

LONDON BOROUGH OF TOWER HAMLETS

MINUTES OF THE LICENSING SUB COMMITTEE

HELD AT 6.45 P.M. ON TUESDAY, 8 NOVEMBER 2016

THE COUNCIL CHAMBER, TOWN HALL, MULBERRY PLACE,

5 CLOVE CRESCENT, LONDON, E14 2BG

Members Present:

Councillor Peter Golds (Chair)
Councillor Amina Ali
Councillor Shah Alam

1. DECLARATIONS OF DISCLOSABLE PECUNIARY INTEREST

None.

2. RULES OF PROCEDURE

Noted.

3. ITEMS FOR CONSIDERATION

3.1 Cat Industries Ltd, 43 Brick Lane, E1 6PU

Applicant

Jack Spiegler, Thomas and Thomas – Applicant's Representative
Phil Curl – Applicant
Wes Anson – Joint Business Owner

Objectors

PC Alan Cruickshank, Metropolitan Police
Kathy Driver, Licensing Authority

Mohshin Ali, Senior Licensing Officer, introduced the report which detailed an application for a new Premises Licence for Cat Industries Ltd, 43 Brick Lane, E1 6PU. In presenting the report, Mr Ali highlighted information in the agenda supplement (page 5) confirming that Mr Tom Dean had withdrawn his representation. He also referred to the conditions suggested by the Metropolitan Police (page 70 of the main agenda pack) in the event that the application was granted were also drawn to the Sub Committee's attention.

Phil Curl, the Designated Premises Supervisor and Director of Cat Industries addressed the meeting and advised that the premises specialised in the sale of craft beers. The premises was modest in size and could accommodate up to 60 customers at any one time. The aim of Cat Industries was to inform and

educate customers in the “craft beer experience” and the tasting room provided an opportunity for individuals to explore.

The premises stocked approximately 100 beers from around the world which were not stocked by mainstream supermarkets. Cat Industries wanted to engage with customers by offering a premium product for customers interested in quality rather than quantity. Residents had been fully consulted and the concerns of residents were addressed through additional voluntary conditions. The premises had a positive impact and over the last 3 weeks had operated with Temporary Event Notices, all of which had passed without incident.

Jack Spiegler addressed Members and reiterated that there were no objections from residents and the objections from the Responsible Authorities were policy based only and there were specific concerns raised with the premises. There would be no impact on the Cumulative Impact Zone (CIZ) as the premises were already had a premise licence and the opening times applied for were well within the standard framework hours. In addition this would not necessarily be a night time business as the closing hours applied for are well below the councils adopted framework hours.

PC Alan Cruickshank addressed the meeting and referred to the CIZ Policy which was adopted 3 years ago. This was the first applicant for an off license with on sales and it was noted that SPIRE had not made representations. PC Cruickshank advised Members that his full objections could be found at page 68 and the conditions agreed between himself and the applicant could be found at page 70.

Kathy Driver addressed the meeting and expressed concerns regarding the sale of high strength beers. The definition of craft beers was not clear and the off sales would mean that there was potential for street drinking when customers left the premises which was an issue faced within the CIZ.

In response to questions and comments from Members, Mr Curl stated the following with assistance from Mr Anson.

- There would be no promotional offers for cheaper beers
- The taster measures would be served in small measures
- There would be books and magazines to educate and inform patrons.
- On sales would be limited to 15 patrons at any one time
- No glasses would be taken outside
- There were generally only 2 smokers outside of the premises at any one time

Members adjourned the meeting at 7.44pm to deliberate in private

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. The Sub Committee had carefully considered all of the evidence before them and heard representation on behalf of the applicant and the objectors with particular regard to the licensing objective of the prevention of public nuisance and the prevention of crime and disorder.

Having considered all the written and oral representations from the applicant and Responsible Authorities, The Sub Committee was not convinced that the higher pricing of alcohol would eliminate the potential for noise and disturbance and anti-social behaviour after customers had left the premises.

Members consider the rebuttable presumption set out within the Council's Special Cumulative Impact Policy and determined that the applicant had produced evidence to rebut the presumption that the premises would contribute to the issue already faced within the Brick Lane area in that the premises had run under a number of TENs where no incidents had occurred and that proposed operating hours are such that the premises would be closed before many of the complaints surrounding crime and disorder and anti-social behaviour occur.

In spite of the above Members were very mindful of the objections raised by the Police and Licensing Authority and considered that it was necessary to add conditions to the licence to ensure that the premise does not impact on the Cumulative Impact Zone. Members noted 2.1 of the section 182 Guidance and felt that the police had first-hand experience in dealing with issues within the CIZ and therefore accepted the conditions which had been agreed between the applicant and the police and believed that this would go some way in ensuring that the licensing objectives would be upheld.

Members welcomed the specialist products being offered and felt that this would enhance the local area for residence and visitors to the borough.

Decision

Accordingly, the Sub-Committee unanimously;

RESOLVED - That the application for a new Premises Licence for Cat Industries Ltd, 43 Brick Lane, E1 6PU, be **GRANTED** with conditions as set out below

Supply of alcohol (on and off sales)

- Monday to Wednesday from 12 noon to 22.00 hours
- Thursday to Saturday from 11.00 hours to 23.00 hours
- Sunday from 11:00 hours to 21:00 hours

The Opening Hours of the Premises

- Monday to Wednesday from 12 noon to 22.00 hours
- Thursday to Saturday from 11.00 hours to 23.00 hours
- Sunday from 11:00 hours to 21:00 hours

Conditions

- The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Police Licensing Team. 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 customers 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 and download immediately upon the request of police or an authorised officer throughout the preceding 31 day period. No alcohol shall be sold if the CCTV equipment is inoperative for any reason.
- A log shall be kept detailing all refused sales of alcohol. The log is to include the date and time of the refusal of sale, the reason for refusal and the name of the member of staff who refused sale. The log shall be made available for inspection at the premises by the police or an authorised officer at all times whilst the premises is open.
- An incident log shall be kept at the premises for at least 6 months, and made available on request to an authorised officer of the licensing authority of the Police, which must record the following:
 - all ejections of patrons;
 - any complaints received;
 - any incidents of crime or disorder;
 - any faults in the CCTV system; and
 - any visit by a relevant authority or emergency service.
- A Challenge 25 Policy shall be enforced, where any person reasonably looking under the age of 25 shall be asked to prove their age when attempting to purchase alcohol. Signs to this effect must be displayed at the premises and staff trained to implement this policy
- The only acceptable forms of identity will be those photographic identification documents recognised by the Home Office guidance, including passports, photo-card driving licence or proof of age card bearing a PASS hologram.
- No admittance to children under the age of 16 unless accompanied by an adult
- No more than 15 on sales customers at any one time

- Three draught beer taps (for craft beer only to be provided)
- No Beer, lager or cider which exceeds ABV strength of 5.6% shall be sold unless it is a beer, lager or cider which is classed as a craft beer, craft lager or craft cider.

Definition of a “craft” product is a product “made in a traditional or non-mechanized way by a small brewery”¹

- No open vessels of alcohol to be taken outside the premises.
- No alcohol to be sold for less than £2.50 per 330ml bottle/can, and no less than £2.20 per half pint (284ml) draught,
- Fire exits to be clearly displayed and a smoke alarm to be installed
- Clear and prominent notices will be displayed requesting customers to respect local residents by keeping noise levels to a minimum and instructing customers not to drink on the streets.

3.2 Libreria, 65 Hanbury Street, E1 5JP

Applicant

Laura Nelson, Croft Solicitors - Applicants Representative

Patrick Butler - Applicant

Objectors

None of the interested parties who had made written representations were present.

Mohshin Ali, Senior Licensing Officer, introduced the report which detailed an application for a new Premises Licence for Libreria, 65 Hanbury Street, E1 5JP.

Ms Nelson addressed the meeting on behalf of the applicant and began by referring to the further submissions included within the supplementary pack (pages 23 onwards) and highlighting the correspondence which had been forwarded to the objectors offering reduced hours of operating times and alcohol sales and amended conditions as suggested by Environmental Health (page 148 of main agenda pack)

Ms Nelson explained that Libreria aimed to create a “digital detox” zone without wi-fi and wished to offer an enhanced customer experience by serving alcohol to customers. Ms Nelson gave assurances that there would be no noise disturbance as the premises was not a late night venue. An email supporting the application had also been included in the agenda supplement (page 42)

¹ Definition from https://en.oxforddictionaries.com/definition/craft_beer as of 14/11/2016

In response to questions and comments from Committee Members, Mr Butler stated that:

1. In the event of the license being granted, organised events would be mostly literary events such as guest speakers normally held on Thursdays.
2. Similar events were already taking place at the Second Home Premises which was opposite Libreria which was run by the same company
3. Libreria was on small premises and minors would be supervised and would not have access to alcohol
4. It was envisaged that any music for events would be provided by a DJ or a single musician such as a guitarist as the premises was too small to accommodate a band
5. Staff would be fully trained in all aspects of the business, including the sale of alcohol, and a Designated Premises Supervisor would be on site

Members adjourned the meeting at 8.27pm to deliberate in private.

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. The Sub Committee had carefully considered all of the evidence before them and heard representation on behalf of the applicant and the objectors with particular regard to the licensing objective of the prevention of public nuisance and the prevention of crime and disorder.

Members consider the rebuttable presumption set out within the Council's Special Cumulative Impact Policy and determined that the applicant had rebutted the presumption that the premises would contribute to the issue already faced within the Brick Lane area in that the premises was not an off-licence or restaurant where the sole purpose of someone's visit would be to purchase alcohol and that proposed operating hours are such that the premises would be closed before many of the complaints surrounding crime and disorder and anti-social behaviour occur.

Members were concerned how the business would be able to monitor the consumption of alcohol on the premises of anyone who is under the age of 18 and believed that it would be appropriate to include relevant conditions on the licence to ensure that the licensing objective of the protection of children from harm is upheld.

Members were also of the view that the conditions agreed with Environmental Health were necessary and proportionate to ensure that the licensing objectives are upheld, more so as the premises is situated within the CIZ.

Decision

Accordingly, the Sub-Committee unanimously;

RESOLVED - That the application for a new Premises Licence for Libreria, 65 Hanbury Street, E1 5JP, be **GRANTED** with conditions as set out below

Supply of alcohol (on sales)

- Monday to Saturday from 16:00 hours to 21:30 hours
- Sunday from 14:00 hours to 17:30 hours

The provision of regulated entertainment – Films (Indoors only)

- Monday and Tuesday, from 19:00 hours to 22:00 hours
- Saturday from 19:00 hours to 22:00 hours

The provision of regulated entertainment – Live Music (Indoors only)

- Friday, from 17:00 hours to 22:00 hours
- Sunday, from 14:00 hours to 18:00 hours

The Opening Hours of the Premises

- Monday to Saturday from 12 noon to 22:00 hours
- Sunday from 12 noon to 18:00 hours

Conditions

1. Sale of alcohol shall be on sales only and no open vessels of alcohol to be taken outside the premises.
2. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Police Licensing Team. 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 customers 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 and download immediately upon the request of police or an authorised officer throughout the

preceding 31 day period. No alcohol shall be sold if the CCTV equipment is inoperative for any reason.

3. A log shall be kept detailing all refused sales of alcohol. The log is to include the date and time of the refusal of sale, the reason for refusal and the name of the member of staff who refused sale. The log shall be made available for inspection at the premises by the police or an authorised officer at all times whilst the premises is open.
4. An incident log shall be kept at the premises for at least 6 months, and made available on request by an authorised officer of the licensing authority of the Police, which must record the following:
 - a. all ejections of patrons;
 - b. any complaints received;
 - c. any incidents of crime or disorder;
 - d. any faults in the CCTV system; and
 - e. any visit by a relevant authority or emergency service.
5. A Challenge 21 Policy shall be enforced, where any person reasonably looking under the age of 21 shall be asked to prove their age when attempting to purchase alcohol. Signs to this effect must be displayed at the premises.
6. The only acceptable forms of identity will be those photographic identification documents recognised by the Home Office guidance, including passports, photo-card driving licence or proof of age card bearing a PASS hologram.
7. No admittance to children under the age of 18 unless accompanied by an adult during the hours that alcohol can be sold.
8. Age verification must be requested from customers attending film screenings where they reasonably look under the age of the relevant film classification.
9. Details of the Designated Premises Supervisor to be displayed so that they can be contacted regarding any concerns about the premises.
10. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a statutory nuisance.

The meeting ended at 8.27 p.m.

Chair, Councillor Peter Golds
Licensing Sub Committee