

**LONDON BOROUGH OF TOWER HAMLETS****MINUTES OF THE LICENSING SUB COMMITTEE****HELD AT 6.30 P.M. ON TUESDAY, 16 APRIL 2019****THE COUNCIL CHAMBER, TOWN HALL, MULBERRY PLACE, 5 CLOVE  
CRESCENT, LONDON, E14 2BG****Members Present:**

Councillor Peter Golds (Chair)

Councillor Faroque Ahmed

Councillor Victoria Obaze

**Officers Present:**

Samantha Neale

– (Licensing Officer)

Vivienne Walker

– (Senior Prosecution Lawyer)

Farhana Zia

– Senior Committee Services Officer

**Representing applicants**

Ms Eleanor Ward

**Item Number**

4.1

**Role**

Applicant

Mr Andrew Woods

4.2

Applicant's Representative

**Representing objectors**

Mr William Taylor

**Item Number**

4.1

**Role**

Resident

Mr Harun Ali

4.2

Representative of residents in  
Princelet Street. Approx 30  
residents attended the meeting.**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. MINUTES OF THE PREVIOUS MEETING(S)**The minutes from the Licensing Sub-Committee meetings of 5<sup>th</sup> February, 27<sup>th</sup> February and the 5<sup>th</sup> March 2019 were agreed and approved as an accurate record of the meetings, save that it be noted that Ms Vivienne Walker, Legal Advisor was present at the meeting of 27<sup>th</sup> February 2019.

#### 4. ITEMS FOR CONSIDERATION

##### 4.1 Licensing Act 2003 Application for a New Premises Licence for: Site 112 Columbia Road London E2 7RG

At the request of the Chair, Ms Samantha Neale, Licensing Officer introduced the report which detailed the application for a new premises licence for Site, 112 Columbia Road, London E2 7RG. The application was for the sale of alcohol from 08:00 to 23:00 hours, seven days a week. It was noted that objections had been received on behalf of residents.

At the request of the Chair, Ms Eleanor Ward, the Applicant explained the concept of her business and the reasons why she had applied for a sale of alcohol licence. She said her business is a small designer showroom come coffee shop/café with seating for 10 people and standing room for approximately 30 people. She had applied for a sale of alcohol licence in order to expand her business and provide vegan alcoholic drinks alongside the coffee and cakes, which she currently sells. Ms Ward informed Members her normal opening hours, were Monday to Sunday 8:00 hours to 16:00 hours, which she intends to extend to 18:00 hours in the summer months.

Ms Ward said she had previously applied for Temporary Event Notices (TEN's) for events over the Christmas period but wanted to hold curated events throughout the year. She said the shop had a Zen like feel and would not attract rowdy behaviour. Her business would offer specialist vegan wine and beer and she was working with a local Brewery to source the alcohol. Ms Ward said she had written to the objectors explaining the concept of her business and her intent.

Members then heard from Mr. William Taylor who stated he was concerned about noise nuisance particularly in the evening and the creep of the night time economy in the area. Mr. Taylor stated the area was a corridor between the two Cumulative Impact Zones in the borough and the granting of an alcohol licence would set a precedent for others to follow suit. He also stated that the shop was located across the road from a Primary School and the prevention of harm to children was also a factor for consideration.

In response to questions from Members the following was noted:

- Ms Ward had applied for a sale of alcohol licence from 8:00 hours to 23:00 hours because this was the advice she had been given. However her intention was to hold occasional evening events, such as talks, films and curated events for a selected clientele group, on which occasion vegan cocktails would be served.
- Ms Ward stated she intended to hold such events maybe once or twice a week; however not knowing which day of the week the events would fall on, she had applied for a licence to cover all eventualities. She said

she was happy for the Sub-Committee to formalise the hours for the sale of alcohol.

- In response to Members concern about the 'off sale' of alcohol and the likelihood of the business attracting anti-social behaviour, Ms Ward stated the sale of alcohol was aimed at a niche market and the alcohol was to cater for Clientele at the high end of the spectrum.
- Members also raised concerns about the size of the shop, which is 30 meters squared, and the estimated number of 30 people standing in a small space.

Members adjourned the meeting at 19:25 hours to deliberate and reconvened at 19:39 hours

### **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 had carefully considered all of the evidence before them and considered written and verbal representations presented at the meeting from both the Applicant and Objectors with particular regard to the licensing objectives of the prevention of public nuisance, the prevention of crime and disorder and the protection of children from harm.

The Sub-Committee noted the premises are located in Columbia Road and is a small designer showroom come coffee shop/café with seating for 10 people and standing room for approximately 30 people. Ms Eleanor Ward, the applicant applied for a sale of alcohol licence in order to expand her business and provide vegan alcoholic drinks alongside the coffee and cakes, which she currently sells. Ms Ward informed Members her normal opening hours, were Monday to Sunday 8:00 hours to 16:00 hours, which she intends to extend to 18:00 hours in the summer months.

Members questioned Ms Ward as to why she had applied for a sale of alcohol licence from 8:00 hours to 23:00 hours, in view of her opening hours. Ms Ward responded stating that the intention was to hold occasional evening

events, such as talks, films and curated events for a selected clientele group, on which occasion vegan cocktails would be served. She stated she intended to hold such events maybe once or twice a week; however not knowing which day of the week the events would fall on, she had applied for a licence to cover all eventualities.

Members expressed concern about the 'off sale' of alcohol and the likelihood of the business attracting anti-social behaviour. Ms Ward stated the sale of alcohol was aimed at a niche market and the alcohol was to cater for Clientele at the high end of the spectrum. However Members felt that 'off sales' could result in anti-social behaviour and therefore should be discouraged and restricted where possible. Members also raised concerns about the size of the shop, which is 30 meters squared, and the estimated number of 30 people standing in a small space. The Sub-Committee concluded that on the balance of probability the possibility of people invited to events hosted at the premises could spill out onto the street thus causing a public nuisance.

The Sub-Committee took into account the objectors' concerns relating to the public nuisance, and anti-social behaviour; and noted the objectors' concerns about increased noise nuisance, impact upon family environment, if the application were to be granted. The Sub Committee heard from Mr. William Taylor who stated he was concerned about noise nuisance particularly in the evening and the creep of the night time economy in the area. Mr. Taylor stated the area was a corridor between the two Cumulative Impact Zones in the borough and the granting of an alcohol licence would set a precedent for others to follow suit. He also stated that the shop was located across the road from a Primary School and the prevention of harm to children was also a factor for consideration. Members also queried if alcoholic drinks would be sold when families were using the café and were told the sales would be in tandem.

Members reached a decision and the decision was unanimous. Members granted the application subject to conditions to help promote the licensing objectives.

Accordingly, the Sub Committee unanimously:-

### **RESOLVED**

That the application for a New Premises Licence for Site, 112 Columbia Road, London E2 7RG be **GRANTED** with conditions.

#### Sale of Alcohol (on sales only)

Monday to Sunday from 12:00 (Noon) to 23:00 hours

#### Hours premises are open to the public:

Monday to Sunday from 08:00 hours to 23:00 hours

#### Conditions

1. There shall be no 'off sales' of alcohol. There shall be no alcohol sales before midday on any day.
2. There shall be no consumption of alcohol outside the premises.
3. No more than five smokers to be allowed to smoke outside the premises at any one time.
4. All staff whose responsibilities include the retail sale of alcohol shall receive training about the prevention of underage sales on induction and then every 6 months thereafter/ 2 times a year. This training shall be recorded and the records to be available on request to the Police or any authorised officer. The training to include:
  - a) the operation of the challenge 25 scheme;
  - b) types of acceptable ID;
  - c) the method of recording challenges;
  - d) the likely consequences of making an underage sale;
  - e) refusing sales to persons who appear to be drunk;
  - f) proxy sales.

At non private events, door supervisors may be employed. Risk assessment to be carried out.

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.
6. Children under 18 must be accompanied by an adult at all times.
7. Loudspeakers shall not be located in the entrance lobby or outside the premises building.
8. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
9. During opening hours capacity must not exceed 25 customers seated or standing.
10. During opening hours the toilet will be available for customers.

#### **4.2 Licensing Act 2003 Application for a Premises Licence for (Fora), Lower ground Floor, 42 - 46 Princelet Street, London E1 5LP**

At the request of the Chair, Ms Samantha Neale, Licensing Officer, introduced the report which detailed the application for a new premises licence for Fora,

42-46 Princelet Street, London E1 5LP. The application was for the sale of alcohol from 10:00 hours to 23:00 hours Monday to Saturday and Sunday from 10:00 hours to 20:00 hours. The initial hours applied for were amended to Monday to Friday from 12:00 noon to 21:00 hours and the licence for regulated entertainment was withdrawn. It was noted that objections had been received on behalf of residents in Princelet Street.

At the request of the Chair, Mr Andrew Woods, Legal Representative on behalf of the Applicant explained the premises are an office block located in a residential street off Brick Lane. Fora was a company which rented out premium office space to professionals and access to the building was via a key card for the members/residents of the building, with no third party gaining access without permission and security checks. The Licence applied for was for the lower ground floor of the building which housed the cafeteria / restaurant.

Mr Woods explained his client had six similar properties in London, all with a sale of alcohol licence and had not incurred any problems with anti-social behaviour. He said his client had liaised with local residents to allay their concerns and referred Members to the proposed set of conditions in the supplement agenda pack 1 and the site plan on page 173 of the agenda pack. Mr Woods said the application had been amended to exclude regulated entertainment and to limit the sale of alcohol to Monday to Friday. He said the sale of alcohol would only be permitted within the red zone as outlined on the site plan.

Members heard from Mr Harun Ali, representative for a group of residents in Princelet Street. Mr Ali stated they had concerns about the sale of alcohol and the rise of anti-social behaviour. Mr Ali said that due to the proximity of Brick Lane, the lives of residents are blighted by the general public nuisance caused by drunken people and anti-social behaviour such as noise, urination in public streets and rowdy behaviour of people enjoying a night out. Mr Ali stated residents did not wish to have another premises in the area selling alcohol.

In response to questions from Members the following was noted:

- Mr Woods gave assurances that the sale of alcohol and consumption would be limited to the restaurant area only.
- Mr Woods confirmed only members/residents of the office space, and their approved guests would be allowed to consume alcohol.
- Alcohol would not be allowed to be taken, to other parts of the building.
- Smokers would be encouraged to walk to Brick Lane to smoke rather than in front of residential properties.
- Taxi / Uber pick-ups would be from Brick Lane

Members adjourned the meeting at 20:44 hours to deliberate and reconvened at 20:57 hours.

### **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 had carefully considered all of the evidence before them and considered written and verbal representations from both the Applicants and from Objectors with particular regard to the licensing objectives of the prevention of public nuisance, the prevention of crime and disorder and the protection of children from harm.

Members noted the premises are an office block located in a residential street off Brick Lane. The applicant had applied for a sale of alcohol licence and provision of regulated entertainment for the lower ground floor of the building which housed the cafeteria / restaurant. Mr Woods, the applicant representative explained Fora was a company which rented out premium office space to professionals. Access to the building was via a key card for the members/residents of the building, with no third party gaining access without permission and security checks. Mr Woods explained his client had liaised with local residents to allay their concerns and referred Members to the proposed set of conditions in the supplement agenda pack 1 and the site plan on page 173 of the agenda pack. Mr Woods said the application had been amended to exclude regulated entertainment and to limit the sale of alcohol to Monday to Friday. He said the sale of alcohol would only be permitted within the red zone as outlined on the site plan.

Members heard from Mr Harun Ali, representative for a group of residents on Princelet Street. Mr Ali stated they had concerns about the sale of alcohol and the rise of anti-social behaviour. Mr Ali said that due to the proximity of Brick Lane, the lives of residents is blighted by the general public nuisance caused by drunken people and anti-social behaviour such as noise, urination in public streets and rowdy behaviour of people enjoying a night out. Mr Ali stated residents did not wish to have another premises in the area selling alcohol.

Members questioned the Applicant and sought reassurances that the sale of alcohol and consumption would be limited to the restaurant area only. Mr Woods confirmed this would be the case and members/residents of the office space would not be allowed to take alcohol to other parts of the building.

Members reached a decision and the decision was unanimous. Members granted the application subject to conditions to help promote the licensing objectives.

Accordingly, the Sub Committee unanimously:-

### **RESOLVED**

That the application for a New Premises Licence for Fora, Lower Ground Floor, 42-46 Princelet Street London E1 5LP be **GRANTED** with conditions.

#### Sale of Alcohol (on sales only)

Monday to Friday 12(Noon) until 19:00 hours

#### The opening hours of the premises

Monday to Saturday from 10:00 hours to 23:30 hours

Sunday, from 10:00 hours to 22:30 hours

#### Conditions

1. The sale of alcohol is restricted to the weekdays as specified above and no sale of alcohol shall take place on the weekend.
2. The sale and consumption of alcohol will be in the demarked area on the lower ground floor and there shall be no vertical drinking or drinking outside.
3. No more than three smokers will be permitted to smoke outside the building. Any customer wishing to smoke will be encouraged to walk to Brick Lane to smoke and not to do so in front of residential accommodation.
4. A repository for cigarettes will be permanently fixed to the building.
5. There shall be no regulated entertainment.
6. Taxi/Uber pickups will be encouraged to take place on Brick Lane.
7. There will be no draught beer available at the premises.
8. There should be no off-sales
9. The main use of the Premises at all times will be office use.
10. The sale of alcohol will be to residents/members and their guests
11. A list of the names and addresses of members shall be kept on the premises at all times together with a book showing the names and dates of attendance of any guests introduced by members. Both the list and the book shall be produced on demand for inspection by the police or an authorised officer of the council.

12. CCTV shall be installed, operated and maintained in agreement with the Police. Maintained means that the system will be regularly serviced (at least once a year) and checked every two weeks to ensure that it is storing images correctly and a log kept and signed by a supervisor to this effect.
- a) The system will provide an identifiable full head and shoulder image of everyone entering the premises and will operate in any light conditions within the premises.
  - b) The system will cover the full exterior of the premises and shall record in real time, date and shall be time stamped and will offer it whilst the premises are open for licensable activities.
  - c) The recordings will be kept for a minimum of 31 days and copies will be made available to an authorised officer or a Police Officer (subject to the Data Protection Act 2018 ) within 24 hours of any request free of charge.
  - d) There will always be a member of staff on duty who can operate the system, to allow officers to view recordings and if required by a Police Officer, provide a copy of images immediately free of charge to assist in the immediate investigation of offences.
  - e) If the system malfunctions and will not be operated for longer than one day of business the Police must be informed.
13. Dedicated licence taxi/mini cab service will be available within the premises for customers.
14. Signs shall be displayed at the exit reminding customers to leave quietly and respect the neighbours.
15. There shall be no waste collections or deliveries between 23.00 and 07.00 Mondays to Saturdays and none between 22.00 and 09.00 on Sundays and Bank Holidays.

The meeting ended at 9.05 p.m.

Chair, Councillor Peter Golds  
Licensing Sub Committee