

LONDON BOROUGH OF TOWER HAMLETS
MINUTES OF THE LICENSING SUB COMMITTEE
HELD AT 2.35 P.M. ON TUESDAY, 28 APRIL 2020
ONLINE 'VIRTUAL' MEETING

Members Present:

Councillor Peter Golds (Chair)

Councillor Faroque Ahmed

Councillor Rajib Ahmed

Officers Present:

David Wong

– (Legal Services)

Kathy Driver

– (Principal Licensing Officer)

Simmi Yesmin

– (Democratic Services)

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

David Burnham

3.1

(Applicant)

Carlisle Simon

3.1

(Applicant)

Maria Macdonald

3.2

(Applicant)

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

Danuta Wojtowicz

3.1

(Resident)

Nicola Cadzow

3.2

(Environmental Health Officer)

Mohshin Ali

3.2

(Senior Licensing Officer)

Apologies

None

1. DECLARATIONS OF DISCLOSABLE PECUNIARY INTEREST

There were no declarations of interest made.

2. RULES OF PROCEDURE

The rules of procedure were noted.

3. ITEMS FOR CONSIDERATION

3.1 Application for a New Premises Licence for Sticks and Balls Snooker LTD Unit F2 88 Mile End Road London E2 4UN

At the request of the Chair, Ms Kathy Driver, Licensing Officer, introduced the report which detailed the application for a new premises licence for Sticks and Balls Snooker Ltd, Unit F2 88 Mile End Road, London E2 4UN. It was noted that objections had been received on behalf of two local residents.

At the request of the Chair, Mr David Burnham, Proposed Designated Premises Supervisor and representing the Applicant explained that the premises had been trading for 2 years and had clientele between the ages of 20-70 year olds. It was community orientated and a community business. He explained that there were security measures in place and was a Members only club. It was noted that all identifications were checked with the Police, and that they had upgraded and installed their CCTV camera system and were willing to share these with responsible authorities.

It was noted that the premises would operate a Challenge 25 policy, had a code of conduct in relation to drugs use, staff were trained regularly and management were part of the local Pubwatch scheme. Incident and accident logs were kept and the premise had fully compliant fire equipment and alarm systems. Mr Burnham stated that if the application was granted, alcoholic drinks would be no higher than 4% abv. They would also sell light snacks such as crisps and soft drinks. It was further noted that staff cleaned inside and outside the premises on a daily basis, and security measures were in place where members have to buzz in and out for entry and exit from the premises, which allowed staff to have control over who enters and leaves the premises.

Members then heard from Ms Danuta Wojtowicz, resident objector who also spoke on behalf of another resident objector, Mr Howard Spratt. She explained that the area was secluded and had problems of anti-social behaviour (ASB). She explained that it was a residential area and the use of the courtyard area would affect a much wider range of residents. She described some of the issues of ASB and was of the view that premises selling alcohol would exacerbate the issues of public nuisance and crime and disorder in the local area.

Ms Wojtowicz explained that premises selling alcohol would completely change the nature of the area and increase further night time disorder. She also questioned how customers smoking and drinking would be managed.

In response to questions the following was noted;

- That there was a designated smoking area and there were usually 1-2 smokers outside at any one time.
- It was noted that there were multiple businesses in close proximity.
- The number of smokers could be controlled as customers have to be let in and out through the security door so this could be monitored easily.

- That it was a small snooker club with the sale of alcoholic beverages to be ancillary to that. The Applicant did not propose selling high strength alcohol above 4% abv. The Applicant was happy for that to be a condition of any premises licence granted.
- If members of the club were found to be in possession of drugs or any other issues then they would be banned, and have good measures and practices in place to monitor this.
- That there were 3 pool tables, 11 snooker tables. There were 2 parking spaces available which were used by staff.
- That the average number of people in the premises at any one time was 30.
- The Applicant was happy to agree to conditions proposed by Responsible Authorities.
- That the area was dark and dingy, unclean and not well lit.
- That during the 2 years of trading, there have been no issues of ASB linked to the premises.
- There were many other premises in the area and hard to prove a link with ASB to any particular premises.
- That the premises had been seen to be operating beyond opening hours.
- That there was history of problems in the area but not linked to these particular premises.
- That during a visit by Police and Licensing Officers, alcohol was found on the premises, this was then removed straightaway as the previous management were unaware that a licence was required. As a result an application for a premise licence had been made.

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. 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 made at the meeting by Applicant and the Objector.

Members listened to the objector and her general concerns of anti-social behaviour around the close vicinity of the premises. However there was no clear evidence linking the particular premises to any previous incidents of anti-

social behaviour or public nuisance as the premises was one of many other venues in its close vicinity.

Members decided that a reduction in the hours on the weekends would help create a balance for the local residents and help reduce the risk of disturbances later into the night.

Members welcomed the efforts made by the Applicant in accepting the conditions proposed by the Police as well as proposing conditions in their operating schedule and agreeing to conditions suggested by the Sub-Committee in restricting the strength of alcohol sold and limiting the number of smokers allowed to smoke outside the premises as any one time. These conditions, together with those agreed with the Tower Hamlets Police Licensing, gave Members the assurance that public nuisance, would be prevented.

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

Accordingly, the Sub Committee unanimously

RESOLVED

That the application for a New Premises Licence for Sticks and Balls Snooker Ltd, Unit F2, 88 Mile End Road London E2 4UN be **GRANTED in part** with conditions.

Sale of Alcohol (on sales & indoors only)

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

Hours premise is open to the public:

Monday to Sunday from 09:00 hours – 00:00 hours (midnight)

Non-standard timings

Christmas Eve and New Years Eve to have licensable activities to be extended to 01:00 the following day.

Conditions

1. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Tower Hamlets 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 immediately upon the request of Police or authorised officer throughout the entire 31 day period.

2. 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 are open. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.
3. 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 faults in the CCTV system, searching equipment or
 - i. scanning equipment;
 - g) any refusal of the sale of alcohol;
 - h) any visit by a relevant authority or emergency service.
4. 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.
5. There shall be no drinks allowed to be consumed outside the premises.
6. No more than three smokers to be allowed to smoke outside the premises at any one time.
7. This premises will not sell any beer, larger or cider that exceeds the strength of 4.0% abv or higher,

3.2 Application for a New Premises Licence for McQueen's Flowers Limited 229 Cambridge Heath Road London E2 0EL

At the request of the Chair, Ms Kathy Driver, Licensing Officer, introduced the report which detailed the application for a new premises licence for McQueen's Flowers Ltd, 229 Cambridge Heath Road, London E2 0EL. It was noted that objections had been received by Responsible Authorities representing the Licensing Authority and Environmental Health.

At the request of the Chair, Ms Maria McDonald, representing the Applicant explained that the premises was a luxury gift shop selling flowers and candles etc. and wanted to sell alcohol in addition to the main product of flowers, specifically a premium champagne. The alcohol would be sold only along with the purchase of flowers or any other gift product, and would not be sold on its own. She explained that the price range for such a gift would start from £62.

At the request of the Chair, Mr Mohshin Ali, Licensing Officer explained that the premise was in the Cumulative Impact Zone (CIZ) and that the operating schedule in the application had not met the licensing objectives. He explained that the plans for the mezzanine floor were unclear and that the Applicant had not been in touch following the representation. Mr Ali also explained that although the hours were within framework hours, having another premises selling alcohol would negatively add to the CIZ.

Members also heard from Ms Nicola Cadzow, Environmental Health Officer, she referred to her representation on page 119 of the agenda and explained that the issues were regarding public nuisance and that there was nothing in the operating schedule on how to comply with and promote the licensing objectives.

In response to questions the following was noted;

- That they would only sell Champagne and this would be from a premium company.
- That age restrictions would apply when placing the order and drivers would check identification upon delivery.
- Happy to agree to the conditions proposed by the responsible authorities.
- Minimum order with Champagne would start from £75 and over
- This service would be an additional gifting opportunity for customers.
- Due to the recent pandemic, the premises will no longer be opening for retail purchase, orders would only be delivery based and premises will be used as the workshop.
- The sale of alcohol would be restricted to one product (champagne).
- It was accepted by the Applicant that the application was not robust and not filled in correctly as someone else had filled the application for them at the time the application was made.
- That an updated plan of the premises would need to be submitted as current plans were inadequate and unclear.
- After Covid-19 – the premises would be used as the workshop and the retail outlet would be moved to the West End of London.
- Happy to licence for particular occasions and other festive dates in the year.

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. 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 made at the meeting by Applicant and the Officers representing the Licensing Authority and Environmental Health objecting to the application with particular regard to the licensing objective of the prevention of public nuisance.

The Sub-Committee noted that the premises in question were situated in the Bethnal Green Cumulative Impact Zone and when a representation is received, the licence will be refused, unless the applicant can demonstrate exceptional circumstances whereby the application, if granted, would not add to the cumulative impact in that zone. The Sub-Committee noted that effect of the Council's Statement of Licensing Policy in relation to a cumulative impact zone, is to create a rebuttable presumption against granting an application relating to premises in a cumulative impact zone.

The Sub-Committee considered that the onus lay upon the applicant to show through the operating schedule, with appropriate supporting evidence that the application, if granted, would not add to the cumulative impact already being experienced, as added cumulative impact would undermine any of the four licensing objectives.

The Sub-Committee noted the applicant's representation that the impact of the premises licence if granted, would be mitigated by the fact the premises would not be used as a retail outlet and would only be used as the storage and workshop to prepare the orders for delivery. The Sub-Committee noted that the alcohol product proposed to be sold would be of a premium specified brand of champagne and would only be sold as an ancillary to flowers or other ancillary products such as chocolates, candles and scents.

The Sub-Committee noted the representations made by Responsible Authorities that on the balance of probability an added cumulative impact would arise from a grant of another premises selling "off sale" of alcohol and potentially adding to the existing anti-social issues in the area.

In making the decision, The Sub Committee was satisfied that the applicant had successfully demonstrated that a grant of the application would not add to the cumulative impact in the Bethnal Green Cumulative Impact Zone. The Sub-Committee referred to the Council's Statement of Licensing Policy, in particular section 19.8 of the Special Cumulative Impact Policy for the Brick Lane and Bethnal Green Areas, and were satisfied that the premises was not an alcohol led business, was a small premises with a capacity of fifty persons or less, would only be used as a workshop and not open to the public, and therefore would not generate added footfall as it was a delivery based business, operating within the framework hours and only providing a specified premium branded product.

The Sub-Committee was satisfied that the licensing objectives would not be undermined and that the conditions imposed would help alleviate any concerns raised by the objectors.

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, McQueen's Flowers Ltd, 229 Cambridge Heath Road, London E2 0EL be **GRANTED** with conditions.

Sale of Alcohol (off sales only)

Monday to Saturday from 09:00 hours to 17:00 hours

Hours premises open to the public:

Monday to Saturday from 09:00 hours to 17:00 hours

Conditions

1. Off-sale of alcohol shall only be made as add-on sales to the supply of floral bouquets and ancillary products such as chocolates, candles and scents.
2. Alcohol shall not be opened and consumed within the immediate vicinity of the premises.
3. Unaccompanied children shall not be allowed on the premises.
4. An incident log book shall be kept on the premises and made available on request to an Authorised Officer of the Council or Police.
5. The web-site shall be designed for adults only. A standard age verification check shall be undertaken on entering the website.
6. A signature at the point of delivery must be obtained. No delivery shall be left without a signature. Every third party courier delivery box shall be labelled with the words "Age Restricted Product".
7. Alcohol shall only be delivered to a residential or business address and not to a public place.

8. 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.
9. A record shall be kept detailing all refused sales of alcohol. The record should include the date and time of the refused sale and the name of the member of staff who refused the sale. The record shall be available for inspection at the premises by the police or an authorised officer at all times whilst the premises are open.
10. Notices will prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.

4. EXTENSION OF DECISION DEADLINE: LICENSING ACT 2003

Members agreed to extend the decision deadlines for the following applications to 31 July 2020;

Premises
Boom Bap Burgers, Arch 252 Paradise Row, London E2 9LE
Dokke, (Ubergrub Ltd), Ivory House, East Smithfield London E1W 1AT
Retreat East Farm Shop, 20 Toynbee Street, London, E1 7NE
Manjal, 3 Turnberry Quay, London E14 9RD
London Oktoberfest, Millwall Park, London E14 3BA
Unity Diner, 60 Wentworth St, London E1 7AL
NYX Hotel, 114-150 Hackney Road, London E2 7QL
S-A-N-D Grocery Ltd, 98a Coborn, London E3 2DG
(Klub Verboten) 11 West India Dock Road, London E14 8EZ
Brand Events Ltd, Victoria Park, Grove Road, Bow, London E3 5TB
Coupette 423 Bethnal Green Road E3 OAN
Barber and Parlour 64-66 Redchurch St
Lupita 60-62 Commercial St, London E1
Smokestack, Unit 11 Avant Garde, Sclater Street, London E1 6HZ

The meeting ended at 4.05 p.m.

Chair, Councillor Peter Golds
Licensing Sub Committee