

**LONDON BOROUGH OF TOWER HAMLETS**

**RECORD OF THE DECISIONS OF THE LICENSING SUB COMMITTEE**

**HELD AT 6.30 P.M. ON TUESDAY, 10 JANUARY 2017**

**COUNCIL CHAMBER, 1ST FLOOR, TOWN HALL, 5 CLOVE CRESCENT,  
LONDON E14 2BG.**

**Members Present:**

Councillor Rajib Ahmed (Chair)  
Councillor Candida Ronald (Member)  
Councillor Shah Alam (Member)

**Officers Present:**

Kathy Driver	– Senior Licensing Officer
Victoria Fowler	– Legal Services
Charles Yankiah	– Democratic Services

**1. DECLARATIONS OF DISCLOSABLE PECUNIARY INTEREST**

No declarations of disclosable pecuniary interests were declared.

**2. RULES OF PROCEDURE**

The Rules of Procedure were noted by the Sub Committee.

**3. ITEMS FOR CONSIDERATION**

**3.1 Licensing Act 2003: Application for a Premises Licence for Vicolo Romano, 420 Roman Road, London, E3 5LX**

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 Ms Tuba Korkmaz (applicant’s representative) that the applicant had reconsidered his application given the concerns raised by the local residents and was willing to withdraw his application for the provision of a regulated entertainment licence and confirmed that any music played would be at background level only. Ms Korkmaz informed the Sub Committee that the premises were hoping to improve trade in the area and enhance the area with the business. It is only a small area and there are no concerns from the local residents who are happy with the business and with the premises. It is a 15 seater premises and is funded by the Roman Road Trust and is an area with existing businesses and the local residents have been happy with no recent complaints relating to the premises.

Members noted that there were complaints dated back to October 2016 relating to noise and smells emanating from the premises, but were of the view that the premises Manager had taken the necessary steps with the assistance of the Environmental Inspectors to address the issues raised. The applicant accepted that on the night of opening, the music may have been slightly louder than was appropriate but once a request was made for him to turn the music down he did so immediately and has ensured that this situation has not occurred again since.

On questioning from members the applicant confirmed that customers would only be able to purchase alcohol with a meal and would not allow customers to solely use the premises to purchase alcohol. The sale of alcohol was an extra option for customers who would like an alcoholic drink with their meal.

Members considered the impact of the hours on local residents and the issues raised previously regarding the noise and smells emanating from the premises. Members noted the actions taken by the Premises Manager to address the complaints with the assistance of the Environmental Inspectors.

Therefore considering all of the above, Members decided to grant the application for a Premises Licence with additional conditions.

Decision

Accordingly, the Sub Committee unanimously –

**RESOLVED**

That the application for a Premises Licence for Vicolo Romano at 420 Roman Road, London, E3 5LX be GRANTED with conditions.

1. **The sale by retail of alcohol (on sales only)**
  - Monday to Sunday from 11:00 hours to 22:30 hours
2. **The opening hours of the premises**
  - Monday to Sunday from 08:00 hours to 23:00 hours
3. The premises licence holder shall ensure that the 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 representatives of all the Responsible Authorities as follows: -
  - The Licensing Authority
  - The Metropolitan Police
  - The LFEPA (The London Fire and Emergency Planning Authority)
  - Planning
  - Health and Safety
  - Noise (Environmental Health)
  - Trading Standards
  - Child Protection
  - Public Health
4. No drinks of any sort to be consumed outside of the premises.
5. Music will be background music only, sufficient to have a conversation without raising your voice.
6. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
7. The Extractor fan must be maintained and kept in a working condition and be kept on during trading (cooking) hours.
8. A “Challenge 21” Scheme shall operate to ensure that any person attempting to purchase alcohol who appears to be under the age of 21 shall provide documented proof that he/she is over 18 years of age. Proof of age shall only comprise a passport, a photo card driving licence and

EU/EEA national ID card or similar document, or an industry approved proof of age identity card.

9. Signage informing patrons to leave the premises quietly must be displayed in appropriate areas of the premises.

### **3.2 Licensing Act 2003: Application for a New Premises Licence for Tasnim Superstore, 49 Old Ford Road, London, E2 9PJ**

#### 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 merits. 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 objectives 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 Omar Beg (applicant's representative) that the business is a small local shop on an "estate" selling convenience goods for the past 8 months and is a growing business. The applicant would like to expand their business to sell alcohol due to the economic climate as without expansion the applicant may have to close down the business. The applicant will comply with the appropriate requirements including CCTV and "Challenge 21" and will ensure that staff are trained appropriately and that the alcohol is locked and secure at all times. The applicant will also take a sensitive approach when selling alcohol and based upon previous complaints relating to previous premises owners, will take the necessary measures to ensure the Licensing Objectives are met.

When Members questioned how they intend to deal with situations which were experienced historically with young people in groups hanging around the shop, an example was given by Mr Beg where a large group of younger individuals came into the shop. The shop owner asked the group to come into the shop in sections. When they refused she advised them that the shop had working CCTV and should they cause any trouble they would be reported to the police. The shop owner then asked the group to leave. The owner believes that a firm approach from the outset will go some way to prevent the historical problems of ASB re-occurring.

Mr Beg also made the point that the conditions set out within the operating schedule would hopefully alleviate some of the concerns of the residents. However, the applicant was mindful that they did not want to limit their customers to only be able to purchase 3 bottles/cans or more at one time which is the condition which is why they have suggested the condition of only alcohol with an ABV of 5.6% should be sold in multiple of three or more.

Members took into account the representation made by a local resident and the two petitions signed by local residents. Members also considered the impact of the sale of alcohol in the area and noted that there had been no recent trouble with local youths hanging around the premises. Members were also aware that the applicant should not be prejudiced by the actions of previous licence holders, however, it is the view of the members that should the new licence holder start to experience problems surrounding ASB they should work with the police to try and overcome these issues before they start to become a bigger issue for the local community.

Therefore considering all of the above, Members decided to grant the application for a new Premises Licence with additional conditions.

#### Decision

Accordingly, the Sub Committee unanimously –

#### **RESOLVED**

That the application for a New Premises Licence for Tasnim Superstore at 49 Old Ford Road, London, E2 9PJ be GRANTED with conditions.

#### **Opening Hours**

- Monday to Thursday, from 09:00 hours to 22:00 hours
- Friday and Saturday, from 09:00 hours to 23:00 hours
- Sunday, from 09:00 hours to 22:00 hours

#### **Sale of Alcohol**

- Monday to Thursday, from 09:00 hours to 22:00 hours
- Friday and Saturday, from 09:00 hours to 23:00 hours
- Sunday, from 09:00 hours to 22:00 hours

**Additional Conditions –**

- No beer or cider will be sold on premises that exceeds a strength of 5.6% ABV (alcohol by volume) or above unless it is sold collectively as 3 bottles/cans or more.
- An incident log book shall be kept on the premises detailing all refused sales of alcohol. The log should include the date and time of the refused sale, the reason for refusal and the name of the member of staff who refused the sale. This log shall be available for inspection at the premises by the police or an authorised officer of the licensing authority at all times whilst the premises are open.
- All sales of alcohol shall be in sealed containers only and no alcoholic drinks shall be opened on the premises.
- The CCTV system shall incorporate a recording facility and any recordings shall be retained and stored in a suitable and secure manner for a minimum of 31 days: -
  - A system shall be in place to maintain the quality of the recorded image and a complete audit trail maintained.
  - The system will comply with other essential legislation and all signs as required will be clearly displayed.
  - The system will be maintained and fully operational throughout the hours that the premises are open for a licensable activity.
  - There will also be someone on the premises, who can download the images and present them on request to a Police Officer or other Responsible Authority.
  - There will be two cameras fitted outside the entrance and four inside with one internally facing the entrance logging who is coming in and leaving the premises.
- Alcohol is kept inside the premises out of reach of children. The area specified for child friendly products is kept away from the alcohol so as to divert the attention of children away from it.
- A “Challenge 21” Scheme shall operate to ensure that any person attempting to purchase alcohol who appears to be under the age of 21 shall provide documented proof that he/she is over 18 years of age. Proof of age shall only comprise a passport, a photo card driving licence and EU/EEA national ID card or similar document, or an industry approved proof of age identity card.
- No plastic cups to be sold at the premises.

### 3.3 Efes Express, 79 Brick Lane, E1 6Q

#### 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 merits. 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 objectives 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".

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The parties involved in the application requested a 5 minute adjournment to discuss the objections and to provide a way forward.

The meeting adjourned at 7.55pm and resumed at 8.04pm

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Members were then informed by the Licensing Officer, Kathy Driver that the parties had reached an agreement and that the Responsible Authorities and the Local Residents had withdrawn their objections, although there was one point which the Licensing Authority would like clarified by the applicant regarding the proposed draft condition surrounding CCTV requests. The officer from the Licensing Authority, Mr Ali, asked the applicants' representative why the line "subject to data protection legislation" within the draft condition relating to CCTV was necessary.

Both the local residents and the Responsible Authorities confirmed this.

Members then heard from Mr Dadds (applicant's representative) that the applicant had substantial experience of owning and managing businesses and is well known by the local residents. He confirmed that the applicant was happy to review its application and amend it accordingly to satisfy the objectors. He informed the Sub Committee that the application was for food and not alcohol and that the premises had been refurbished to a very high standard.

Mr Dadds also submitted that the Cumulative Impact Zone was a policy that had not been reviewed since its introduction and that there had also been a reduction in ASB and crime since the policy was introduced. He also stated that when the policy was adopted the premises was already licensed so to approve this application would be not adding to the number of licensed premises in the area and as such the premises would not be contributing to the crime and disorder in the area neither would it be undermining the Licensing Objectives as it is operating a "takeaway" and would only be selling food. He further stated that the premises is an asset and would improve the environment.

Mr Dadds stated that in order to rebut the presumption within the CIZ policy the applicant would be required to provide evidence that granting the licence would not have a negative impact in the locality. Mr Dadds referred the Committee to 2.1 of the Home Officer Guidance which says that the Licensing Authority should look to the police as the main source of advice on crime and disorder. In this application the police has agreed conditions with the applicant and have now withdrawn their objections. In addition to this the applicant have relevant experience and coupled with the agreed conditions this would be sufficient evidence to rebut the presumption created by the CIZ policy.

Members also asked Mr Dadds to address the issue raised by Mr Ali regarding the draft condition relating to CCTV, Mr Dadds responded by stating that it was appropriate wording which had been confirmed by the Information Commissioner Officer and that it may also assist ill-trained officers when requesting CCTV. Mr Dadds also stated that the legislation would still need to be complied with even if the requirement was not specified in the condition itself.

Members took into account the representation made by a local resident, but noted that all objectors had withdrawn their objections following agreement on opening times and conditions attached to the licence. Members also considered the amended application in light of the premises operating within the Cumulative Impact Zone and had concerns that an additional takeaway would allow people to remain in the area for longer and may not assist the crowd dispersal, however, Members were mindful of the conditions which had been agreed, specifically that of the SIA door staff.

Therefore considering all of the above, Members decided to grant the application for a new Premises Licence with additional conditions.



Decision

Accordingly, the Sub Committee unanimously –

**RESOLVED**

That the application for a Premises Licence for Efes Express at 79 Brick Lane, London, E1 6QL be GRANTED WITH VARIATION.

**Opening Hours**

- Sunday to Thursday, from 08:00 hours to midnight
- Friday and Saturday, from 08:00 hours to 01:00 hours (the following night)

**Provision of Late Night Refreshments**

- Sunday to Thursday, from 23:00 hours to midnight
- Friday and Saturday, from 23:00 hours to 01:00 hours (the following day)

**Seated**

- Sunday to Thursday up to midnight
- Friday and Saturday up to 00:30

**All conditions identified in the Operating Schedule shall be retained bar the following which were amended, as agreed by all objectors:**

**Condition 4** – The premises shall install and maintain a comprehensive CCTV system. All entry and exit points will be covered enabling frontal identification with a “head and shoulder” image 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. Recordings shall be made available upon request of Police or authorised officer throughout the preceding 31-day period.

**Condition 6** – A minimum of one SIA registered door supervisor shall be on duty from 22:00 hours on Friday and Saturday until the closure of the premises to the public.

**Toilets** – Will be available at any time to all seated persons. All other persons until 22:30 hours.

The meeting ended at 8.50 p.m.

Chair, Councillor Rajib Ahmed  
Licensing Sub Committee