

**LONDON BOROUGH OF TOWER HAMLETS****MINUTES OF THE LICENSING SUB COMMITTEE****HELD AT 6.30 P.M. ON TUESDAY, 1 OCTOBER 2019****THE COUNCIL CHAMBER, TOWN HALL, MULBERRY PLACE, 5 CLOVE  
CRESCENT, LONDON, E14 2BG****Members Present:**

Councillor Ehtasham Haque (Chair)

Councillor Mohammed Pappu

Councillor Gabriela Salva Macallan

**Officers Present:**

Corinne Holland

– (Licensing Officer)

David Wong

– (Legal Services)

Simmi Yesmin

– (Democratic Services)

**Representing applicants****Item Number****Role**

Mohammed Chowdhury

3.1

(Legal Representative)

Abul Mongur

3.1

(Applicant)

Barnaby Sutton

3.2

(Applicant)

**Representing objectors****Item Number****Role**

Mohshin Ali

3.1

(Senior Licensing Officer)

Nicola Cadzow

3.1

(Environmental Health Officer)

**Apologies**

None

**1. DECLARATIONS OF DISCLOSABLE PECUNIARY INTEREST**

There were no declarations of interests made.

**2. RULES OF PROCEDURE**

The rules of procedure were noted.

**3. ITEMS FOR CONSIDERATION**

### **3.1 Application for a New Premises Licence for Faizah Mini Market, 2 Old Montague Street, London E1 5NG**

At the request of the Chair, Ms Corinne Holland, Licensing Officer, introduced the report which detailed the application for a new premises licence for Faizah Mini-Market, 2 Old Montague Street, London E1 5NG. It was noted that objections had been received by the Licensing Authority and Environmental Health.

At the request of the Chair, Mr Mohammed Chowdhury, Legal Representative on behalf of the Applicant explained that a similar application was submitted last year which was refused by a Licensing Sub Committee due to the lack of consultation with the Police and local hostels nearby. He then referred to pages 57-61 of the agenda, copies of correspondences that were sent to responsible authorities and local hostels consulting them on the application proposed. Mr Chowdhury said that they had only received a response from the Police who suggested conditions which have been accepted. He referred Members to page 50-51 of the agenda and said that the premises would have no impact on the cumulative impact zone (CIZ) and his basis for this was the fact that crime statistics were lower in 2012 prior to the CIZ being introduced compared to 2015 where the levels were higher and the CIZ had been in place.

It was noted that the hours had been reduced to the Council's Framework Hours due to concerns from Environmental Health. It was further noted that local residents had signed petition letters expressing their support for the application. Mr Chowdhury concluded that the applicant was a responsible and experienced man and would maintain and uphold the licensing objectives.

Members then heard from Mr Mohshin Ali, Licensing Officer. He explained that his objection was based on the fact that the premises was in the CIZ and reducing the hours to the Council's framework hours did not automatically mean an application would be granted. It was based on evidence and despite the slightly reduced hours, the licensing objectives would still be undermined.

Mr Ali stated that there were no complaints against the premises but that was because there was currently no licence in place. He suggested that the applicant could have applied for Temporary Event Notices to demonstrate they could run licensable activities without adding to the cumulative impact before applying for a licence. He concluded by explaining that business need and customer demand were not licensing considerations, and therefore the petition signed by customers should be given little or no weight when making the decision.

Members also heard from Ms Nicola Cadzow who expressed similar concerns to Mr Ali. She acknowledged the applicant's willingness to reduce hours, but mentioned that the Applicant had not contacted her about what measures would be in place to address public nuisance, especially noise disturbance, and therefore she was not satisfied with the operating schedule.

In response to questions the following was noted;

- That the applicant had accepted conditions suggested by the Police
- That the local hostels, had been contacted but have had no response back from them.
- That the application was for off sales only.
- That the appropriate consultation was made to all interested parties.
- That there were no objections from the Police or local residents.
- That CCTV cameras would be installed, there would be a challenge 25 policy in place, they would maintain an incident log, display notices and would not serve to intoxicated persons.
- That the applicant was responsible, had taken sufficient steps to promote the licensing objectives, undertook consultation, accepted police conditions and reduced the hours.
- That the applicant was unable to explain what exceptional steps would be taken to promote the licensing objectives.

Members adjourned again at 8.15pm for deliberations and reconvened at 8.40pm.

### **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. The Prevention of Public Nuisance; and
4. The Protection of Children from Harm.

### **Consideration**

Each application must be considered on its own merits. The Chair confirmed that the Sub-Committee had carefully considered all of the evidence before them and the oral representations from the Applicant's Legal Representative and the Officers from Responsible Authorities objecting to the application, with particular regard to all four licensing objectives.

The Sub-Committee noted that the premises are in a cumulative impact zone (CIZ), and so, the effect of a premises subject to a licensing application being in a CIZ is that there is a rebuttable presumption that where relevant representations are received by one or more of the responsible authorities and/or other persons objecting to the application, the application will be refused.

The Sub-Committee noted that under the Council's Statement of Licensing Policy, the Applicant can rebut the above presumption if they can demonstrate that their application for a premises licence would not undermine any of the four licensing objectives by not adding to the cumulative impact of licensed premises already in the CIZ.

The Sub-Committee considered that the onus lay upon the applicant to show through their operating schedule, with appropriate supporting evidence that the operation of the premises, if licensed, would not add to the cumulative impact already being experienced.

The Sub-Committee noted the representations from the Licensing Authority and Environmental Health regarding the impact of the premises on the Cumulative Impact Zone (CIZ) and concerns relating to the existing levels of public nuisance and anti-social behaviour in the area.

The Sub Committee noted the applicant's representation that the hours originally applied for had been reduced to fall in line with the Council's framework hours and the premises licence if granted, would be mitigated by conditions proposed and any conditions that would be agreed. However, the Sub Committee was concerned that this in itself did not address how the grant of a premises licence within the CIZ would not add to the cumulative impact of the number, type and density of licensed premises already in the area with regard to prevention of public nuisance and prevention of crime and disorder. The Sub-Committee therefore considered that it had not heard enough evidence that rebutted the presumption against granting any further premises licence within the CIZ. The Sub-Committee was not satisfied that the operating schedule as presented at the Sub-Committee meeting met the requirement to uphold the licensing objectives in the CIZ.

Members also expressed concerns about the lack of clarity from the Applicant's Representative when the questioned about the application, which did not satisfy the Sub-Committee that the applicant understood what was needed to seek to rebut the presumption against granting any further premises licence within the CIZ.

The Sub Committee was therefore not satisfied with the application and were of the view that the applicant had failed to rebut the presumption against granting a premises licence for a premises situated in a cumulative impact zone, in that the applicant failed to demonstrate how they would not undermine any of the four licensing objectives by adding to the cumulative impact in the area.

Accordingly, the Sub Committee unanimously

### **RESOLVED**

That the application for a New Premises Licence for Faizah Mini-Market, 2 Old Montague Road, London E1 5NG be **REFUSED**.

### **3.2 Application for a New Premises Licence for (Make It Group) 5 Hancock Road, London E3 3DA**

At the request of the Chair, Ms Corinne Holland, Licensing Officer, introduced the report which detailed the application for a new premises licence for Make It Group, 5 Hancock Road, London E3 3DA. It was noted that an objection had been received by a local resident.

At the request of Chair, Mr Barnaby Sutton, Company Director, explained that the complaint that had been referred to in the objection was in relation to a private event, with invited guests only. He explained that the company was a work space provider for the creative industry. It was for young creators, an affordable start up platform. It was noted that the company previously had a premises in Swan Wharf which had a licence for 5 years, there were no complaints at that premises and they had a close relationship with the landlord and residents.

Mr Sutton highlighted that event space would be hired out for community programmes once a month, free of charge. The licence would be used for community focussed events and exhibitions. There was no bar area or designated drinking space.

It was noted that the objector was not present at the meeting, and it was confirmed by Democratic Services that all correspondence had been sent out to the objector. Therefore Members noted and considered the written objection contained in the agenda.

In response to questions the following was noted;

- That the venue had recently opened in July 2019 and was unable to name the local community groups/clubs that they would be working with.
- That the complaint was made in relation to a private event, it was a very hot day in July, the windows and doors had been left open and a music system was hired in. Therefore the level of music was not set and this would not happen again.
- That there was no intention of playing music at future events.
- That there were three points of entry and exits to help with egress, and the applicant could also have security at the door to manage this.
- That there were 30 guest car parking spaces, and 80% of studios had already been occupied and therefore do not envisage any overflows during egress.

Members adjourned again at 7.05pm for deliberations and reconvened at 7.25pm.

### **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. The Prevention of Public Nuisance; and
4. The Protection of Children from Harm

### **Consideration**

Each application must be considered on its own merits. The Chair confirmed that the Sub-Committee had carefully considered all of the evidence before them including the written objection contained in the agenda pack and the oral representations from the Applicant's Representative present at the meeting.

The Sub-Committee was satisfied that the licensing objectives would be promoted and that the conditions on the licence would effectively mitigate the risk of noise nuisance and public nuisance. The Sub-Committee was also satisfied that the conditions imposed would help alleviate any concerns arising from the local resident objector.

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, Make It Group, 5 Hancock Road, London E3 3DA be **GRANTED** with conditions.

#### **Sale of Alcohol (On Sales Only)**

Monday to Sunday from 12:00 hrs to 22:30 hrs

#### **Hours Premises Open to the Public:**

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

#### **Conditions**

- 1.1 Noise Limiter must be fitted to the musical amplification system set at a level determined by and to the satisfaction of an acoustic consultant who is a member of the Institute of Acoustics so as to ensure that no noise nuisance is caused to local residents or businesses. The operation

panel of the noise limiter shall then be secured by a key or password to the satisfaction of the acoustic consultant and access shall only be by persons authorised by the Premises Licence Holder. No alteration or modification to any existing sound system(s) should be affected without prior agreement with an acoustic consultant. No additional sound generating equipment shall be used on the premise without being routed through the sound limiter device.

1.2 The designated premises supervisor shall ensure that all members of staff involved in the sale of alcohol receive training in the essentials of licensing law and the specific conditions of the Premises Licence before being given permission to sell alcohol. This training will include the following:

- Explanation of the four licensing objectives.
- The Premises Licence conditions for Make it Bow
- Understanding and implementation of Challenge 25 and appropriate forms of identification.
- Use of the premises' incident book, and what must be recorded

1.3 Training must be documented, signed by any person involved in the sale of alcohol on site to state that they understand the training, and will do their utmost to support the licensing objectives and comply with the conditions of the Premises Licence when on duty.

1.4 Training records will be retained on the premises and refresher training provided at least every six months.

1.5 An incident log shall be kept at the premises, and made available on request to the police or an authorised officer, which will record the following:

- All crimes reported to the venue
- Any complaints received
- Any incidents of disorder
- Any faults in the CCTV system
- Any visit by a relevant authority or emergency service
- All ejections from the premises
- All seizures of drugs or offensive weapons
- Any refusal of the sale of alcohol

1.6 The premises will install and maintain a comprehensive CCTV system to cover all public areas of the ground floor and first floor and the areas immediately outside the premises. 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 guests remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Recordings shall be made available immediately upon the request of police or

authorised officer in accordance with the Data Protection Act 1998 throughout the preceding 31 day period.

- 1.7 A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open for licensable activities. This staff member shall be able to show Police recent data or footage with the absolute minimum of delay when requested.
- 1.8 No super-strength beer, lagers or ciders of 5.5% ABV (alcohol by volume) or above shall be sold at the premises.
- 1.9 A pre-opening check will be conducted every morning before licensable activities commence, ensuring fire exits are clear, fire extinguishers in position, no slipping or tripping hazards exist, and the CCTV system is in full working order.
- 1.10 Throughout the time, either floor of the premises is being used for licensable activities, an hourly patrol will take place covering both floors, public toilets and the immediate area outside the premises, to ensure there is no instance of compromise to public safety, and that other licensing objectives are also being supported as a matter of routine.
- 1.11 Notices shall be prominently displayed at all exits requesting guests to respect the needs of local residents and leave the area quietly.
- 1.12 No rubbish, including bottles, shall be disposed of in outside receptacles or outside areas between 22.00 hours and 08.00 hours.
- 1.13 No deliveries may be made to the premises between 22.00 hours and 08.00 hours.
- 1.14 The departure and dispersal of guests will be supervised from 23:00 until the last guest has departed, including collections by taxis, to ensure no nuisance is caused to local residents.
- 1.15 A designated smoking area will be established outside the main entrance to the premises, with the number of people using the facility at any one time restricted to 10 persons, with signage to explain this condition clearly displayed both inside and outside the entrance.
- 1.16 All windows will be kept closed after 21:00 to avoid noise escape.
- 1.17 The Premises will implement a "Challenge 25" policy whereby all guests requesting alcohol who appear to be under 25 must produce photographic identification in the form of a valid passport, driving licence or photographic Proof of Age card, with an immediately recognisable photograph of the bearer, date of birth proving he or she is over the age of 18, and an appropriate holographic mark.



1.18 Signage advising guests that Challenge 25 is in operation shall be prominently displayed at the public entrance and all points of sale/service.

1.19 Anyone under the age of 18 on the premises, must be accompanied by an adult after 21.00.

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

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

Premises	Hearing Date	Decision by
Duck and Dry, 105C Commercial Street, Old Spitalfields Market, London E1 6BG (MA)	26/11	22/10
Rule Zero, 3 Succession Walk, 4 Roach Road, London E3 2RX (CH)	26/11	24/10
Yo Yo Oriental Supermarket, 61a Alie Street, London E1 8EB (MA)	03/12	28/10
Silver Sockeye, Wapping Pier, King Henry's Stairs, Wapping High St, London E1W 2NR (MA)	03/12	31/10

The meeting ended at 8.45 p.m.

Chair, Councillor Ehtasham Haque  
Licensing Sub Committee