

LONDON BOROUGH OF TOWER HAMLETS**RECORD OF THE DECISIONS OF THE LICENSING SUB COMMITTEE****HELD AT 2.30 P.M. ON TUESDAY, 7 JULY 2020****ONLINE 'VIRTUAL' MEETING - [HTTPS://TOWERHAMLETS.PUBLIC-I.TV/CORE/PORTAL/HOME](https://towerhamlets.public-i.tv/core/portal/home)****Members Present:**

Councillor Peter Golds (Chair)

Councillor Mohammed Ahabab Hossain (Member)

Councillor Victoria Obaze (Member)

1. DECLARATIONS OF 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 to Review the Premises Licence for Manjal, 3 Turnberry Quay, London E14 9RD**

This item was adjourned and is to be considered at a future Licensing Sub-Committee meeting. Members believed the adjournment was in the interests of justice as the representative for the licence holder did not have full instructions.

3.2 Application for a New Premises Licence for (S-A-N-D Grocery Ltd), 98a Coborn Road, Bow, London E3 2DG**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 licencing 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 the oral representations made by the Applicant at the meeting. In the absence of the objectors, Members noted and considered the written representations contained in the agenda.

Members welcomed the efforts made by the Applicant in offering some robust conditions and also accepting and agreeing to the conditions proposed by the Responsible Authorities and the Sub-Committee. These conditions gave Members assurance that the licensing objectives would be promoted.

Members were satisfied that the reduction in hours in the early morning would also help alleviate concerns arising from the local resident objectors and reduce the risk of disturbances and harm to children.

Therefore, Members made a decision and the decision was unanimous. Members granted the application with conditions.

Accordingly, the Sub Committee unanimously

RESOLVED

That the application for a New Premises Licence for S-A-N-D Grocery Ltd, 98a Coborn Road, Bow, London E3 2DG be **GRANTED** with conditions.

Sale of Alcohol (off sales only)

Monday to Friday from 09:00 hours – 22:00 hours

Saturday from 09:00 hours – 20:00 hours

Sunday from 09:00 hours – 16:00 hours

Hours premise is open to the public:

Monday to Friday from 07:00 hours – 22:00 hours

Saturday from 09:00 hours – 20:00 hours

Sunday from 09:00 hours – 16:00 hours

Conditions

- 1.1 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.

- 1.2 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.
- 1.3 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.
- 1.4 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.
- 1.5 This premises shall not sell single cans or bottles of beer, larger or cider that exceed the strength of 6.5 abv unless sold as part of a multipack.
- 1.6 All staff whose responsibilities include the retail sale of alcohol shall receive training about the prevention of underage sales on induction and then every six months thereafter. This training shall be recorded and the records to be available on request to the Police or any authorised officer. The training to include:
 - a) the operation of the challenge 25 scheme;
 - b) types of acceptable ID;
 - c) the method of recording challenges;
 - d) the likely consequences of making an underage sale;
 - e) refusing sales to persons who appear to be drunk;
 - f) proxy sales.
- 1.7 All customers causing or likely to cause a public nuisance will be advised by staff to leave the area and to desist from the nuisance. If the public nuisance persists, then staff shall contact the appropriate authorities.
- 1.8 Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.

- 1.9 Staff shall ensure that the front of the premises is free of rubbish whilst the premises is open and at the end of the trading day.

3.3 Application for a New Premises Licence for Barzinho Bar & Kitchen, 60-62 Brick Lane, London E1 6RF

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 licencing 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 it and the oral representations at the meeting from the Applicant and a local resident objecting to the application.

The Sub-Committee noted that the premises is in a cumulative impact zone (CIZ). The cumulative impact policy creates 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 it can demonstrate exceptional circumstances and that the granting of the application would not negatively add to the cumulative issues already experienced within the CIZ.

The Sub-Committee noted the representations from the resident objector that the noise from the premises and its patrons would severely affect his health and quality of life, and the quality of life of other local residents in the area. The Sub Committee also noted the Applicant's submission that the application was for a licence similar to the licence previously in operation at this premises.

The Sub-Committee was not satisfied that the exceptional circumstances were present. The application included plans to modify the premises by converting a sitting area into a bar and vertical drinking area. The evidence before the Sub-Committee suggested that the premises would be alcohol-led and different in nature to the licence previously in operation.

The Sub-Committee noted that recorded music would be played until closing time. The Applicant accepted that he would be unable to ensure that no noise nuisance would be suffered by local residents. The Sub-Committee also noted that the Applicant was reluctant to employ SIA security staff from Sunday to Thursday to address potential issues immediately outside the premises. The Sub-Committee was not satisfied that the granting of the premises licence would not add to the cumulative public nuisance and anti-social behaviour issues already experienced in the area. Accordingly, the Applicant had not successfully rebutted the CIZ presumption and the application was refused.

Accordingly, the Sub Committee unanimously

RESOLVED

That the application for a New Premises Licence for Barzinho, 60-62 Brick Lane, London E1 6RF be **REFUSED**.

4. EXTENSION OF DECISION DEADLINE: LICENSING ACT 2003

There were no applications that required extensions to decision deadlines.

The meeting ended at 4.25 p.m.

Chair, Councillor Peter Golds
Licensing Sub Committee