

LONDON BOROUGH OF TOWER HAMLETS

RECORD OF THE DECISIONS OF THE LICENSING SUB COMMITTEE

HELD AT 6.30 P.M. ON WEDNESDAY, 1 NOVEMBER 2017

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

Members Present:

Councillor Peter Golds (Chair)

Councillor Khales Uddin Ahmed (Member)

Councillor Shah Alam (Member)

Officers Present:

Agnes Adrien Team Leader, Enforcement & Litigation, Legal
Services

Kathy Driver Principal Licensing Officer

Farhana Zia Senior Committee Officer

1. DECLARATIONS OF DISCLOSABLE PECUNIARY INTEREST

No member declared any discloseable pecuniary interests.

2. RULES OF PROCEDURE

The rules of procedure were noted.

3. ITEMS FOR CONSIDERATION

**4. APPLICATION FOR REVIEW UNDER SECTION 53 A OF THE LICENSING
ACT 2003 (ALI'S FOOD AND WINE), 497 - 499 CAMBRIDGE HEATH
ROAD, LONDON E2 9BU**

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.

Kathy Driver, Licensing Officer introduced the report and stated this was a Section 53a application following an incident regarding an employee of Ali's Food and Wine. The interim hearing took place on the 6th October 2017 and the licensee agreed to remove the member of staff from his employ. Mr Husseyin Yaz is no longer an employee and Members are asked to note the withdrawal of the Review and accept the condition added to the Premise Licence by way of a minor variation.

Members of the Sub-Committee were in agreement that the minor variation as sighted on page 30 should be allowed, save that it should read:

"Mr Husseyin Yaz shall not be employed at the premises or be permitted to enter the premises in any circumstances."

Decision

Accordingly, the Sub-Committee unanimously

RESOLVED

That the above stated condition should be added to the operating schedule of the licenced premise.

5. LICENSING ACT 2003 APPLICATION FOR A NEW PREMISES LICENCE FOR VICTORIA PARK WEST STRIP OF LAND BETWEEN BONNER GATE AND GORE GATE LONDON E3 5TB

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.

Kathy Driver, 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 Max Kennedy (Applicant) who read out his statement in support of his application for a Sale of Alcohol licence. He stated the Tower Hamlets Parks Team had written to him supporting his venture and had stated they "closely monitored the sale of alcohol during market trading days and ... had never had any complaints or concerns arising from the sale of alcohol."

Mr Kennedy stated Victoria Park Market is a food market that runs on the Nightwalk, which is a pedestrianised street in the middle of Victoria Park between Bonner Gate and Gore Gate, postcode E2 9JW.

He said the Market is run by him and his team and their mission for the market is to support and showcase amazing local food and drinks from businesses in the local area; support social enterprises and provide the local community the opportunity to buy directly from small local food producers and support local businesses. He said the Market also wanted to showcase the small craft drinks businesses in the area and as such were applying for a sale of alcohol licence from 10:00 a.m. to 18:00 p.m.

He made reference to Page 85 and the objections raised. He stated the Market start time of 10:00 a.m. was because people came to shop for special wines for their Sunday lunch. Therefore the Market stalls needed to be open at 10:00 a.m. to cater for this trade.

Mr Kennedy explained he had applied for the licence to be until 18:00 p.m. however the market traders did not operate beyond 16:00 p.m., when the market shuts to the public. He said he had applied for longer hours so that the market could operate on special occasions like holding a Christmas market.

He informed Members the market had already been selling alcohol from 10:00 a.m. to 16:00 p.m. for the last 15 weeks using Temporary Events Notices and had not encountered one problem - no customer complaints or incidents arising from the severing of alcohol had been noted and nor had the Tower Hamlets Parks Team. Mr Kennedy stated 3 stalls sold alcohol at the market which represents less than 5% of the total number of stalls.

With regard to the Licencing Objectives he stated that most of the traders held personal licences and were very experienced in serving the general public alcohol. He said he had also recently passed his personal licence exam and all stallholders were well versed in the Challenge 25 scheme. He referred

Members to Page 97 and said stallholders would adhere to the proof of age requirements and that a refusal log book would be kept of any incidents that needed to be fed back to the market team at the end of every day.

Mr Kennedy stated that the Market had a total of 10 bins out at the market. These include 3 bins inside the market area and 7 next to park bins. He said the bins are checked every 15 minutes so to ensure there is no overflow. The bins are collected, once the market as finished by a private operator. He said the entire Nightwalk is also swept for litter and is left exactly as it is found.

With respect to page 91 and reference made to heavy drinkers in the picnic area, Mr Kennedy stated that in the 4 months the market has been operating he has never seen this group in the park or indeed in the market. He said the beer sold at the market stalls sells 4 times the price of a can of beer that the drinkers would drink and therefore it would not make sense for the drinkers to purchase drinks from the market. Mr Kennedy went on to say that the park benches were used by families to eat brunch and this kept away drinkers.

He said the concerns raised about music beside the alcohol stalls had been addressed and music is only allowed in the middle of the market.

Mr Kennedy continued stating that the Market managers inspect the alcohol stall to ensure they are well maintained, in good order and in a safe condition. Log books are kept at the Market premises and all trades are vetted to ensure they comply with relevant public liability and hygiene certificates, which they must display. Emergency vehicle access is facilitated at Gore Gate which is open at all times.

Mr Kennedy said the market had not experienced any problems with crime and disorder relating to the sale of alcohol but the market organisers would continue to be vigilant by implementing the following measures:

- The alcohol stall will have a clear sign on them indicating their normal trading hours;
- Under the premises licence state which licensable activities are permitted.
- They will have clear signs to warn customer to be vigilant about potential bag thefts in the area and to keep bags attended at all times.

Mr Kennedy summed up his argument by stating the Market clearly promotes and adheres to the four key licensing objectives. It provides support to local businesses and helps them to thrive in a challenging financial environment and it has proven over a 15 week period that the market can cater for 3 stalls selling alcohol without any problems.

The Sub-Committee heard from the Objectors – Ms Deborah Khan, Mr Martin Shortis and Ms Sarah Perritt.

Ms Khan said her main issue with the market was in relation to access and egress. She said she was a Hackney resident and had experienced a high volume of commercial traffic in her road which was causing disturbance and intrusion. Ms Khan said there had been little consultation with the neighbours

with regard to the market and most of the commercial vehicles were causing gridlock on the quiet residential street, which is narrow and cannot cope with the number of vehicles using it. Ms Khan said she had concerns about health and safety and the volume of space in which large vehicles were turning especially as the access to the gate is narrow. She continued stating she commended the market organisers and their support of local businesses however the impact the market is having on local residents negates why it should be located in the park.

Mr Shortis stated he lived on the Bonner Estate and although the market is well run, he felt the local residents were not consulted. He stated that he had spoken to neighbours and 41 people had signed his petition against the market. Mr Shortis said Sunday is a day of relaxation and most people on the estate are not in favour of the market.

Ms Sarah Perritt continued by stating that it was difficult to enjoy the nature, beauty and tranquillity of the park because of the smell and noise emanating from the Market. She questioned the locality of the market and said that as the park was not a place of commerce the Market was in the wrong location. She said 1 in 6 people in the area did not think the market should operate from Victoria Park.

Members of the Sub-Committee asked the following questions:

- Why is it necessary to have a licence until 18:00 hrs?
Mr Kennedy conceded that he had stated 18:00 hrs due to running special markets such as a Christmas Market but was happy for it to be until 16:00 hours.
- Do you sell alcohol in plastic cups?
Mr Kennedy confirmed that paper cups and biodegradable cups were used in the sale of alcohol. He said many people brought their own drinks to the park in the summer. Ms Perritt responded stating this was untrue and the park was mainly used by families who purchased tea and coffees from the cafés.
- How far is the Market from the residents' properties?
Approximately, 50 meters.
- Are the residential properties flats? If so, how many flats are there in total.
There are 4 blocks of flats each housing 17 flats, plus the Bonner estate with approximately 300 flats.
- Is there any off licences' within the vicinity?
There are 3 pubs in the local area but no off licences nearby.
- Did you experience disturbance from the market when it was operating under TENS?
Mr Shortis stated many people did not like taking their children to the park when alcohol was being sold or drunk. He said the market was managed well but this would be the beginning of a permanent fixture and residents felt they had not been consulted.

Both the Applicant 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 new Premises Licence for Victoria Park West strip of land between Bonner Gate and Gore Gate London E3 5TB be **GRANTED** subject to the following conditions:

Sale of alcohol – (both on and off sales)

- Sunday 10:00 - 16:00 hours

Hours premises are open to the public:

- Sunday 10:00 – 16:00 hours

Conditions consistent with the Operating Schedule:

- A Challenge 21 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as driving licence, passport or proof of age card with the PASS hologram. All stallholders will be trained in the challenge 21 Scheme and signs will be displayed at every stall.
- An Incident log shall be kept at the premises, and be available on request to the Police or an authorised officer. It must be completed within 24 hours of any incident and will record the following:
 - a) All crimes reported to the venue;
 - b) All ejections of patrons;
 - c) Any complaints received concerning crime and disorder;
 - d) Any incidents of disorder;
 - e) All seizures of drugs or offensive weapons;
 - f) Any refusal of the sale of alcohol
- Any visit by a relevant authority or emergency service
- During the hours of operation of the premises licence, the licence holder shall ensure sufficient measures are in place to remove and prevent litter or waste arising or accumulating from customers in all areas.

6. EXTENSION OF DECISION DEADLINE: LICENSING ACT 2003

There were no applications requiring an extension to the deadline.

7. EXCLUSION OF THE PRESS AND PUBLIC

The Sub-Committee **RESOLVED** to take the next item in private session due to information contained therein is commercially, legally or personally sensitive and should not be divulged to third parties.

8. APPLICATION FOR FULL REVIEW UNDER SECTION 53 A OF THE LICENSING ACT 2003 (REDON), RAILWAY ARCH, 289 CAMBRIDGE HEATH ROAD, LONDON E2 0EL

Decision

Accordingly, the Sub-Committee unanimously

RESOLVED

That the premises licence for Redon, Railway Arch 289 Cambridge Heath Road, London E2 0EL be **REVOKED**.

The meeting ended at 9.15 p.m.

Chair, Councillor Peter Golds
Licensing Sub Committee