

LONDON BOROUGH OF TOWER HAMLETS

RECORD OF THE DECISIONS OF THE LICENSING SUB COMMITTEE

HELD AT 6.30 P.M. ON TUESDAY, 9 MAY 2017

THE COUNCIL CHAMBER, TOWN HALL, MULBERRY PLACE,

5 CLOVE CRESCENT, LONDON, E14 2BG

Members Present:

Councillor Peter Golds (Chair)
Councillor Rajib Ahmed (Member)
Councillor Shah Alam (Member)

Officers Present:

Vivienne Walker	Senior Prosecution Lawyer
Kathy Driver	Principal Licensing Officer
Antoinette Duhaney	Farhana Zia

1. DECLARATIONS OF DISCLOSABLE PECUNIARY INTEREST

Councillor Rajib Ahmed declared an interest in item 4.3 stating the premises was in his ward.

2. RULES OF PROCEDURE

The Rules of Procedure were noted by the Sub-Committee.

3. MINUTES OF PREVIOUS MEETING(S)

The minutes of the meeting from the 26th November 2016 were agreed and approved as a correct record by the Sub-Committee.

4. ITEMS FOR CONSIDERATION

4.1 Hostem, 41 - 43 Redchurch Street, E2 7DJ

This application was deferred to 30th May 2017.

4.2 Gusta Coffee, 91 Fieldgate Street, E1 1JU

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; and
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 representation on behalf of the applicant and the objectors with particular regard to the licensing objections of prevention of public nuisance and the prevention of crime and disorder.

In addition Members took note of the Home Office guidance which states that “where there are objections to an application to extend the hours during which licensable activities are to be carried on and the licensing authority determines that this would undermine the licensing objectives, it may reject the application or grant it with appropriate conditions and/or different hours from those requested”.

Members heard from Mr Robert Jordan (applicant) who informed the Sub-Committee that the intention was to make ‘off sale’ sales only. There would be a training programme in place to raise awareness of staff in terms of following procedures and applying the Challenge 25 proof of age scheme. Mr Jordan referred to the concerns raised by the objectors and stated that Gusta Coffee was not related to Tayyabs restaurant and was no longer seeking to provide late night refreshment nor regulated entertainment as stated in the objection on page 120 of the agenda pack. Mr Jordan stated that no objections had been received from the responsible authorities and asked the Sub-Committee to approve his application.

Members questioned the types of alcohol that would be on sale. In particular they enquired about the strength of the beer to be sold (ABV) and the quantities (i.e. single cans or multipacks). They also questioned the timings for the sale of alcohol and felt that 7:00 a.m was too early for alcohol sales. The Sub Committee also had regard to the potential for noise disturbance during litter clearance and the potential for street drinking if disposable cups were sold.

Members decided to **GRANT** the application.

Decision

Having considered the written representations from the applicant and objectors and the and oral representations from the applicant, the Sub Committee was satisfied that the conditions offered by the applicant largely addressed the concerns raised by objectors and Members and would promote the Licensing Objectives. However, in order to allay concerns of Members and objectors regarding the potential for noise nuisance and anti-social behaviour, the Sub Committee amended the conditions offered by the

applicant to reduce alcohol sales hours and also agreed additional conditions in respect of litter collection times, the sale of disposable cups, the strength of beers (ABV) and restrictions on the sale of single cans.

Accordingly, the Sub-Committee unanimously

RESOLVED - That the application for a Sale of Alcohol license for Gusta Coffee, 91 Fieldgate Street, London E1 1JU be **GRANTED**.

Hours premises are open to the public

- Monday to Thursday 0700 – 2330 hours
- Friday to Saturday 0700 – 2400 hours (midnight)
- Sunday 0700 – 2230 hours

Sale of alcohol (off sales only)

- Monday to Saturday 1100 – 2300 hours
- Sunday 1200 – 2200 hours

Conditions

1. Staff training shall be recorded and updated every 6 months.
2. Training shall cover the requirements for ID as part of age verification, how to detect proxy sales, the consequences of underage sales (fines and punishment), drunks and street drinkers, licensing objectives and other relevant matters as regards the licensing act, and the responsibilities of staff.
3. The licence holder shall ensure that a refusals register is kept on the premises and that this shall be immediately available upon request of an authorised officer.
4. The register shall record any refused sale of alcohol. The refusal register shall be inspected on a regular basis by the DPS (or nominated person) and signed by the DPS (or nominated person) that they have checked the register.
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. Signage of the 'challenge 25' policy shall be prominently displayed on the premises.
6. Signage shall be prominently displayed warning customers of the legal penalties for purchasing alcohol for any person under the age of 18 years.
7. Signage shall be displayed in a prominent position on the premises requesting that customers leave quietly.

8. There will be a suitable colour digital CCTV system installed at the premises.
 - The system must be capable of providing 30 days recording.
 - The images recorded are to be retained for 30 days and made available to the Police or other enforcement agencies upon reasonable request.
 - Police or other agencies to ensure any request meets data protection law.
 - DVD/USB copies of relevant footage to be provided to the Police or other enforcement agencies at no cost.
 - Any failure to be rectified within a two weeks period.
9. No coffee or snack will be served after 22.00 hours on a Sunday.
10. No beers/ciders with ABV above 5.6 to be sold in single cans (minimum of 4 pack) to be sold
11. No disposable cups/glasses to be sold
12. Rubbish to be disposed of between the hours of 8am to 8pm Monday to Saturday and 9am to 8pm on Sunday

4.3 Kafe 1788 Ltd, 4 Vesey Path, E14 6BT

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; and
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 representation on behalf of the applicant and the objectors with particular regard to the licensing objections of prevention of public nuisance and the prevention of crime and disorder.

In addition Members took note of the Home Office guidance which states that "where there are objections to an application to extend the hours during which licensable activities are to be carried on and the licensing authority determines that this would undermine the licensing objectives, it may reject

the application or grant it with appropriate conditions and/or different hours from those requested”.

Members heard from Mr Richard Macien (applicant) who informed the Sub-Committee that the premises is a coffee shop which intended to sell alcohol which would be consumed with the coffee shop only and no alcohol would be drunk in the street.

Member of the Sub-Committee questioned Mr Macien about the location of the premises and noted it was in a residential area, with flats directly adjacent to his shop. Members noted the representations made by the Responsible Authorities and conditions pertaining to noise and the opening times applied for under the application. It was also noted that the applicant had agreed to the additional conditions proposed by the Metropolitan Police and Environmental Protection

Members decided to **GRANT** the application.

Decision

Having considered the written representations from the applicant and the objector and the oral representations from the applicant, the Sub Committee was satisfied that the conditions offered by the applicant largely allayed the concerns raised by the objector and Members and would promote the Licensing Objectives. However, in order to address concerns regarding the potential for noise nuisance and anti-social behaviour, the Sub Committee amended the conditions offered by the applicant in respect of the alcohol sale and regulated entertainment hours and keeping external doors and windows closed (except for access and egress), not serving alcohol in disposable cups and preventing the sale of disposable cups to ensure that the premises had no detrimental impact on residents.

Accordingly, the Sub-Committee unanimously

RESOLVED

That the application for a Sale by retail of alcohol and provision of regulated entertainment for Kafe 1788 Ltd, 4 Vesey Path, London E14 6BT be **GRANTED** as set out below

Hours the premises are open to the public

- Monday to Friday, from 07:30 hours to 23:00 hours
- Saturday, from 10:00 hours to 23:00 hours
- Sunday, from 10:00 hours to 23:00 hours

The Sale by retail of alcohol (on and off sales)

- Monday to Sunday, from 12.00 hours to 22:00 hours

The provision of regulated entertainment – Indoors (films and live music)

- Monday to Sunday, from 12.00 hours to 22:00 hours

Anything of a similar description to live music, recorded music and performance

- Monday to Sunday, from 07.30 hours to 20:00 hours

Conditions

1. No alcohol shall be consumed outside the premises.
2. There shall be a personal licence holder on duty on the premises at all times when the premises are authorised to sell alcohol.
3. The supply of alcohol at the premises shall be ancillary to food.
4. A first aider will be on site at all times
5. Notices shall be displayed at the entrance and exits to remind customers to leave the premises quietly.
6. A Challenge 21 or Challenge 25 proof of age scheme shall be operated at the premises
7. Poster with Age check reminder will be displayed around till area.
8. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
9. Loudspeakers shall not be located in the entrance lobby or outside the premises building.
10. All windows and external doors shall be kept closed at all times except for the immediate access and egress of persons.

11. A CCTV system to be put in place, the cameras are to be of sufficient quality so that people's faces are clearly identifiable from the footage. The cameras are to be placed in such a way as they cover areas of the pub specified by the Police. The system is to record the footage and to keep it for a minimum of 30 days and a copy off CCTV footage is to be made available to Police or the Local Authority upon request and supplied within 24 hours. While the premises are open to the public a member of staff must be on duty who can operate the CCTV system.
12. An incident record book is to be kept at the premises, this book will record all refusals of the sale of alcohol, all disorder and crimes that occur either in the premises or involve the premises customers, or any other incident of note. The incident book is to be signed off every day by the manager even if there is nothing to report."
13. No disposable cups/glasses to be sold.

The meeting ended at 8.02 p.m.

Chair, Councillor Peter Golds
Licensing Sub Committee