

**LONDON BOROUGH OF TOWER HAMLETS**

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

**HELD AT 2.30 P.M. ON TUESDAY, 29 JANUARY 2019**

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

**Members Present:**

Councillor Peter Golds (Chair)  
Councillor Zenith Rahman (Member)  
Councillor Victoria Obaze (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. MINUTES OF THE PREVIOUS MEETING(S)**

The minutes of the Licensing Sub Committee held on 13<sup>th</sup>, 22<sup>nd</sup> & 27<sup>th</sup> November 2018 were approved and agreed as a correct record of proceedings.

**4. ITEMS FOR CONSIDERATION**

**4.1 Application for a New Premises Licence for Shell Old Ford, 445-453 Wick Lane, London E3 2TB**

**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:

The Prevention of Crime and Disorder;  
Public Safety;  
Prevention of Public Nuisance; and

## 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 representation from both the Applicant and his Legal Representative and heard objections from two local residents present at the meeting with particular regard to the two licensing objectives of the prevention of public nuisance, and the prevention of crime and disorder.

Members noted the premises are situated close to the A12 and attracted a considerable amount of anti-social behaviour, from club revellers from a nearby nightclub as well as from groups of motorbike and quad bike riders. Issues such as noise disturbance and urination in the public highway are common occurrences, which exacerbated the quality of life for local residents. However Members noted the fact the Applicant had operated the garage for more than 20 years and had invested in rebuilding the convenience store and forecourt.

Members recognised that the area was a residential area and therefore accepted that a late licence could cause potential increase in public nuisance for residents in an area which already experiences high levels of nuisance. However, Members also noted the efforts made by the Applicant to alleviate the concerns of residents by offering to display notices around the premises requesting customers to respect the needs of local residents and to leave the area quietly and in particular to meet with Mr Dover who lived directly next to the premises to discuss ways in which any further public nuisance (which may potentially be linked to the premises) can be mitigated in the future.

Members welcomed the efforts made by the Applicant by offering conditions in their operating schedule and accepting a reduction in hours for sale of alcohol as agreed with the Environmental Health Officer. However, Members were of the view that a further reduction in the hours in line with the Council's Framework hours would be more appropriate for the area in which the premises are situated.

Members reached a decision and the decision was unanimous. Members granted the application subject to the Council's framework hours and imposed conditions which would help promote the licensing objectives.

Accordingly, the Sub Committee unanimously

**RESOLVED**

That the application for a New of the Premises Licence for Shell, 445 Wick Lane, London E3 2TB be **GRANTED** with conditions.

Sale of Alcohol – (off sales only)

Monday to Thursday, from 06:00 hours to 23:30 hours

Friday and Saturday, from 06:00 hours to 00:00 hours (midnight)  
Sunday, from 06:00 hours to 22:30 hours

The Provision of Late Night Refreshment

Monday to Sunday, from 23:00 hours to 05:00 hours

The opening hours of the premises

Monday to Sunday, 24 hours a day

Conditions

- 1.1 A suitable and sufficient CCTV system with recording facilities will be in place at site and will operate at all times the premise
- 1.2 is open for licensable activities. Images will be retained for a period of no less than 31 days. Access to the equipment and recordings will be provided to the Police or other relevant officers of a responsible authority within 24 hours of the request being made.
- 1.3 Staff will be trained with regard to their responsibilities in the retail sale of alcohol and regular refresher training will also be undertaken (minimum of every 6 months). Written training records can be made available for inspection upon reasonable request by the Police or other relevant officers of a Responsible Authority.
- 1.4 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 reasonable request.
- 1.5 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 reasonable request.
- 1.6 A Challenge 25 policy will be operated at the premise. Acceptable forms of identification are a passport, photo-card driving licence and PASS accredited identification card.
- 1.7 Spirits (with the exception of spirit mixers and premixed spirit drinks) will be located behind the counter.
- 1.8 The Premises Licence holder shall be permitted to display bulk stacks, wine towers and chilled promotional offerings throughout the store that may not necessarily be shown on the plan. The locations may be subject to change but will be contained within the red lined licensable area shown on the plan attached to the Premises Licence. The display of bulk stacks will not be located where they may impact on the ability of customers to use exits or escape routes without impediment.
- 1.9 Between the hours of 23.00 and 06.00 each day the site will operate a closed door policy with all service taking place through the night pay

hatch.

- 1.10 Lager and Cider with an ABV in excess of 6.5% will not be sold with the exception of any premium or handcrafted products.
- 1.11 Clearly legible notices shall be displayed at all exits and around the Premises and the forecourt requesting patrons to respect the needs of local residents and to leave the premises and area quietly;
- 1.12 Clearly legible notices displayed inside the premises informing customers that toilet facilities are available for customer use.

#### **4.2 Application for a Review of a Premises Licence at Cost Price, 41 Brick Lane, London, E1 6PU**

##### **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:

The Prevention of Crime and Disorder;  
Public Safety;  
Prevention of Public Nuisance; and  
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 representation made by Licensing Authority supported by officers representing the Metropolitan Police and Trading Standards and also heard from the Legal Representative, representing the Premises Licence Holder with particular regard to the three licensing objectives of the prevention of public nuisance, the prevention of crime and disorder and the protection of children from harm.

Members determined that the incidents of failed test purchases; the selling of alcohol outside licensable hours and selling age restricted products (tobacco) to minors were of serious concerns. Members accepted that the Premises License Holder and the Designated Premises Supervisor accepted these failings and were apologetic and had shown remorse. Both had been trained and are undertaking further training in order to sell responsibly.

Members were very concerned that someone underage was able to purchase age restricted products in the form of tobacco and therefore concerned with the adequacy of checks being made when such products are being sold.

Whilst Members noted the Premises Licence Holder's efforts by proposing additional conditions, Members felt that on the balance of probabilities there was a serious risk of crime and disorder and the protection of children from harm associated with the premises therefore due to the seriousness of the incidents and lack of confidence in the management, Members made a decision and the decision was unanimous. Members decided to grant the review by suspending the premises licence for the maximum period of three months.

Members consider this suspension a necessary and proportionate response to the very serious incidents which occurred as it will allow the Premises Licence Holder to do all that is necessary to address the issues which have come to light, train staff and put in place all the conditions imposed on the license to further promote the licensing objectives.

#### Decision

Accordingly, the Sub-Committee unanimously –

#### **RESOLVED**

That the application for a Review of the Premises Licence for, Cost Price, 41 Brick Lane, London E1 6PU be **GRANTED with the Suspension of the Licence and conditions.**

#### **Suspension**

**The Suspension of all licensable activities for a period of three months.**

(The decision notice will state the exact dates the suspension will commence and end on)

#### **Conditions**

1. All members of staff who are authorised to sell alcohol shall be properly trained in the legal requirements and restrictions to sell alcohol.
  - a) A record shall be maintained and kept at the Premises detailing the name of each member of staff trained; the date training was provided; details of the person who provided the training and an acknowledgment that staff have been so trained.
  - b) The record shall be available for inspection by authorised officers of the Licensing Authority and the Police at all times the Premises are open.
  - c) Staff shall receive regular refresher training in the Licensing Act 2003 at intervals of no more than 12 months.
2. To install till prompts for age restricted products.

3. A Challenge 25 policy will be operated at the premise. Acceptable forms of identification are a passport, photo-card driving licence and PASS accredited identification card

#### 5. EXTENSION OF DECISION DEADLINE: LICENSING ACT 2003

The Sub Committee agreed to extend the decision deadlines for the following applications;

Premises	Hearing Date	Decision by
London Cocktail Club, 253 Paradise Row, London, E2 9LE (CH)	05/02	04/12
The Town House, 5 Fournier Street, London, E1 6QE (SN)	05/02	18/12
City Supermarket, 389 Cambridge Health Road, London E2 9RA (CH)	27/02	27/12
Roman Road PFC, 89 Roman Road, London E2 0QN (MA)	27/02	24/01
Cagdas Food Centre, 606 - 608 Roman Road, London E3 2RW (MA)	05/03	30/01
Sichuan, 32 Hanbury Street, London E1 6QR (CH)	05/03	08/02
Royal Oak, 73 Columbia Road, London E2 7RG (KD)	19/03	06/02

The meeting ended at 5.40 p.m.