queens Head, 8 Flamborough Street, E14 7LS be **GRANTED** with a condition.

Transfer of Licence

The premises licence for Queens Head, 8 Flamborough Street, London E14 7LS be transferred to TJ3 Property Co Ltd.

Conditions

1. That Mr Thomas Jeffries shall not be permitted to have any involvement in the day to day management of the premises.

4. EXTENSION OF DECISION DEADLINE: LICENSING ACT 2003

There were no applications that required extensions to decision deadlines.

The meeting ended at 9.15 p.m.

Chair, Councillor Mohammed Pappu
Licensing Sub Committee