

LONDON BOROUGH OF TOWER HAMLETS
MINUTES OF THE LICENSING SUB COMMITTEE
HELD AT 5.30 P.M. ON TUESDAY, 5 JUNE 2018

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

Members Present:

Councillor Peter Golds (Chair)
Councillor Victoria Obaze
Councillor Zenith Rahman

Officers Present:

Corinne Holland	– (Licensing Officer)
Vivienne Walker	– (Senior Prosecution Lawyer)
Simmi Yesmin	– (Senior Committee Officer, Democratic Services)

Representing applicants	Item Number	Role
Michael Kill	4.1	Applicant
Niall McCann	4.2	Legal Representative
Chao Zhang	4.2	Applicant

Representing objectors	Item Number	Role
None present		

Apologies
None

1. DECLARATIONS OF DISCLOSABLE PECUNIARY INTEREST

There were no declarations of disclosable pecuniary interest made.

2. RULES OF PROCEDURE

The rules of procedure were noted.

3. MINUTES OF THE PREVIOUS MEETING(S)

The minutes of the Licensing Sub Committee meetings held on 20th March, 4th April, 11th April and 24th April 2018 were agreed and approved as a correct record.

4. ITEMS FOR CONSIDERATION

4.1 Application for a New Premises Licence for Yumcha 137 Brick Lane, London E1 6SB

At the request of the Chair, Ms Corinne Holland, Licensing Officer, introduced the report, which detailed the application for a new premises licence for Yumcha, 137 Brick Lane, London E1 6SB. It was noted that objections had been received from local residents.

At the request of the Chair, Mr Michael Kill, Applicant, explained that the premises was a tea bar primarily selling premium teas and was now looking to introduce an alcoholic infusion to their tea collection. It was made clear that the key product would be teas and alcohol would only be an ancillary to the premium collection of the infused teas they currently offer.

He explained that drinks would be served only for seated consumption and therefore the premises would not be a vertical drinking establishment. It was noted that he had consulted with Responsible Authorities and conditions and hours had been agreed with the Police, Licensing Authority and Environmental Health. It was also noted that they would have SIA security staff during the evenings/nights on Thursdays, Fridays and Saturdays with the numbers to be agreed with the Police.

It was noted there would be a 30 minute drinking up time allowing a slow dispersal. That the capacity of the premises was for 60 people, and the premises would be available for corporate bookings. It was also noted that suitable signage would be displayed around the premises asking customers to respect the needs of local residents and leave the area quietly and that a challenge 25 policy would also be operated.

Mr Kill explained that there would be low background music, and they wouldn't need to access the back door during the evenings, therefore this would limit the noise breakout, as well as this the noise reduction policy would include closing doors and windows early evening to stop noise emanating from the premise. Mr Kill also stated that they would manage the smoking area outside the premises by limiting it to 3-4 people at any one time as well as this no drinks would be allowed to be taken outside the premise.

In response to questions the following was noted;

- That there would be no off sales

- That the applicant had agreed to limit the number of smokers to 4 people at any one time.
- That several measures have been taken to address the concerns of the CIZ and ensure that there is no negative impact on the area, ie. Installation of a CCTV camera system, alcohol to be only served for seated consumption, SIA door staff to be employed, and doors and windows to be kept shut to stop noise emanating from the premises.
- That there would be 3-4 members of staff working at the premises with the premises capacity for 60 people.

There were no objectors present at the meeting, Members noted and considered the written objections contained in the agenda.

Members adjourned the meeting at 5.55pm for deliberations and reconvened at 6.05pm.

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 merits and the Chair stated that the Sub Committee had carefully considered all of the evidence before them and had heard representation from the Applicant and noted the written objections made by local residents, whom were not present at the meeting.

Members welcomed the efforts made by the Applicant by offering and accepting conditions in consultation with the Responsible Authorities and accepting the condition 'that the consumption of alcohol can only be by persons seated within the premises' this gave Members the assurance that the premises would not be used as a vertical drinking establishment.

Members noted the concerns raised about noise emanating from the premises, therefore Members believed that the condition to keep doors and windows closed during operational hours from 7pm onwards would help prevent this and alleviate some of those concerns. Members were also satisfied that a modification of the hours on the license would also relieve the concerns of local residents and avoid any future disturbances.

Members believed that restricting the use of the smoking area outside the premises to four people at any one time would also help with noise control.

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 Yumcha, 137 Brick Lane, London E1 6SB be **GRANTED** with conditions.

Sale of Alcohol (on sales only)

Monday to Sunday from 12:00 hrs to 23:30 hrs.

Provision of Late Night Refreshments

Monday to Sunday from 23:00 hrs to 23:30 hrs.

Hours premises Open to the Public

Monday to Sunday from 08:00 hrs to 00:00 hrs (midnight).

Conditions

1. No drinks allowed to be taken outside the premises at any time.
2. CCTV shall be installed at the premises. The scope of the coverage shall be agreed with the Police. The system shall be kept in good working order and recording kept for a minimum of 31 days with a trained member of staff on duty while the premises are open.
3. CCTV is to be made available to Police or other Licensing Authority on request.
4. Written operating policy including:
 - I. Drugs Policy
 - II. Incident Book
 - III. Refusal Book
 - IV. Transport and Dispersal
5. Refusals and Incident Log are made available to Police or other Licensing Authority on request.
6. Staff shall be trained on drug and alcohol policy

7. Doors and windows shall be kept closed during operational hours post 19:00 hours
8. Management of refuse disposal shall be completed each morning, refraining from night time disturbance.
9. A Challenge 25 Policy shall be in place in relation to the sale of alcohol.
10. The consumption of alcohol can only be by persons seated within the premises except when operating a pre booked private function, where the general public have no access to the premises.
11. No more than 4 people to smoke outside the premises at any one time.

4.2 Application for a New Premises Licence for Chao Zhang, 62 Wentworth Street, London E1 7AL

At the request of the Chair, Ms Corinne Holland, Licensing Officer, introduced the report, which detailed the application for a new premises licence for Chao Zhang, 62 Wentworth Street, London E1 7AL. It was noted that objections had been received from local residents.

At the request of the Chair, Mr Niall McCann, Legal Representative on behalf of the applicant explained that since the application was made the two resident objectors had been written to and two changes were made to the application firstly that off sales would cease at 10pm and that alcohol would be ancillary to a meal.

Mr McCann confirmed that the premises would be named 'Xian Biang Biang' named after a Chinese noodle. It was noted that they would be selling Chinese food specialising cuisines from North West China, serving a wide range of street food during lunch and dinner. It was envisaged that alcohol would form 10% of the total sales income.

Mr McCann gave a brief history of the Applicants previous experiences and explained that he had three other premises where there had been no complaints. It was noted that the restaurant was over one floor, with an open kitchen, and a bar which would only be used to serve the drinks and not a seated bar area. Mr McCann highlighted that there were no objections from Responsible Authorities and explained that the objections referred to general issues of the Cumulative Impact Zone in the area and as a result reduced the hours for off sales.

Mr McCann highlighted the fact that the onus lay upon them to prove they would not have a negative impact on the area and therefore would have the following measures in place;

- No vertical drinking
- Takeaway drinks to be sold in sealed containers
- Suitable signage displayed around the premises asking customers to respect the needs of local residents and leave quietly.
- Operate a challenge 25 policy

- Install and maintain a CCTV camera system.

Mr McCann concluded that it was a modest application with modest hours applied for and that there was no specific concerns linked to the premises.

In response to a question, the Applicant agreed to remove off sales from the application.

There were no objectors present at the meeting, Members noted and considered the written objections contained in the agenda.

Members adjourned the meeting at 6.20pm for deliberations and reconvened at 6.30pm.

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 merits and the Chair stated that the Sub Committee in the absence of the objectors had carefully considered the written objections in the agenda and listened to the representations made on behalf of the Applicant by their Licensing Representative.

Members noted the reduction in the hours for the sale of alcohol and welcomed the efforts made by the Applicant to add conditions in consultation with the Police and also the agreement to remove off sales from the application this helped give assurance that the premise would not have a negative impact on the area. Members were satisfied that the condition 'the supply of alcohol at the premises shall only be to a person for consumption by such a person as ancillary to their meal' together with the other conditions would help alleviate the concerns of the local residents and promote the licensing objectives.

Therefore Members made a decision and the decision was unanimous. Members granted the application with conditions.

Decision

Accordingly, the Sub-Committee unanimously –

RESOLVED

That the application for a New Premises Licence for, Chao Zhang (Xian Biang Biang), 62 Wentworth Street, London E1 7AL be **GRANTED** with conditions.

Sale of Alcohol (On sales only)

Monday to Sunday from 11:00 hours to 22:30 hours

Hours premises are open to the public:

Monday to Sunday from 11:00 hours to 23:00 hours

Conditions

1. No off sales.
2. Open containers shall not be taken from the premises.
3. 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.
4. Staff shall undertake regular training and written training records to be kept.
5. A CCTV system to be put in place, the cameras are to be of sufficient quality so that people's faces are clearly identifiable from the footage. The cameras are to be placed in such a way as they cover areas of the premises specified by the Police. The system is to record the footage and to keep it for a minimum of 31 days and a copy of CCTV footage is to be made available to Police or the Local Authority upon request. (subject to data protection legislation).
6. While the premises are open to the public a member of staff must be on duty who can operate the CCTV system.
7. An Incident Report book is to be kept and used to record all incidents of crime and disorder as well as any incidents of note. This book is to be made available on request to any Police officer or representative of a responsible authority.

5. EXTENSION OF DECISION DEADLINE: LICENSING ACT 2003

The Chair agreed to extend the decision deadlines for the following applications;

Premises	Hearing Date
Nelson's Head, 32 Horatio Street, Bethnal Green London E2 7SB	19/06
Cookies and Cream Unit 5 The Chronos Building, 9-25 Mile End Road, London, E1 4TW	19/06
Whitepost Café, 92 Whitepost Lane, London E9 5SN	10/07
Angel Convenience, 23 Roman Road, London E2 0HU	10/07
Sharwama, 84 Brick Lane, London E1 6RL	24/07

The meeting ended at 6.45 p.m.

Chair, Councillor Peter Golds
Licensing Sub Committee