

LONDON BOROUGH OF TOWER HAMLETS

RECORD OF THE DECISIONS OF THE LICENSING SUB COMMITTEE

HELD AT 6.30 P.M. ON THURSDAY, 27 APRIL 2017

**MP 701, TOWN HALL, MULBERRY PLACE, 5 CLOVE CRESCENT, LONDON,
E14 2BG**

Members Present:

Councillor Rajib Ahmed (Chair)

Councillor Amina Ali (Member)

Councillor Sirajul Islam (Member)

1. DECLARATIONS OF DISCLOSABLE PECUNIARY INTEREST

No declarations of disclosable pecuniary interests were made.

2. RULES OF PROCEDURE

The rules of procedure published at agenda item two were noted.

3. MINUTES OF THE PREVIOUS MEETING(S)

The minutes of the Licensing Sub Committee meetings held on 30 August 2016, 22 November 2016, 6 December 2016 and 20 December 2016 were approved as a correct record of proceedings.

VARY ORDER OF BUSINESS

The Chair agreed that the order of business be varied. Accordingly, Members noted the information relating to agenda item 5 after which the business of the meeting was resumed in the order printed in the agenda papers.

4. ITEMS FOR CONSIDERATION

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

DECISION

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.

Consideration

Each application must be considered on its own merits and the Chair stated that the Sub-Committee had carefully considered the written and verbal representations made by the applicant and his representative and the written representations of residents who objected to the application. The Sub-Committee noted that:

- The premises had been previously licensed for late night refreshment only.
- The premises were located in a cumulative impact zone and therefore there was a presumption that the grant of a licence would cause public nuisance unless evidence presented by the applicant rebutted this presumption.
- The previous premises licence had lapsed and therefore the owner of the business was not eligible to apply for a variation to the licence under the terms of the Act.
- There were some inconsistencies in the application relating to licensable activities applied for and the notices published. Since the application for late night refreshment was not advertised in the notices relating to the application and hence the public had not had opportunity to respond/consider this element, the subcommittee would be unable to determine this element relating to the provision of late night refreshment.
- No interested parties (objectors) had attended in person to offer their arguments against the application

Members heard from Councillor Oliur Rahman on behalf of the applicant:

- The premises' primary offer was sushi food
- The proposed applicant had been running business of a similar nature for 27 years. He managed a premises in Italy for 15 years
- The premises had previously been licensed (to sell late night refreshment) during which time the applicant had demonstrated good character, abiding by the terms of his licence and participating in Council schemes in the area to mitigate public nuisance caused by licensed premises
- The applicant had reduced the hours applied for
- The applicant was willing to accept conditions recommended by responsible authorities and the Sub Committee to mitigate any effects that might arise from the activities of the premises
- The applicant will continue to work with the police and local community to ensure that the licensing objectives are upheld
- The main business would be the sale of sushi food. The sale of alcohol would be an optional extra for the customers
- The reason an alcohol licence is being applied for is because the owner of the business would like to have more control on what alcohol is consumed on the premises. When he previously had a licence for late night refreshment only if customers brought their own alcohol he had no way of controlling how much they consumed.

Members considered the written representations of the interested parties which concerned public nuisance (antisocial behaviours and noise disturbance) that might arise from the activities of the premises.

Members were sympathetic to the concerns of residents and considered them in the context of the applicant's agreement to reduce the operating hours and conditions recommended by Responsible Authorities (Police and Environmental Health) and the Sub Committee. The Sub Committee was satisfied that these measures were sufficient to rebut the Cumulative Impact Zone presumption and considered it would be inappropriate to refuse to grant a licence.

Members only concern was that applicant had some gaps in his knowledge in respect of alcohol volumes of the drinks he was proposing to sell. Members were therefore of the view that

RESOLVED

That the application for a New Premises Licence for Sakana Sushi, 43a Commercial Street, London E1 6BD **be granted** with conditions for

Sale by retail of alcohol (on sales only)

Sunday to Thursday from 11:30 hours to 22:30 hours

Friday and Saturday from 11:30 hours to 23:00 hours

The opening hours of the premises

Sunday to Thursday from 11:30 hours to 23:00 hours

Friday and Saturday 11:30 hours to 23:30 hours

Conditions

1. The supply of alcohol at the premises shall only be to a person seated taking a meal there and for consumption by such a person as ancillary to their meal
2. CCTV – The CCTV system shall incorporate a recording facility and any recording 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 is open for any licensable activity. There must be someone on the premises who can download the images and present them on

request by Police Officer or other Responsible Authority. Cameras will be appropriately sited throughout and at the entrance to the premises.

3. An incident book shall be kept at the premises, and made available to the Police or authorised Council Officers which will record:
 - a. crimes reported,
 - b. lost property,
 - c. all ejections of customers,
 - d. any complaints received,
 - e. any incidents of disorder,
 - f. any seizure of drugs or offensive weapons,
 - g. any faults in the CCTV,
 - h. any refusal in the sale of alcohol,
 - i. any visit by a Responsible Authority or Emergency Service,
4. Notices will be prominently displayed at entry and exit doors and point of sales advising customers:
 - a. to respect the needs of local residents and leave the area quietly
 - b. to respect the needs of local residents when smoking outside and use the area quietly
5. 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 21 years of age. Proof of age shall only comprise a passport, a photo card driving licence, an EU/EEA national ID card or similar document, or an industry approved proof of age photo identity card with an official hologram.
6. All staff will be trained on induction and be given refresher training to appropriately undertake the sale of alcohol and their role in the operation of Challenge 21 Scheme. Training will include identifying persons under 21 making a challenge, acceptable proof of age and checking it, making and documenting refusals, avoiding conflict and responsible alcohol retailing;
7. Records of staff training are to be kept and provided to the Police or Responsible Authorities upon request.

4.2 Licensing Act 2003: Application for a New Premises Licence for Shell, 139-149 Whitechapel Road, E1 1DT

DECISION

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.

Consideration

Each application must be considered on its own merits and the Chair stated that the Sub-Committee had carefully considered the written and verbal representations made by the legal representative on behalf of the applicant and those of the two responsible authorities (Metropolitan Police and Environmental Protection) and a resident on behalf of SPIRE who had objected to the application. The Sub-Committee noted that:

- The representations from Environmental Protection and Metropolitan Police concerned issues of crime and disorder and representations from all objectors concerned public nuisance that could arise from the licensable activities the applicant intended to provide.
- The applicant had offered conditions in the application and at the meeting offered reduced the hours during which off sales of alcohol would take place.
- The revised application fell within the Council's licensing policy.

Members heard from the legal representative on behalf of the applicant that:

- Shell Oil Products Ltd was a reputable national organisation which had successfully implemented the type of arrangement applied for in other parts of the country without incurring reviews of premises licenses or enforcement action.
- Shell operated a comprehensive company-wide training scheme for its forecourt staff.
- Shell was willing to reduce the hours for sale of alcohol applied for
 - from 24hours Sunday – Saturday
 - to Sunday - Saturday 06.00 – 23.00hrs for off sales of alcohol and Sunday – Saturday 23.00 – 06.00hrs for sales of late night refreshment (hot drinks only via serving hatch).
 - It was noted a licence is only required up to 5am for late night refreshment
- the premise was not located in the Cumulative Impact Zone and therefore the application should be considered on an 'aim to permit' basis in accordance with legislation.
- The premise was a petrol station already offering 24 hour refuelling and sale of groceries, the addition of alcohol sales and late night refreshment was to cater for shift workers and offering convenience to those who wished to buy alcohol for consumption elsewhere, at home or social events.
- Although Police and Environmental Protection had objected on the grounds that there would be an increase in crime and disorder and public nuisance because a number of hostels were located in the vicinity which accommodated vulnerable people, the conditions offered together with the Company's own due diligence would mitigate potential antisocial behaviour issues on the premises.
- The sale of alcohol was not intended to attract additional custom (a number of other licensed premises already operated in the vicinity) but to offer customers greater convenience.
- Only quality and speciality beers would be stocked.
- The primary offer of the premise would remain fuel and groceries

Members then considered:

- the written representation on behalf of SPIRE which concerned antisocial behaviour problems caused by late night drinking
- and the written and verbal representations made by the Metropolitan Police and Environmental Protection who put forward the following arguments against the application:
 - Risks of antisocial behaviour and crime and disorder which could arise since the premises were located close to some hostels which were known to accommodate vulnerable persons with alcohol and drug issues.
 - While the responsible authorities supported the applicant's offer of reduced hours for alcohol sales, it would not eliminate the risks of antisocial behaviour and crime and disorder which could arise.
 - The vicinity already was known to have antisocial behaviour and crime and disorder issues.
 - The condition that provision of CCTV data by a manager within 24 hours of a request was unacceptable.
 - The late night activity at the premises would generate disturbance and nuisance in a highly populated area.
 - Early sales of alcohol would increase the potential for disorder and nuisance.
- The Police request that there should be SIA trained staff from 8pm until closing time.

Members were sympathetic to the concerns expressed and considered them in the context of the conditions and reduced hours for alcohols sales offered by the applicant. They accepted the conditions offered by the applicant and the reduced hours for alcohol sales offered also.. However Members felt that residents in the vicinity should be able to contact a responsible party in the Company to lodge complaints should they need to do so and therefore they asked that an additional condition be added to this effect.

The Sub Committee was satisfied that these measures combined would address the objections raised around the licensing objectives of prevention of crime and disorder and prevention of public nuisance.

RESOLVED

That the application for a New Premises Licence for Shell, 139-149 Whitechapel Road, London, E1 1DT **be granted** with conditions for

Sale by retail of alcohol (off sales only)

Sunday to Saturday 06:00 to 23:00 hours

Provision of Late Night Refreshment (hot drinks only)

Sunday to Saturday 23:00 to 05:00 hours

Conditions

1. A suitable and sufficient CCTV system with recording facilities to be in place at site and will operate at all times the premise is open for licensable activities. Images can be made available upon reasonable request by the Police or other relevant officers of a responsible authority.
2. Access to the equipment and recordings will be provided to the Police within 24 hours of a request being made, contact details of the Retailer will be kept on site and made available to the Police for the purpose of obtaining access to the equipment and recordings.
3. Staff will be trained with regard to their responsibilities in the retail sale of alcohol and regular refresher training will also be undertaken. Training records can be made available for inspection upon reasonable request by the Police or other relevant officers of a responsible authority.
4. A refusals log will be operated and maintained and will be produced to a relevant officer of the Police or other relevant officers of a responsible authority upon request.
5. An incident log will be operated and maintained and will be produced to a relevant officer of the Police or other relevant officers of a responsible authority upon request.
6. A Challenge 25 policy will be operated at the premise, acceptable forms of identification are a passport, photocard driving licence and PASS accredited identification card.
7. Spirits, with the exception of spirit mixers and pre-mixed spirit drinks, will be located under the counter.
8. Contact details of the Retailer will be kept on site and made available to any member of the public for the purpose of making a complaint where the complainant feels that the protection of the licensing objectives is at risk/has been breached.

4.3 LICENSING ACT 2003: TEMPORARY EVENT NOTICE FOR 183 BOW ROAD, E3 2SJ - APPLICATION WITHDRAWN

DECISION

Members noted that this temporary event notice had been withdrawn prior to the meeting.

5. EXTENSION OF DECISION DEADLINE: LICENSING ACT 2003

DECISION

The Sub Committee agreed that the following decision deadlines relating to licence applications under the Licensing Act 2003 be extended as follows

Hostem, 41-43 Redchurch Street E2 7DJ be extended to 9 May 2017

Gusta Coffee, 91 Felgate Street, E1 1JU be extended to 9 May 2017

Shawarma, 84 Brick Lane E1 6RL be extended to 24 May 2017

Rochelle Canteen, Rochelle School, E2 7ES be extended to 24 May 2017

The meeting ended at 9.38 p.m.

Councillor Rajib Ahmed, Chair,
Licensing Sub Committee