

LONDON BOROUGH OF TOWER HAMLETS

RECORD OF THE DECISIONS OF THE LICENSING SUB COMMITTEE

HELD AT 6.45 P.M. ON TUESDAY, 24 OCTOBER 2017

**THE COUNCIL CHAMBER, TOWN HALL, MULBERRY PLACE, 5 CLOVE
CRESCENT, LONDON, E14 2BG**

Members Present:

Councillor Rajib Ahmed (Chair)

Councillor Suluk Ahmed (Member)

Councillor Rachael Saunders (Member)

Officers Present:

Mohshin Ali

Senior Licensing Officer

PC Mark Perry

Metropolitan Police

Catrina Marshall

Licensing Officer

PC Thomas Ratican

Metropolitan Police

1. DECLARATIONS OF DISCLOSABLE PECUNIARY INTEREST

No member declared any discloseable pecuniary interests.

2. RULES OF PROCEDURE

The rules of procedure were noted.

3. MINUTES OF THE PREVIOUS MEETING(S)

The minutes of the meeting from the 23rd August 2017 were agreed and approved as a correct record.

4. ITEMS FOR CONSIDERATION

4.1 Variation of premises licence application - Agah, 43 Commercial Street, London E1 6BD

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 representations from the applicant and objectors with particular regard to the licensing objectives of prevention of public nuisance, the prevention of crime and disorder, and public safety.

Mohshin Ali, Licensing Officer introduced the report and referred Members to the various appendices within the report. He reminded Members of the licensing objectives and offered to answer any questions the Members may have in relation to this application.

Members heard from Mr Stewart Gibson (Licensing Agent for the applicant) who firstly offered the Applicant's apologies for non-attendance before proceeding to explain why the Applicant had sought a variation of the licence.

Mr Gibson stated the application to vary could be seen in three parts: 1) to allow for the consumption of food and alcohol outside the premises; 2) to extend the hours in which the licensed premise operates and 3) a licence for late night refreshment.

Mr Gibson said the request for 'off sales' was with respect to the outside seating area and the applicant had applied for a table and chair licence which would cease at 10:00 p.m. Therefore his client accepted the condition stated in the Licensing Authority's letter of 4th September, that the sale of alcohol should be 'on sales only and ancillary to a sit down meal' would apply to the outside seating area too.

With respect to the opening hours of the premises the applicant was seeking to extend the hours to 02:30 a.m. hours the following day, seven days a week. Mr Gibson explained the reason for requesting this extension was to allow the business to cater for private functions on the lower ground floor, with entertainment being provided until 01:00 a.m. the following day. Mr Gibson stated his client had offered up a condition that there would be 'no entry for patrons after midnight' so external people who had not had a meal at the restaurant would not be allowed entry.

With respect to the late night refreshments, this would allow for hot food to be served to patrons and any alcohol would be ancillary to food until 02:00 a.m. the following day. The applicant also sought to provide late night entertainment throughout the week until 01:00 a.m. the following day. In giving consideration to the licensing objective 'Prevention of public nuisance'

Mr Gibson argued that because the private functions would be on the lower ground floor noise pollution would be limited and entertainment would be secondary to patrons enjoying a meal. On occasions the restaurant wanted to provide live entertainment for private pre-booked functions, with traditional Turkish music and dance. Mr Gibson stated his client was happy to work with the Environmental Protection team to ensure 'noise limiters' were installed and entry would not be permitted after 12:00 midnight to the lower floor. In addition he stated that as the outside area would be cleared by 10:00 p.m. all doors and windows would be closed at this time, thus limiting noise from any entertainment provided.

Mr Gibson made reference to the objections raised by the responsible authorities that the current licence was granted 3 months ago at the end of May 2017 and therefore a variation ought not to be granted. He referred Members to Page 94 of the agenda and said it was now 5 months since the restaurant was operating and there had been no complaints at all. It was a well-run premises that had demonstrated it can operate safely. It was mere conjecture on part of the responsible authorities that if the premises are allowed to open later i.e. until 02:30 a.m. this would compromise the licensing objectives. Mr Gibson stated that presently there was two door staff on duty Friday and Saturday however if the licence was granted it would mean there would be two SIA door staff seven days a week, thus preventing crime and disorder, as the streets would be safer.

Mr Gibson continued that the restaurant's dispersal policy would require patrons to book taxis from their tables and those walking would be ushered to move along quickly and quietly from the restaurant. Mr Gibson stated the premises are covered by 4 CCTV cameras to which the responsible authorities could have access at any time. He also pointed out that no objections had been raised by local residents and therefore the application to vary the licence should be granted.

To counter the Applicant's submission, PC Mark Perry for the Metropolitan Police stated the late opening of the restaurant would add to crime and disorder in the area, as the premises are in the Cumulative Impact Zone (CIZ). PC Perry referred Members to Pages 77 – 80 of the agenda and stated that all but one licenced premises finished by 12:00 midnight and therefore it would set a wrong precedent for this restaurant to operate beyond its existing licence of 23:30 hours Monday to Thursday and Sunday and 01:00 a.m. Fridays and Saturdays.

PC Perry stated if the restaurant was to open until 02:30 a.m. Mondays to Sundays this would mean customers would have another 2½ hours to consume alcohol. In addition the Applicant has stated on page 60 of the agenda that entertainment would be provided by DJ's for private events. There is demand for venue spaces to be rented and as such there is concern the basement area would be hired out to DJ's for dance parties rather than meals and light entertainment. This would cause anti-social behaviour and is a cause for concern. Furthermore the condition offered -i.e. no entry after midnight appears to be more of a condition a club would offer than a restaurant. PC Perry stated the Applicants effort to prevent noise, when

patrons were leaving was noteworthy however disturbance in the early hours of the morning was inevitable for residents who lived in the area. PC Perry stated the application to vary the licence should be rejected on the basis that it had only been 3 months since the licence was granted and as such time was required for it to operate, up to a year, before any variation should be considered.

Catrina Marshall, Licensing Officer referred Members to pages 93-95 of the agenda and stated the Licensing Authority considered 3 months since the granting of the current licence to be an insufficient period to judge the impact of the restaurant on the area and residents. She stated the premise was in the CIZ and consideration had to be given to the licencing objectives. She reiterated the condition that “off sales are permitted only to customers seated in the outside seating area partaking in a substantial table meal” and had no objection to condition 6 being changed “from Challenge 21 to Challenge 25 plus bringing the regulated entertainment permitted hours in line with the hours granted for other licensable activities.”

Mr Christopher Lloyd representing Mr Jon Shapiro stated the granting of the variation would be in breach of the CIZ, and would merely encourage other local restaurants to apply for extended hours, which would clearly impact on the CIZ. In addition he stated whilst he understood the commercial pressures to open late there would hardly be demand for meals until 2:30 a.m. It was absurd an extension should be granted so soon after their previous licence application.

Mr Mohshin Ali, Licensing Officer also reminded Members to note the written objections of the Environmental Protection Noise team – Page 90.

Members of the Sub-Committee asked the following questions:

- Can you describe the nature of events the Restaurant will hold and why the applicant has decided to seek a variation so soon after the original licence was granted?

Mr Gibson responded that the intention was to make the lower ground floor useable and for it to be operational in the run up for Christmas, because the restaurant could potentially benefit from private party hires.

- What is the capacity of the restaurant?
It can hold 60 people in the lower ground floor and 90 in the restaurant.
- How will the Applicant deal with additional people who might attend the restaurant?

Mr Gibson said it will be for private hire and functions and therefore no one after 12:00 midnight would be allowed in. Alcohol will be ancillary to patrons taking a substantial meal.

- Has there been any crime or disorder reported in relation to the premises?

PC Perry stated no incidence had been reported however if the business was intending to expand it would be better for it to apply for Temporary Event Notices (TENS) to gauge the interest before expanding. Further the Applicant has made clear in this application the

use of DJ's and this suggests it would be operating as a mini club rather than a restaurant.

Both the Applicant's representative and the Objectors summarised their points before the Members adjourned to make their decision.

Decision

Accordingly, the Sub-Committee unanimously

RESOLVED

That the application for a Variation of a Premise Licence for Agah Turkish Restaurant, 43 Commercial Street, London E1 6BD be **REFUSED** subject to the following reasons:

There should be no variation to the existing licensable opening hours, as the business needed to demonstrate it could operate sufficiently under the existing licence.

No 'off sales of alcohol would be permitted unless customers seated in the outside seating area are partaking in a substantial table meal', with a maximum of 25 people allowed in the seating area until 22:00 hours.

That the conditions as outlined in the Operating Schedule – at pages 33 -35 points 6.0 to 6.15 shall apply as drawn.

That condition 6.6. is agreed that Challenge 21 should be replaced with Challenge 25.

The sale by retail of alcohol (on sales only)

- Monday to Thursday from 12:00hrs (midday) to 23:00hrs
- Friday and Saturday from 12:00hrs (midday) to 00:30hrs the following day
- Sunday from 12:00hrs (midday) to 23:00hrs

The Provision of Late Night Refreshment - indoors

- (Monday to Thursday – None)
- Friday and Saturday from 23:00hrs to 00:30hrs the following day
- (Sunday – None)

The Provision of Regulated Entertainment - Indoors

(in the form of Recorded Music)

- Monday to Thursday from 12:00hrs (midday) to 23:00hrs
- Friday and Saturday from 12:00hrs (midday) to 23:30hrs
- Sunday from 12:00hrs (midday) to 22:00hrs

(Anything of a Similar Description to Live Music, Record Music or Performances of Dance)

- Friday to Sunday from 12:00hrs (midday) to 22:00hrs

The opening hours of the premises

- Monday to Thursday from 07:00hrs to 23:30hrs
- Friday and Saturday from 07:00hrs to 01:00hrs the following day
- Sunday from 07:00hrs to 23:30hrs

Operating Schedule Conditions

- 6.1 All current conditions to remain on the licence except condition 2, and the alteration to condition 6.
- 6.2 The supply of alcohol at the premises shall only be to a person seated taking a table meal there and for consumption by such a person as ancillary to their meal
- 6.3 Two SIA staff to be employed from 8pm until closing Friday and Saturday
- 6.4 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) A system shall be in place to maintain the quality of the recorded image and a complete audit trail maintained.
 - b) The correct time and date will be generated onto both the recording and the real time image screen.
 - c) The system will comply with other essential legislation and all signs as required will be clearly displayed.
 - d) The system will be maintained and fully operational throughout the hours that the premises are open for any licensable activity.
 - e) There must also be someone on the premises who can download the images and present them on request by a police officer or other responsible authority
 - f) A camera to be placed outside the entrance and on entry
 - g) If the CCTV equipment (Including any mobile units in use at the premises) breaks down the Premises Licence Holder shall ensure the designated premises supervisor, or in his/her absence other responsible person, verbally informs the Licensing Authority and the Police as soon as is reasonably practicable. This information shall be contemporaneously recorded in the incident report register and shall include the time, date and means this was done and to whom the information was reported. Equipment failures shall be repaired or replaced as soon as is reasonably practicable and without undue delay. The Licensing Authority and the Police shall be informed when faults are rectified.

- h) The premises Licence holder shall ensure that there are trained members of staff available during licensable hours to be able to reproduce and download CCTV images into a removable format at the request of an authorised officer of the Licensing Authority or a constable.
 - i) There shall be clear signage indicating that CCTV equipment is in use recording at the premises during all trading hours.
- 6.5 An incident book will be kept at the premises which 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 book 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.
- 6.6 The premises will operate a Challenge 25 policy and all those who look under 25 years of age will be asked for proof of age. There will be Challenge 25 signs at the bar. If the customer is unable to provide identification then no sale shall be made. Any staff member who may be under the age of 18 must call a senior staff member to take over the sale and complete the transaction.
- 6.7 If it is known that a customer intends to purchase alcohol to provide to minors then that sale will be refused. All refused sales will be recorded in a refusals book, which will be made available for inspection by Police or Licensing Officers of the council on request.
- 6.8 The premises will clearly display operational hours
- 6.9 Staff will be trained on Licensing and Health and Safety legislation. Training will be an ongoing part of staff development and will be fully documented
- 6.10 The premises will have a clear evacuation procedure in case of a fire
- 6.11 Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly. Patrons will be moved on from outside of the premises
- 6.12 The premises will clear bins only during permitted hours and no waste or recyclable materials, including bottles, shall be moved, removed from, or placed in outside areas between 23:00 hours and 08:00 hours the following day, so as not to disturb the neighbourhood
- 6.13 The premises shall not cause any noise pollution so as not to disturb the neighbourhood
- 6.14 Adult supervision at all times for young children.

6.15 All staff will be fully trained in their responsibilities with regard to the sale of alcohol, and will be retrained every six months, with recorded training records kept for inspection.

4.2 Application for a Premises Licence for (Tops Pizza), 3 West India Dock Road, London E14 8EZ

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 representations from the applicant and objectors with particular regard to the licensing objectives of prevention of public nuisance and the prevention of crime and disorder.

Mohshin Ali, Licensing Officer introduced the report and referred Members to the various appendices within the report. He reminded Members of the licensing objectives and offered to answer any questions the Members may have in relation to this application.

Members heard from Mr Cantor (Counsel for the applicant) who stated his client was seeking a late night refreshment licence and referred Members to pages 129 – 150 of the agenda. He said his client was not seeking a licence for the sale of alcohol and was looking to open until 02:00 a.m. Mon to Thurs and 3:00 a.m. Fri to Saturday and 12:00 a.m. on Sunday.

Mr Cantor continued that the Responsible Authorities had not objected to the application and that his client Mr Aziz had been in consultation with them. He said his Client was proposing to serve the last pizza 10 minutes before closing time in order to ensure the premises closed in time.

With respect to the licensing objectives, the applicant had addressed this in the application on pages 146-147 of the agenda. The objections in a form of a petition from 23 individuals refers to "fighting, shouting and loud talking" - page 165 but is it unclear if this is a general observation or relating to my clients premise. In relation to other premises nearby – page 157 there are some which are operating until 04:00 a.m. No complaints have been made to

Environmental Protection and it is clear the Police do not have any concerns. Mr Cantor continued that the representations made by the objectors were hazy and his clients premises are a well-run business.

Mr Dilowar Hussain raised his objections stating that there was not much space inside the shop and therefore customers spilled into the street. He said the loud talking, shouting and fighting resulted in him being unable to sleep. He also said that the smell and rising heat from the Pizza shop was an issue and was affecting his quality of life.

Mr Dilowar Hussain continued in Bengali and the Chair of the Sub-Committee was reminded that proceeding should be conducting in English.

Mr Cantor stated that the application had to be considered on its merits and no new evidence was permissible. He said by way of compromise his Client was agreeable to operating "no counter service past 12:00 midnight and for the remaining time just do home deliveries."

Mr Mohshin Ali, Licensing Officer confirmed no complaints against the premises had been received however on visiting the premises on the 30th June 2017 it found the premises were operating without a licence. A warning was issued on the 26th July 2017 which has subsequently led to the owner applying for a licence.

In defence, Mr Cantor stated his client was unaware that the licence had lapsed but he promptly applied for one as soon as he was made aware. He repeated the application was for a late night refreshment licence that would not be serving alcohol and that no complaints against his client had been raised with the Responsible Authorities. It was unclear what authority the other signatories of the petition had given to Mr Hussain and the alleged medical problems to which Mr Hussain refers and the heat generated from the pizza machines and smell cannot be considered.

Members of the Sub-Committee asked the following questions:

- How high are the ducts which expel food smells?
Mr Aziz stated the ducts were at the back of the building and were about two floors high. He said the adjacent building – i.e. flats had no windows or doors on the back where the duct was and therefore could not be affected by any food smell.
- The objector has raised there is 'fighting, shouting and loud talking' and little space inside the shop. Are the flats connected to the premise in question?
No they are not connected.
- Have the addresses of the petitioners been checked to see if they are within 100 miles of the premises?
The named individuals have not been written to but the addresses are within the same block of flats.

The Chair invited the Applicant's representative and the Objector to sum up their argument before retiring to make a decision.

Decision

Accordingly, the Sub-Committee unanimously

RESOLVED

That the application for a Premises Licence for Top Pizza, 3 West India Dock Road, London E14 8EZ be **GRANTED** subject to the following conditions:

The provision of late night refreshment - Indoors and outdoors

- Monday to Thursday, from 23:00 hrs to 02:00 hrs the following day Counter Service until 00:00 hrs (midnight) and deliveries until 02:00 hrs
- Friday and Saturday, from 23:00 hrs to 03:00 hrs the following day Counter Service until 00:00 hrs (midnight) and deliveries until 03:00 hrs
- Sunday, from 23:00 hrs to 00:00 hrs (midnight)

Non-standard timings:

- Vaisaki, Diwali, Valentines Day, Sunday before Bank Holiday, Eid, Christmas Day, New Year's Eve and New Years Day, from 23:00 hrs to 03:00 hrs the following day

The opening hours of the premises

- Monday to Thursday, from 23:00 hrs to 02:00 hrs the following day
- Friday and Saturday, from 23:00 hrs to 03:00 hrs the following day
- Sunday, from 23:00 hrs to 00:00 hrs (midnight)

Non-standard timings:

- Vaisaki, Diwali, Valentines Day, Sunday before Bank Holiday, Eid, Christmas Day, New Year's Eve and New Years Day, from 23:00 hrs to 03:00 hrs the following day

In addition the conditions as per the Operating Schedule pages 123-124 points 7.0 to 7.10 will apply:

- 7.1 Appropriate staff training to be completed, training records shall be made available for inspection upon request by a relevant officer of a responsible authority.
- 7.2 Vehicles used for delivery must switch off their engines when waiting outside of the Premises for the collection of food for delivery.
- 7.3 Drivers shall wait inside the premises between deliveries/for deliveries.
- 7.4 Home deliveries shall only be carried out by in-house employees of the business

- 7.5 The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of a Metropolitan Police Crime Prevention Officer.
- a) All entry and exit points will be covered enabling frontal identification of every person entering in any light condition.
 - b) The CCTV system shall continually record whilst the premises are open for licensable activities and during all times when customers remain on the premises.
 - c) All recordings shall be stored for a minimum period of 31 days with date and time stamping. Recordings shall be made available immediately upon the request of Police or authorised officer throughout the preceding 31-day period.
 - d) A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises are open to the public. This staff member shall be able to show Police recent data or footage with the absolute minimum of delay when requested.
- 7.6 Notice to customers regarding consideration shall be displayed at the entrance and exit
- 7.7 Staff who arrive in the morning or depart late at night will be asked not to cause disturbance to nearby residents.
- 7.8 No rubbish will be moved, removed or placed outside between the hours of 23:00 and 08:00
- 7.9 An incident log shall be kept at the premises, and made available on request to an authorised officer or the Police.
- 7.10 Order is received over the phone by a person who sounds like they may be under 16 years staff member will ask to speak to a parent or responsible adult.

4.3 Application for a Premises Licence for Twisted LDN, 12 Batty Street, London E1 1RH

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 representations from the applicant and objectors with particular regard to the licensing objectives of prevention of public nuisance and the prevention of crime and disorder.

Catrina Marshall, Licensing Officer introduced the report and referred Members to the various appendices within the report. She reminded Members of the licensing objectives and offered to answer any questions the Members may have in relation to this application.

Members heard from Mr Niall McCann (Legal representative for the applicant) who said his client was seeking a 24 hour licence to manage the commercial outlet of his online business. The concept was food with a twist and this had a large following. The business was not comparable to an ordinary takeaway service as there would be no customers picking up food from the premises.

Mr McCann said his client would accept a condition that customers shall not be permitted to pick up orders.

Most of the deliveries would be made by moped or push bike to customers place of work or home. He referred Members to the menu, which was tabled at the meeting and said that his clients were not at the low price point and envisaged mainly food deliveries with 10-20% being alcohol sales.

In reference to the objections raised by residents, Mr McCann said two issues needed to be considered 1) Public Nuisance – delivery drivers coming to and fro from the premises and 2) the legal framework hours.

In relation to Public Nuisance Mr McCann stated his clients would adopt robust conditions in order to ensure delivery drivers were not being a nuisance. He referred to the conditions outlined on page 227 of the agenda and stated his client would be happy to adopt all that were relevant to them. He further added Delivery drivers would be told 'idling of their engines' – for mopeds would not be acceptable and that drivers would need to wait inside the premises when picking up delivery orders. Mr McCann stated that roughly 50% of deliveries would be by push bike and therefore would not be causing a public nuisance. He added that because the delivery drivers would be going to and fro from the location in Batty Street, with would also assist in the wider problem in the area of drug dealers and prostitution as this would be deterred.

In reference to the framework hours Mr McCann referred Members to page 273 and the bullet points referred to therein.

- He stated the location of the premises was not in the Cumulative Impact Zone and the licensing objectives had been addressed in the application – Page 211.
- Mr McCann said the intention was to open the premises by the 30th November 2017 and in the first instance the premises would open until 2:00 a.m.
- With respect to crime and disorder, the premises are near Commercial Street and whilst they could not alleviate all the issues, his client was willing to adopt what was necessary to ensure crime and disorder did not adversely impact on the local residents and area.
- With regard to previous history he reminded Members the premise had never been licensed before.
- Access to public transport – was not relevant in this case
- And likewise the proximity to other licensed premises are of no consequence or relevance.

Mohshin Ali, Licensing Officer for the responsible authority raised his objections to the application stating they were concerned about the 2:00 a.m. finish time especially as the location of the premises are in a quiet residential street. Mr Ali said the Applicant needed to clarify the times when the push bikes and mopeds were to operate and had concern of the impact of noise disturbing the neighbours. He also asked the Members to be mindful of the objection raised by Ms Cadzow on page 230 and recommended that the premises operate within the legal framework hours.

Mr Ali asked Caroline Watts, Anti-social Behaviour team to come as a witness and asked her to further expand on the issues stated.

Ms Watts stated the area had issues with drug dealing and Batty Street was often used for 'deals' to be done in broad daylight, as it was a narrow street. Deals happen through car windows and there is issues with vehicles blocking the road. Mopeds and bicycle riders will often mount the pavement to pass and this is a public safety concern.

Ms Watts was keen to learn what control the premises licensee would have over their delivery drivers. She said that if the company are to outsource to companies like Deliveroo, Just Eat, Uber for example, it was impossible to control public nuisance as many drivers are causing anti-social behaviour concerns in the area.

Mr Conor Magill, resident echoed Ms Watts concerns and said it would be inappropriate to have a 24 hour operation in a quiet residential street. Whilst the Applicant was not to blame for the crime and disorder in the locality, it was fanciful to suggest that moped and bike riders will help to reduce crime.

Mr Magill then went on to describe the character of the street, giving details of the types and nature of building in the area. He stated the quality of life for residents would be adversely affected and there was little that could be done to prevent noise from delivery drivers on a busy night. He said noise from one moped at 02:00 a.m. would be magnified and whilst he had been invited to

talk to the Applicants, far more information was required on how they will run their operation.

Mr Magill stated that if the Members were minded to grant the licence stringent conditions were required to reduce vehicle noise, interaction between drivers and times of when mopeds were to be used. He said whilst the Applicant was giving assurances for this, it cannot be guaranteed general disorder will not ensue. Mr Magill said he opposed the proposed 24 hour nature of the premise operation and stated he would prefer it not to operate outside the legal framework hours.

Mr Al-Mahmood, resident also contributed to the objections stating the narrow street already experienced congestion and noise from delivery drivers unloading goods and blocking the pavement. Mr Al-Mahmood asked if the Applicant had data which showed alcohol would only amount to 10-20% of sales.

Member of the Sub-Committee asked the following questions:

- How will the delivery drivers be controlled?
Mr McCann stated that his client was happy to accept the conditions outlined by Ms Watts in the supplemental agenda. Mr McCann confirmed the company did not have its own drivers and would in the first instance be using companies such as Deliveroo or Uber. However no contract had been signed with these companies and as such the concerns stated by Ms Watts would be incorporated into the contract.

Mr McCann also pledged that redacted copies of the contracts entered into could be provided to Ms Watts which stated things like no smoking or talking outside the premises and that drivers will need to leave quietly.

- The apps used to book delivery drivers do not distinguish between car drivers / moped and bikes. So how is this going to be managed?

The contract will make it quite clear that no cars are allowed and we just want to use push bikes and moped drivers. We shall also have an addendum that drivers cannot mount the pavement and drive on the footpath.

The Applicant and the objectors were given an opportunity to summarise their points before the Members adjourned to make their decision.

Decision

Accordingly, the Sub-Committee unanimously

RESOLVED

That the application for a Premises Licence for Twisted LDN, 12 Batty Street London E1 1RH be **GRANTED** subject to the following conditions:

- The Licensable activity will be as per the Council's framework hours plus one additional hour.
- That the conditions stated in the operating schedule Pages 190 -191 points 7.0 to 7.7 apply as well as the conditions stated by the Licensing Authority on Page 227- 228 points 1 to 14 and the further conditions stated by the Anti-Social Behaviour Team in the supplement agenda Page 4.
- Further the Applicant must share the contracts entered into with delivery companies with the Anti-social Behaviour team for approval.
- In the contract it should clearly state only pedal bikes and mopeds should be used for deliveries and no deliveries will be made to customers using cars or vans.
- Delivery drivers cannot mount the pavement and will not be permitted to smoke or talk outside the premises.
- It will be a disciplinary offence if drivers do not leave quietly.
- No drivers can wait outside when collecting orders; and
- Clear signage must be displayed inside and outside the premises making clear to drivers the conditions which apply.

Legal Framework Hours plus one hour

Monday to Thursday, from 06:00 hrs to 00:30 hrs

Friday and Saturday, from 06:00 hrs to 01:00 hrs

Sunday, from 06:00 hrs to 23:30 hrs

Operating Schedule conditions:

- 7.1 Customers shall be reminded to provide acceptable form of ID such as Driving licence, Passport or PASS card when placing bookings both online or by phone.
- 7.2 The company's website shall provide links to 'drinkaware' and 'alcohol concern' webpages.
- 7.3 The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Tower Hamlets Police Licensing. All entry and exit points will be covered enabling frontal identification 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 drivers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the entire 31 day period.
- 7.4 Alcohol will be sold ancillary to a food order.

- 7.5 Notices shall be prominently displayed at all exits requesting drivers to leave the area quietly.
- 7.6 A Challenge 21 or 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.
- 7.7 A refusal log shall be maintained by each delivery driver and made available for inspection by Police Officer or Authorised Officer, this log shall include the date, time Name and signature of staff member who refused the sale along with the name address and postcode of the customer.

Additional conditions:

1. All ordering shall be done via the website, persons ordering alcohol will be required to declare they are over 18 before an order can be placed;
2. There shall be no direct sale of alcohol or collection of alcohol from the actual premises.
3. There shall be no direct sale of hot food and hot drinks or collection of hot food and hot drinks from the actual premises.
4. A clear and legible sign at the premises stating the operating times and to indicate no provision of alcohol on the premises; alcohol and any food products are solely off premises;
5. No alcohol will be sold or consumed on the premises
6. Alcohol shall only be delivered to people who have ordered it and have produced the appropriate identification to prove they are over 18 years of age.
7. Sales of alcohol for consumption off the premises shall only be supplied with, and ancillary to a take-away meal.
8. All sealed containers of alcoholic drinks offered for sale for consumption off the premises must be clearly labelled or marked with the name and postcode of the premises.
9. A Challenge 25 policy will be implemented. Trained delivery staff will implement the requirement to see appropriate ID for those people who appear to be under 25;
10. A refusal book will be maintained and records of any refusals to be logged. The refusals book should be available at the premises for inspection upon demand by an authorised officer;
11. No waste bins shall be put outside after 23:00 hrs

12. External doors shall be kept closed unless being used as access and egress to prevent noise;
13. No idling of delivery vehicles outside the premises;
14. Staff shall be instructed to respect the needs of local residents and leave the premises quietly when they arrive and leave after 23:00 hrs;

ASB Conditions

1. That all sales are on-line and there are no direct sales or collections from the premises at 12 Batty Street;
2. Twisted LDN or delivery personnel are not to congregate or loiter in Batty Street between 21:00 hrs to 08:00 hrs - this includes standing in the street to smoke.
3. Twisted LDN are responsible for the behaviour of their delivery drivers. This includes, but is not limited to, ensuring there is no noise nuisance to residents, there is no obstruction of the footpath or the public highway, drivers are insured and have roadworthy vehicles. This applies to drivers directly employed, contractors or delivery companies such as Deliveroo, Just Eat, Uber Eat.

5. EXTENSION OF DECISION DEADLINE: LICENSING ACT 2003

The meeting ended at Time Not Specified

Chair,
Licensing Sub Committee