

LONDON BOROUGH OF TOWER HAMLETS

RECORD OF THE DECISIONS OF THE LICENSING SUB COMMITTEE

HELD AT 6.30 P.M. ON TUESDAY, 14 FEBRUARY 2017

THE COUNCIL CHAMBER, TOWN HALL, MULBERRY PLACE,

5 CLOVE CRESCENT, LONDON, E14 2BG

Members Present:

Councillor Rajib Ahmed (Chair)
Councillor Dave Chesterton (Member)
Councillor Peter Golds (Member)

Officers Present:

Tom Lewis (Team Leader - Licensing Services) —
Corinne Holland (Licensing Officer)
Gurwinder Kaur Olive (Senior Lawyer, Legal Services)
Antoinette Duhaney (Senior Democratic Services Officer)

1. DECLARATIONS OF DISCLOSABLE PECUNIARY INTEREST

No declarations were made.

2. RULES OF PROCEDURE

The rules of procedure were noted.

3. ITEMS FOR CONSIDERATION

3.1 Licensing Act 2003 Application for a New Premises Licence for Poplar Union, 2 Cotall Street, London, E14 6TL

The Licence was sought for the sale of alcohol and regulated entertainment.

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. Prevention of Public Nuisance
4. The Protection of Children from Harm

Consideration

Each application must be considered on its own merit. The Sub Committee has carefully considered all of the evidence before them, namely the written and verbal representations from the applicant and local residents and the written representations from Metropolitan Police, Environmental Health and Child Protection.

The Sub Committee noted that it was requested to grant a New Premises Licence for Poplar Union, 2 Cotall Street, London, E14 6TL. Members heard from the applicant's legal representative that a compromise had been reached with the Metropolitan Police, Environmental Health and Child Protection and as a result, they had now withdrawn their representations however it was noted that the Operating Schedule was predominately blank.

Members were advised by the applicant's legal representative that the new premises would promote the licensing objectives and would be a valuable community asset which would deter Anti-Social Behaviour. The Sub Committee also heard oral representations from residents highlighting concerns about the potential for Anti-Social Behaviour and nuisance while the premises were in use and the impact on Bartlett Park, especially due to the sale of alcohol seven days a week.

Although the Sub Committee accepted that the Metropolitan Police, Environmental Health and Child Protection had withdrawn their representations following an agreement in respect of opening times and additional conditions listed in the Operating Schedule, Members also accepted the genuine concerns of residents. The Sub Committee was not satisfied that the application was sufficiently clear in what activities would take place in which part of the premises, with the demarcation and separation of children and alcohol and that the conditions set out in the Operating Schedule were robust enough to ensure promotion of the licensing objectives. The applicant's representative was reminded that necessary conditions should emerge from a risk assessment by the applicant and reflected in the Operating Schedule and that it was not for the responsible authorities nor the Sub-Committee to put forward suggested conditions. In light of these comments, an application was made by the applicant to adjourn the hearing of the application.

RESOLVED – That the application for a New Premises License for Poplar Union, 2 Cotall Street, London, E14 6TL be **DEFERRED** until 11 April 2017 to allow the applicant to provide further clarification and/or propose further conditions in respect of

- Appropriate hours for the sale of alcohol
- Operation of Challenge 21 or Challenge 25 Policies
- The segregation of licensed and unlicensed activities
- Entrance and Egress from the premises

- Staffing levels
- Measures to ensure that no alcohol is taken outside the premises
- Supervision of young children when licensed activity is taking place
- Risk assessment arrangements

3.2 Licensing Act 2003 Application for a Variation to Premises Licence for Original Taste, 74 Bow Road, London, E3 4DL

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. Prevention of Public Nuisance
4. The Protection of Children from Harm

Consideration

Each application must be considered on its own merit. The Sub Committee has carefully considered all of the evidence before them and considered written and verbal representations from the applicant and written representations from local residents (no objectors attended to make oral representations).

The Sub Committee noted that it was requested to grant a variation to a Premises Licence for Original Taste, 74 Bow Road, E3 4DL. Members heard from the applicant's legal representative that a variation to opening hours was being sought to allow the premises to open until midnight on Friday and Saturday in order to provide late night refreshment. The Legal representative stated that the premises was not associated with Anti-Social Behaviour and the extended hours would still promote the Licensing Objectives. Furthermore adequate measures were already in place to ensure that the premises did not cause disturbance to residents.

Having considered all the written and oral representations, the Sub Committee noted that no representations had been made by any responsible authority and that no written or verbal evidence had been presented to suggest that there was any record of complaints to the Council regarding nuisance nor ***disturbance directly linked to*** the premises.

Members were satisfied that the conditions listed in the Operating Schedule attached to the application were adequate and proportionate subject to alterations in respect of the timing of deliveries, retention of CCTV footage, incident books and the provision/use of waste receptacles

RESOLVED – That the application for a Variation to the Premises License for Original Taste, 74 Bow Road, E3 4DL, be **GRANTED** subject to the conditions set out below.

CONDITIONS

1. CCTV System installed to monitor entrances, exits, and other parts of the premises in order to address the prevention of crime objective; CCTV system shall incorporate a recording facility and any recordings shall be retained and stored in a suitable and secure manner for a minimum period of 31 days with date and time stamping. The system will comply with other essential legislation and all signs as required will be clearly displayed. Someone must always be on the premises who is trained and can download the recordings upon request. Recordings shall be made available for inspection at the premises by Responsible Authorities.
2. A clear and legible notice outside the premises indicating the normal hours under the terms of the premises licence during which licensable activities are permitted;
3. Clear and conspicuous notices warning of potential criminal activity, such as theft, that may target customers will be displayed;
4. Custom will not be sought by means of personal solicitation outside or in the vicinity of the premises;
5. Prevention and vigilance in illegal drug use at the retail unit area;
6. An incident book and recording system shall be kept upon the premises in which shall be entered particulars of inspections made; those required to be made by statute, and information compiled to comply with any public safety condition attached to the premises licence that requires the recording of such information. The log book shall be kept available for inspection when required by persons authorised by the Licensing Act 2003 or associated legislation;
7. Noise reduction measures to address the public nuisance objective; in the form of signage and advice to patrons
8. Prominent, clear and legible notices will be displayed at the exit requesting the public to respect the needs of nearby residents and to leave the premises and the area quietly;
9. Deliveries of goods necessary for the operation of the business will be carried out between the hours of 11:00 hrs to 14:00 hrs only in such a manner as to prevent nuisance and disturbance to nearby residents;
10. The Licensee will ensure that staff who arrive early morning or depart late at night (ex. for unpacking, pricing newly delivered

goods) when the business has ceased trading conduct themselves in such a manner to avoid causing disturbance to nearby residents;

11. Customers will be asked not to stand around loudly talking in the street outside the premises;
12. The movement of bins and rubbish outside the premises will be kept to a minimum after 20:00hrs. This will help to reduce the levels of noise produced by the premises;
13. Any lighting on or outside the premises will be positioned and screened in such a way so as to not cause a disturbance to nearby residents;
14. Adequate waste receptacles for use by customers will be provided in the local vicinity (1 waste bin inside the premises and 1 waste bin outside the premises)
15. A full Training Record Book to be retained in the retail unit at all times.

3.3 Licensing Act 2003 Application for New Premises Licence for Sakana Sushi, Unit E, 43a Commercial Street, London, E1 6BD

RESOLVED – That the application for a New Premises License for Sakana Sushi, Unit E, 43A Commercial Street, E1 6BD, be **DEFERRED** until 11 April 2017 to allow the applicant to provide further information on measures to rebut the presumption that the application will impact on the Cumulative Impact Zone.

4. EXTENSION OF DECISION DEADLINE: LICENSING ACT 2003

RESOLVED – That due to the volume of applications to be considered by the Licensing Sub Committee. the decision deadline for Trade Union, Grand Union Company Ltd, Units 1,2 & 3 Thomas Moore Square, E1W 1YN, be extended from 03.03.17 to 14.03.17.

The meeting ended at 8.35 p.m.

Chair,
Licensing Sub Committee