

LONDON BOROUGH OF TOWER HAMLETS

MINUTES OF THE LICENSING SUB COMMITTEE

HELD AT 6.30 P.M. ON TUESDAY, 27 FEBRUARY 2024

COUNCIL CHAMBER - TOWN HALL, WHITECHAPEL

Members Present in Person:

Councillor Suluk Ahmed
Councillor Ahmodul Kabir
Councillor Iqbal Hossain

Apologies:

None

Others Present in Person:

Derek Stewart	Legal Representative
Balbinder Sidhu	Applicant
Christopher Llyod	SPIRE Representative

Officers Present in Person:

Jonathan Melnick	(Principal Lawyer-Enforcement)
Lavine Miller-Johnson	(Licensing Officer)
Mohshin Ali	(Senior Licensing Officer)
Simmi Yesmin	(Democratic Services Officer, Committees, Governance)

1. DECLARATIONS OF INTEREST

There were no declarations of interest.

2. RULES OF PROCEDURE

The rules of procedure was noted.

3. ITEMS FOR CONSIDERATION

3.1 Application for a New Premise Licence for Code Floors 3-4, 34 Westferry Circus London E14 8RR

This application was adjourned at the request of the Applicant. This application will now be considered at the Licensing Sub Committee on 23 April 2024.

3.2 Application for a New Premise Licence for Wang Wang, 4a Commercial Street, London, E1 6LP

At the request of the Chair, Ms Lavine Miller-Johnson, Licensing Officer introduced the report which detailed the application for a new premises licence for Wang Wang, 4a Commercial Street, London E1 6LP. The application sought authorisation for the sale by retail of alcohol from 08:00 hours to 21:00 hours Monday to Saturday.

It was noted that the application attracted representations against it from the Licensing Authority, SPIRE Resident Association, and one local resident. The representations asked that the application be refused on the basis of the Premises' location within the Brick Lane Cumulative Impact Zone (CIZ) and that granting it would add to crime and disorder and public nuisance.

At the request of the Chair, Mr Derek Stewart, Licensing Representative for the Applicant, Mr Balbinder Sidhu, explained that the hours applied for were modest and within the framework hours, that the premises was a grocery store specialising in oriental foods and that all alcohol beverages would be displayed and kept locked behind the counter similar to a tobacco display counter. It was noted that alcohol prices would vary between £15 - £95 and would not be available for self-service. Mr Stewart explained that this would reduce the chances of negatively adding to the cumulative impact area (CIA) and deter street drinkers.

Mr Stewart provided the Sub Committee with an alcohol list with the prices, this was consented to by the objectors as it was not provided in advance of the meeting. Mr. Stewart stated that the higher prices would deter the street drinkers that the objectors were concerned about and therefore help alleviate some of their concerns.

In response to questions the following was noted;

- That most products would be around 12% alcohol by volume and whiskey being approximate 40%.
- That the display area was very small, amounting to perhaps 2% of the area of the shop floor.
- It was confirmed that the Applicant would accept a condition limiting the display of alcohol to a specified percentage of the area of the Premises, if the Sub-Committee was minded to do so.
- That the shop was closed on Sundays.
- That it would be too onerous on the applicant to agree to a condition to restrict the alcohol sold at the premises to those on the list provided to

the Sub Committee for example if products became unavailable or could not be sourced.

- That alcoholic beverages being sold at the premises would not be readily available elsewhere such as supermarkets etc. x
- It was suggested to the Sub Committee that if a licence was granted, a designated area on the plan could be marked for where the alcohol could be displayed.

Members then heard from Mr Mohshin Ali, Licensing Officer, he referred to his representation on pages 209-213 and expressed concerns in relation to the impact on the CIA and the fact that the application did not meet the exemptions for a premises to be granted in the CIA and therefore unable to demonstrate how the granting of the licence would not negatively impact on the area. Mr Ali accepted the Premises was within framework hours but on the balance of probability the licence, if granted, would adversely impact the licensing objectives and that there would particularly be problems with access and egress. It was noted that the applicant had agreed to some of his conditions but not conditions 4 and 5.

Mr Christopher Lloyd then addressed the Sub-Committee on behalf of SPIRE. He explained that the Premises were located in a hotspot for anti-social behaviour. There were hostels nearby for people with addiction issues. The CIZ was intended to prevent additional crime and disorder and public nuisance associated with alcohol and granting this licence would add to that. He suggested that the issue would be one of supply and demand and if demand was high, then more alcohol would be sold. He was concerned that residents would have no control over the types of alcohol that would be sold.

In response to questions the following was noted;

- It was confirmed that conditions 4 & 5 would be agreed and that the Applicant was willing to have a personal licence holder on duty at all times the premise was open to the public.
- That the applicant was willing to agree to a certain percentage of the premises to be restricted for the display of alcohol.
- That alcohol of oriental origin would only be sold at the premises.
- Mr. Lloyd acknowledged that the applicant only intended to sell a limited alcohol offering, however he remained of the view that it would cause additional problems and referred to other licences in the area having been removed due to ASB.

Concluding remarks were then made by both parties.

DECISION

The Sub-Committee considered an application by Wang Wang 4A Ltd. for a new premises licence to be held in respect of Wang Wang, 4a Commercial Street, London, E1 6LP ("the Premises"). The application sought authorisation for the sale by retail of alcohol from 08:00 hours to 21:00 hours Monday to Saturday.

The application attracted representations against it from the Licensing Authority, SPIRE, and one local resident. The representations asked that the application be refused on the basis of the Premises' location within the Brick Lane Cumulative Impact Zone (CIZ) and that granting it would add to crime and disorder and public nuisance.

The Sub-Committee heard from the Applicant's agent, Mr. Stewart, and Mr. Sidhu, a director of the Applicant company. The Sub-Committee was informed that the Premises were a grocery store selling oriental products. Customers had been asking about the supply of oriental alcohol, such as sake, and the intention was to sell a limited alcohol offering of such products. Mr. Stewart stated that the wines would not be sold for less than £15.00 and that some of the products sold for £95.00. An alcohol list with the prices was given to the Sub-Committee. The objectors consented to this. Mr. Stewart stated that the prices would deter the problem drinkers that the objectors were concerned about. Alcohol would not be displayed for self-service; it would be kept behind the counter and behind locked gates. It was described as being similar to a tobacco display.

Mr. Stewart explained that the application had considered the CIZ and that the hours sought had been specifically in order to address that. They had tried to cover the issues that they thought would be engaged. The application was a straightforward one.

During questions from members it was ascertained that most products would be around 12% alcohol by volume. The display area was very small, amounting to perhaps 2% of the area of the shop. Mr. Stewart confirmed that the Applicant would accept a condition limiting the display of alcohol to a specified percentage of the area of the Premises, if the Sub-Committee was minded to do so.

The Legal Adviser asked if the Applicant would be willing to agree to a condition that restricted the alcohol permitted to be sold to those named on the list supplied. Mr. Stewart explained that this could cause difficulties if, for example, products became unavailable and could not be sourced. There was no intention to sell products that were readily available elsewhere, such as at supermarkets. He suggested that the Sub-Committee could mark on the plan the area at which alcohol could be displayed, given that it would be at the shelf behind the counter area. Later on, he confirmed that they were willing for there to be a personal licence holder on duty at all times and that condition 5 would be agreed.

Mr. Ali addressed the Sub-Committee and spoke to his representation. He was predominantly concerned about the impact on the CIZ. He accepted the Premises was within framework hours but that it had not met the possible exceptions. He considered that the licence, if granted, would adversely impact the licensing objectives and that there would particularly be problems with access and egress. He noted that the applicant had agreed to some of his conditions but not conditions 4 and 5, dealing with notices and the need for all persons selling alcohol to have written authorisation.

Mr. Lloyd addressed the Sub-Committee on behalf of SPIRE. The Premises were located in a hotspot for anti-social behaviour. There were hostels nearby for people with addiction issues. The CIZ was intended to prevent additional crime and disorder and public nuisance associated with alcohol and granting this licence would add to that. He suggested that the issue would be one of supply and demand and if demand was high, then more alcohol would be sold. He was concerned that residents would have no control over the types of alcohol that would be sold.

During questions, Mr. Lloyd acknowledged that there was only intended to be a limited alcohol offering. He remained of the view that it would cause additional problems and referred to other licences in the area having been removed.

The other objector did not attend but their representation was read and taken into account by the Sub-Committee.

This application engages the licensing objectives of the prevention of crime and disorder and the prevention of public nuisance. As it falls within a CIZ, the onus is on the Applicant to show that there will be no additional impact.

The Council's policy specifically provides examples of possible exceptions. Each case must be considered on its own merits even if it might be within an exception. The Sub-Committee considered this was a possible exception, being well within framework hours and only six days per week. Furthermore, it was clear that this was not a premises led by alcohol sales and that they would be ancillary to the main business of a grocery store. The Sub-Committee considered this to be an entirely different proposition to an off-licence, for example, where the emphasis would be on alcohol sales and a larger proportion of the shop floor given over to the display of alcohol.

The Sub-Committee accepted that the applicant had considered the CIA and that it was not required to specifically mention it. The proposed conditions, whilst requiring some refinement, provided a reasonable indication of the Applicant's intentions. Whilst the Sub-Committee noted the concerns of the objectors, they considered that they were not made out in this case. The alcohol on offer, given the prices, was not likely to encourage problem drinkers or give rise to the problems that cheap and plentiful alcohol does. It was not realistic to suggest that people would go to the Premises and purchase a bottle of sake for almost £100.00 and then drink that irresponsibly and in a way that impacted on the CIZ. Similarly, the cheapest beer would be sold for £6.00.

The Sub-Committee noted the presence of nearby hostels for people with alcohol and substance addiction problems. However, the Sub-Committee considered that those residents already had access to sources of cheap and readily available alcohol. By contrast, the alcohol on offer at the Premises and at the prices on offer, meant that such persons would not be at all likely to frequent the Premises in order to purchase alcohol.

The Sub-Committee was satisfied that limited hours and alcohol offering combined with the proposed and agreed conditions as well as additional conditions to be imposed by the Sub-Committee meant that the Applicant had rebutted the presumption against the grant of the licence. The Sub-Committee imposed two additional conditions (10 and 11 below). Condition 10 was imposed to ensure that the Premises is restricted to the particular type of alcohol suggested by Mr. Stewart. The Sub-Committee noted his concerns about the difficulty if restricted only to selling the products specified on the list provided to members. However, it is essential that there is some control over the type of alcohol sold. Condition 10 therefore allows the Premises the flexibility needed in the event of products changing or being unavailable from a supplier but without being able to change the type of products sold without first obtaining a variation of the condition.

With respect to condition 11, the Sub-Committee was keen to ensure that the alcohol offering remains small. As the Applicant was clear that the alcohol would be displayed in a discrete area behind the counter, the Sub-Committee considered it clearer to specify the area in which alcohol could be displayed rather than by reference to percentages of volume or area.

The application is therefore granted as follows:

Sale by retail of alcohol (off-sales only)

Monday to Saturday 08:00 hours to 21:00 hours

Hours at which the premises are open to the public

Monday to Saturday 08:00 hours to 21:00 hours

Conditions

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.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.

4. 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.

5.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.

6.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. Signs shall be prominently displayed both inside and outside the premises asking customers to respect local residents and be quiet when leaving the premises.

8. When the designated premises supervisor is not on the premises any or all persons authorised to sell alcohol will be authorised by the designated premises supervisor in writing. This shall be available on request by the Police or any authorised officer.

9.A personal licence holder shall be on the premises at all times that the premises are open and carrying on licensable activity.

10. Alcohol sales shall be limited to products of Oriental origin specified in the list annexed hereto or alternative products of a similar nature.

11. Alcohol may only be displayed for sale within the bounds of the area

marked "SH" located behind the counter on the plans annexed hereto appearing at square 4F.

4. EXTENSION OF DECISION DEADLINE: LICENSING ACT 2003

Nil items.

The meeting ended at 8.00 p.m.

Chair, Councillor Suluk Ahmed
Licensing Sub Committee