

LONDON BOROUGH OF TOWER HAMLETS

RECORD OF THE DECISIONS OF THE LICENSING SUB COMMITTEE

HELD AT 2.00 P.M. ON TUESDAY, 24 APRIL 2018

**C1, TOWN HALL, MULBERRY PLACE, 5 CLOVE CRESCENT, LONDON, E14
2BG**

Members Present:

Councillor Rajib Ahmed (Chair)

Councillor Peter Golds (Member)

Councillor Dave Chesterton (Member)

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 Application for a New Premises Licence for Yumcha 137 Brick Lane,
London E1 6SB**

This item was deferred to a future meeting date.

**3.2 Application for a New Premises Licence for Faizah Mini Market, 2 Old
Montague Street, London E1 5NG**

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 from both the applicant and his representative and the objectors with particular regard to all four licensing objectives of the prevention of public nuisance, the prevention of crime and disorder and the protection of children from harm and public safety.

The Sub-Committee noted that the premises in question are situated in the cumulative impact zone and when a representation is received, the licence will be refused. However the effect of this special cumulative impact policy is to create a rebuttable presumption.

The Sub-Committee noted that the applicant can rebut the presumption if they can demonstrate that their application for a premises licence would not undermine any of the four licensing objectives.

The Sub-Committee considered that the onus lay upon the applicant to show this through the operating schedule, with appropriate supporting evidence that the operation of the premises, if licensed, would not add to the cumulative impact already being experienced.

The Sub-Committee noted that the cumulative impact of the number, type and the density of licensed premises in the area may lead to serious problems of nuisance and disorder; and that the cumulative impact zone did not act as an absolute prohibition on granting or varying new licences within that zone.

The Sub-Committee noted the written representations made by objectors and also heard oral representations from the Metropolitan Police and resident objectors regarding the impact of the premises on the Cumulative Impact Zone (CIZ). The Sub-Committee noted objectors' concerns relating to the existing levels of public nuisance and anti-social behaviour in the area; and noted the premise's close proximity to two local hostels for vulnerable persons with alcohol issues.

The Sub Committee noted the applicant's representation that the hours originally applied for had been reduced upon consultation with Environmental Health and the premises licence if granted, would be mitigated by any conditions that would be agreed. However, the Sub Committee was concerned that this in itself did not address how the grant of a premises licence within the CIZ would not add to the cumulative impact of the number, type and density of licensed premises already in the area with regard to prevention of public nuisance and prevention of crime and disorder. The Sub-Committee therefore considered that it had not heard evidence that rebutted the presumption against granting any further premises licence within the CIZ. The Sub-Committee was not satisfied that the operating schedule as presented at the Sub-Committee meeting met the requirement to uphold the licensing objectives in the CIZ.

Members also expressed grave concerns about the absence of any consultation with responsible authorities especially the Police and local residents, which also did not satisfy the Sub-Committee that the applicant understood what was needed to seek to rebut the presumption against granting any further premises licence within the CIZ.

The Sub Committee was therefore not satisfied with the application and were of the view that the applicant had failed to successfully demonstrate that they had rebutted the presumption against granting a premises licence for a premises situated in a cumulative impact zone, in that it was considered the applicant failed to demonstrate that their application for a premises licence would not undermine any of the four licensing objectives.

Accordingly, the Sub Committee unanimously

RESOLVED

That the application for a New Premises Licence for Faizah Mini Market, 2 Old Montague Street, London E1 5NG be **REFUSED**

4. EXTENSION OF DECISION DEADLINE: LICENSING ACT 2003

There were no applications that required deadline extensions.

The meeting ended at 3.15 p.m.

Chair, Rajib Ahmed
Licensing Sub Committee