

Licensing Sub Committee

**Tuesday, 6 August 2024 at 2.30 p.m.
Council Chamber - Town Hall, Whitechapel**

Supplemental Agenda

3. MINUTES OF THE PREVIOUS MEETING(S) (PAGES 3 - 36)

To confirm as a correct record the minutes of the Licensing Sub-Committee held on 18th June, 25th June, 9th July and 18th July 2024.

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LONDON BOROUGH OF TOWER HAMLETS

MINUTES OF THE LICENSING SUB COMMITTEE

HELD AT 6.30 P.M. ON TUESDAY, 25 JUNE 2024

**COMMITTEE ROOM - TOWER HAMLETS TOWN HALL, 160 WHITECHAPEL
ROAD, LONDON E1 1BJ**

Members Present in Person:

Councillor Musthak Ahmed
Councillor Leelu Ahmed
Councillor Ahmodur Khan

Other Councillors In Attendance Virtually:

Apologies:

None

Others Present in Person:

Item 3.1
Item 3.1

Officers Present in Person:

David Wong	(Legal Services)	
Kathy Driver	(Principal Licensing Officer)	
Simmi Yesmin	(Democratic Services Officer, Governance)	Committees,

1. DECLARATIONS OF 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 Premise Licence for (Sainsbury's) 409 - 413 Mile
End Road London E3 4PB**

At the request of the Chair, Ms Kathy Driver, Licensing Officer introduced the report which detailed the application for a new premises licence for Sainsbury's Supermarket Limited for a premises licence in respect of Sainsbury's, 409-413 Mile End Road, London E3 4PB. The application sought to allow the sale by retail of alcohol (off sales only) on Monday – Sunday from 07:00 hours to 23:00 hours.

It was noted that representations were received against the application from residents on the basis of preventing public nuisance, promoting public safety, and the protection of children from harm.

At the request of the Chair, Mr Robert Botkai, Legal Representative on behalf of the applicant presented the application as being a “seven to eleven” application for sale of alcohol. He explained that they did not seek to operate for 24 hours. It was noted that they had consulted with the responsible authorities and had agreed to conditions with the Police. Following this, there were no objections from any responsible authorities.

Mr Botkai referred to the objections made, and explained that they had control of the frontage of the premises which would be always kept tidy and free of litter whilst the premises was in operation. The Sainsburys delivery truck has been trialling deliveries, which have not presented any issues or traffic problems. He explained that most customers frequenting the store would be on foot minimising any addition to traffic. It was noted that the applicant had no control over the behaviour of individuals outside beyond the immediate vicinity of the premises, that the premises was not in a cumulative impact zone, that the hours applied for were within the Council's framework hours, and that the premises were presented as being for the convenience of the community especially the local residents.

Members then heard from Mr Oliver Rouseau (on behalf of John White), Ms Gail Stevens and Mr David Berridge, resident objectors, who expressed similar concerns about the impact of licensed premises on a heavily residential area. Concerns were expressed that delivery lorries would impact public safety, and that the resultant increased footfall would lead to a rise in public urination. Objectors were concerned that limited parking was available for customers, except by vehicles stopping in the street outside and adjacent streets. Objectors feared increased drunkenness – there had been incidents in Rhondda Grove, including fights, which were frightening particularly for children. Objectors also queried the necessity for the purchase of alcohol at 07:00 hours.

Members also heard from Cllr. Natalie Bienfait who also shared similar concerns as the residents, and expressed how readily accessible alcohol was in the area, the traffic overflow that would lead onto residential streets causing public nuisance to residents.

In response to questions the following was noted: -

- That there would be one lorry delivery a day which would not be in the early morning, with goods taken straight into the store over smooth surface reducing noise.
- Lorry engines would not be left running during deliveries, and music would not be played from delivery lorry cabs.
- The applicant did not propose selling high strength alcoholic drinks, and did not expect to sell large quantities of alcohol, which was to be offered for sale ancillary to the overall supermarket business.
- The applicant uses delivery drivers who are highly trained about operating in a residential area.
- There would be a dedicated parking area for delivery lorries. In the event of issues arising after grant.
- That the option of a review of the licence if granted would be remained.
- A 7am licence was to ensure the store was fully open from the start of the day to ensure effective management of the store.

Concluding remarks were made by all parties.

Decision

This application engages the licensing objectives of the public nuisance, public safety, and to a lesser extent, the protection of children from harm. The absence of objection by any of the responsible authorities was of neutral weight. The Sub-Committee appreciated the legitimate concerns of residents over the impact of licensed premises in a residential area. The Sub-Committee was mindful that the premises are not in a cumulative impact area. The majority of the matters of concern, however, were not in any way linked to the application for a premises licence and would potentially arise even without a licence. The Sub-Committee was concerned to reflect a balanced approach with regard to the legitimate aims of the business, and the legitimate concerns of the objectors.

Paragraph 10.13 of the Secretary of State's guidance says, "*The Government acknowledges that different licensing strategies may be appropriate for the promotion of the licensing objectives in different areas. The 2003 Act gives the licensing authority power to make decisions about the hours during which premises can conduct licensable activities as part of the implementation of its licensing policy statement. Licensing authorities are best placed to make decisions about appropriate opening hours in their areas based on their local knowledge and in consultation with responsible authorities. However, licensing authorities must always consider each application and must not impose predetermined licensed opening hours, without giving individual consideration to the merits of each application.*"

Paragraph 10.15 goes on to state that, "*Shops, stores and supermarkets should normally be free to provide sales of alcohol for consumption off the premises at any times when the retail outlet is open for shopping unless there are good reasons, based on the licensing objectives, for restricting those hours.*"

Paragraph 16.6 of the London Borough of Tower Hamlets' Statement of Licensing Policy says, *"The Licensing Authority considers that the possibility of disturbance to residents late at night and in the early hours of the morning, and the effect that any such disturbance may have, is a proper matter for it to consider when addressing the hours during which licensable activities may be undertaken."*

Members were satisfied on the balance of probabilities that the majority of the concerns raised could be addressed by means of appropriate conditions. However, the Sub-Committee was concerned about the possibility of street drinkers being attracted to the premises, particularly between 07:00 hours and 09:00 hours which are the times when the school run is likely to take place. The Sub-Committee was therefore minded to amend the starting time for the sale of alcohol so as to mitigate this impact. With that change, granting the licence with conditions was appropriate and proportionate for the promotion of the licensing objectives.

Therefore, the Sub-Committee decided to **grant** the application for the off sale of alcohol on Monday – Sunday from 09:00 hours to 23:00 hours with the following conditions: -

The decision was made by a majority vote.

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. CCTV will cover any external automated teller machines installed inside or outside of the premises.
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. Any faults will be reported internally by this staff member and logged as soon as practicable.
3. The applicant will at all times maintain adequate levels of staff and security such staff and security levels will be disclosed on request to the licencing authority and the police.

4. Signage will be displayed at the exit of the premises requesting customers leaving the premises late at night to do so quietly and with consideration so as not to disturb nearby residents.

5. The premises licence holder will ensure that an age verification policy will be applied to the premises whereby all cashier's will be trained to ask any customer attempting to purchase alcohol, who appears to be under the age of 25 years old (or older if the licence holder so elects) to produce, before being sold alcohol, identification being a passport or photo card driving licence bearing a holographic mark or other form of identification that complies with any mandatory condition that may apply to this licence.

6. In the event that a serious assault is committed on the premises (or appears to have been committed) the management will immediately ensure that:

- a) the police (and, where appropriate, the London Ambulance Service) are called without delay;
- b) all measures that are reasonably practicable are taken to apprehend any suspects pending the arrival of the police;
- c) the crime scene is preserved so as to enable a full forensic investigation to be carried out by the police; and
- d) such other measures are taken (as appropriate) to fully protect the safety of all persons present on the premises.

7. An incident log shall be kept by the licence holder, 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 scanning equipment;
- g) any refusal of the sale of alcohol;
- h) any visit by a relevant authority or emergency service.

3.2 Application for a New Premise, Vittoria Wharf Studio, 10 Stour Road, London E3 2NT

At the request of the Chair, Ms Kathy Driver, introduced the report which detailed the application for a new premises licence by Vittoria's Secret Limited for a premises licence in respect of Vittoria Wharf Studio, 10 Stour Road, London E3 2NT. The application sought to allow the sale by retail of alcohol (on sales only) as follows:

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

Thursday from 11:00 hours to 00:00 hours

Friday & Saturday from 11:00 hours to 01:00 hours

Sunday from 10:00 hours to 23:00 hours

The application also sought to allow regulated entertainment by way of recorded music indoors as follows: -

Thursday from 23:00 hours to 00:00 hours

Friday & Saturday from 23:00 hours to 01:00 hours

It was noted that representations were received against the application from the police on the basis of preventing crime and disorder, promoting public safety, and preventing public nuisance. Representations against the application were also received from the Environmental Health Service on the basis of the prevention of public nuisance and objections were received from a resident on the basis of public safety, the prevention of public nuisance, and the protection of children from harm.

Mr Rhys Rose, on behalf of the applicant gave the context for the application: the premises provides a private hire event space, which had been operating for four years, and the application was to obtain a licence, so that it can lawfully provide the licensable activities of the retail of alcohol and provision of recorded music. The applicant had commissioned an acoustic report and had a noise management plan. Concerns had been raised in relation to safety on a staircase and remedial works had been carried out in relation to the steps which had had high visibility paint applied. A visit from Mr. James Doherty, a Tower Hamlets Health & Safety Officer, had led to confirmation that there were now no safety issues regarding the stairs. The applicant clarified that the recorded music would not be background music.

Members heard from PC Mark Perry, who acknowledged that their previous concerns about the stairs had been resolved. The police appreciated the conditions offered in the application, and were happy to have those put in place, if the application were granted. The police remained concerned, however, about the noise of over 150 people in high spirits leaving at night. Whilst not objecting to the application altogether, it was the impact of this which remained a concern. The police proposed that striking a balance between the applicant and the residents would be achieved by a reduction in all the hours sought to 23:00 hours, and then if no problems emerged, the applicant could apply for additional hours beyond 23:00 hours.

Members also heard from Ms Nicola Cadzow, Environmental Health Officer, who acknowledged the applicant's noise management plan, which she had briefly seen. She mentioned previous noise disturbance complaints, although they were a year ago, and there were none more recently. She mentioned a noise abatement notice having been served, but that was on the freeholder, not the applicant. If the application were granted, the Environmental Health Officer proposed conditions that no noise emanate from the premises to cause a public nuisance, that a sound limiter be installed, and that no amplifiers be positioned in the lobby.

Although the resident did not attend, his representation on pages 166 to 168 was considered.

In response to questions the following was noted;

- The applicant confirmed acceptance of the conditions proposed by the Environmental Health Officer, if the application were granted.
- That there would be security staff on site to help with dispersal when closing.

Concluding remarks were made by all parties.

Decision

The Sub-Committee noted the remaining concern of the police about noisy patrons leaving in high spirits. It was right to strike a balance between parties regarding an application, subject to the evidence. The Sub-Committee cannot engage in speculation. The premises had previously hosted events without any evidence of issues arising from noisy patrons leaving. People do not require alcohol to leave an event in high spirits. The issues relating to public safety and the protection of children from harm were addressed by the work having been undertaken. There was no evidence before the Sub-Committee that justified a reduction in the hours sought. The Sub-Committee must be satisfied as to the likely effect of the grant of the application on the licensing objectives, not what is merely a possible impact.

The Sub-Committee appreciated the Environmental Health Officer's work with the applicant, and that the latter was content with the conditions which the Environmental Health Officer's proposed at the meeting.

The Sub-Committee appreciated the resident's concerns and was satisfied that these would be addressed by the imposition of conditions.

The Sub-Committee was concerned to reflect a balanced approach with regard to the legitimate aims of the business, and the legitimate concerns of the objectors. Members were satisfied on the balance of probabilities that whilst the objectors' concerns were genuine, granting the licence as sought and with the imposition of conditions was appropriate and proportionate for the promotion of the licensing objectives.

Therefore, the Sub-Committee decided to **grant** the application for the sale by retail of alcohol (on sales only) as follows: -

- Monday to Wednesday from 11:00 hours to 23:00 hours
- Thursday from 11:00 hours to 00:00 hours
- Friday & Saturday from 11:00 hours to 01:00 hours
- Sunday from 10:00 hours to 23:00 hours

and to allow regulated entertainment by way of recorded music indoors as follows: -

- Thursday from 23:00 hours to 00:00 hours
- Friday & Saturday from 23:00 hours to 01:00 hours

with the following **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 scanning equipment;
- g) any visit by a relevant authority or emergency service.

4. In the event that a serious assault is committed on the premises (or appears to have been committed) the management will immediately ensure that:

- a) the police (and, where appropriate, the London Ambulance Service) are called without delay;
- b) all measures that are reasonably practicable are taken to apprehend any suspects pending the arrival of the police;
- c) the crime scene is preserved so as to enable a full forensic investigation to be carried out by the police; and
- d) such other measures are taken (as appropriate) to fully protect the safety of all persons present on the premises.

5. 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.

6. 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 must show the outcome of the person who was intoxicated. The record shall be available for inspection at the premises by the police or an authorised officer at all times whilst the premises is open.

7. The premises shall have a welfare policy that will show how venue staff will manage customers who become vulnerable through intoxication or drugs, such a policy will include but is not limited to the use of dedicated “welfare officers” at peak times who will be easily identifiable, to customers, their role will be to monitor the welfare of customers, including identifying any customers who may be at risk of becoming overly intoxicated and liaising with management/security staff to assist them where necessary, staff training on customer welfare such as “WAVE” and availability of free water to customers. The policy must be written, reviewed yearly, and made available to Police upon request.

8. The premises must have a detailed documented security plan that must include but is not limited to an ejections policy, search policy and queue management policy, this document must be made available to police upon request.

9. The premises shall have a written egress policy, that includes but is not limited to, a premises wind down plan (music turned down and lights turned up prior to closing time), and customer dispersal plan. The policy is to be made available to Police upon request.

10. The premises must risk assess all events taking place at the studio, this will include but is not limited to:

- Contacting venues where artists / performers / promoters have performed to see if there have been any issues.
- Looking at social media sites of artists / performers / promoters etc to check that they are consistent with booking details
- Identifying risks such as potential drug use, underage attendees, violence and disorder.

Once potential risks have been identified then mitigation measures must be put in place and documented. The risk assessments must be written down, kept for 1 year and made available to Police upon request.

11. A comprehensive health and safety risk assessment will be in place.

12. A First Aid Kit will be available.

13. Loudspeakers shall not be located in the entrance lobby, or in the external area of the premises.

14. All windows and external doors shall be kept closed after 22:00 hours, or at any time when regulated entertainment takes place, except for the immediate access & egress of persons.

15. The external area shall not be used after 22:30 hours, except for patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke, and shall be limited to 10 persons at any one time.

16. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises, which gives rise to a public nuisance.

17. Children under the age of 16 will not be allowed on the premises unless they are accompanied by someone 18 or over.

18. A noise limiter must be fitted to the musical amplification system set at a level determined by and to the satisfaction of an authorised officer of the Environmental Health Service, so as to ensure that no noise nuisance is caused to local residents or businesses. The operational panel of the noise limiter shall then be secured by key or password to the satisfaction of officers from the Environmental Health Service and access shall only be by persons authorised by the Premises Licence holder. The limiter shall not be altered without prior agreement with the Environmental Health Service. No alteration or modification to any existing sound system(s) should be effected without prior knowledge of an authorised Officer of the Environmental Health Service. No additional sound generating equipment shall be used on the premises without being routed through the sound limiter device.

3.3 Application for a Variation of a premises licence for Slurp Noodles Spitalfields Ground Floor and Basement 60-62 Commercial Street London E1 6LT

This item was resolved prior to the meeting.

4. EXTENSION OF DECISION DEADLINE: LICENSING ACT 2003

The following application decision deadlines were extended to 30th September 2024;

- Gopuff, 89 Hemmington Street, London, E1 5BL
- 7 Frying Pan Alley E1 7HS
- House of Music & Entertainment, 20 Commercial Street, London, E1 6LP
- Café Ceylon, 57 Commercial Street, London, E1 6BD
- Perfecto Pizza, 391 Cambridge Heath Road, London, E2 9RA
- Canary Angel, Unit 1, 4th Floor, 16-19 Canada Square, London, E14 5ER
- 1 Cha, 142 Bethnal Green Road, London, E2 6DG
- Taco Taco, 141 Commercial Street London E1 6BJ

5. TEMPORARY EVENT NOTICE FOR COLOUR FACTORY, UNIT 8A QUEENS YARD 43 WHITE POST LANE LONDON E9 5EN

At the request of the Chair, Ms Kathy Driver, introduced the report which detailed the application by Environmental Health for a counter-notice against a Temporary Event Notice (TEN) given by Mr. Nathaniel Williams in respect of Colour Factory, Unit 8a Queens Yard, 43 Whitepost Lane, London E1 1BJ.

The TEN provides for the sale by retail of alcohol and the provision of regulated entertainment as follows: -

Friday 28th June 2024 - 09:00 hours– 01:00 hours
Saturday 29th June 2024 - 09:00 hours– 01:00 hours
Sunday 30th June 2024 - 09:00 hours – 22:00 hours

At the request of the Chair, Ms Nicola Cadzow, Environmental Health Officer provided reasons to the Sub-Committee as to why the TEN should not be permitted to proceed. The objections focused on the external area. She invited the Sub-Committee to consider adding the following to the TEN, if it was to be accepted: -

- (1) reducing the hours for use of external area
- (2) limiting the numbers of patrons outside after such time and
- (3) not allowing regulated entertainment in the external areas at any time.

Ms Cadzow said that whilst no evidence of a statutory noise nuisance had been established, there had been complaints of noise regarding Colour Factory as recently as 18th May 2024 and 13th June 2024. Ms Cadzow expressed concern on behalf of residents at nearby premises including those at Omega Works, 4 Roach Road. Concerns about noise disturbance which included noise from patrons leaving in high spirits.

Mr Williams said that he had operated for four years without complaints from neighbours about noise. He did not anticipate that the TEN, if allowed, would result in a break from that track record. There were other residential premises closer to his premises than Omega Works. The residents at those other premises had not complained to him about noise.

Decision

This application engages the licensing objective of preventing public nuisance.

The options are to issue a counter-notice, or to refuse to issue a counter-notice, or refuse to issue a counter-notice and add conditions to the premises licence. The Sub-Committee does not have the power to modify the alter a TEN in any way.

There was a conflict of evidence between the Environmental Health Officer saying that there had been two recent instances of noise disturbance emanating from the premises; and the applicant saying that he had had no complaints of noise disturbance over the past 4 years.

The onus was on the Environmental Health Officer to satisfy the Sub-Committee, on the balance of probabilities, that the licensing objectives are likely to be undermined if the event proceeds. The Environmental Health Officer presented no evidence to support her assertions of recent noise complaints. No statutory noise nuisance had been witnessed and so no abatement notice had been served or was being considered. There was no evidence to contradict the applicant's assertion that he had had a four-year period of operating so far without issues. One would expect that if the

premises had caused a public nuisance, particularly as recently as alleged, some action would have been taken. That was not the case here.

The Sub-Committee was therefore satisfied that allowing the event to go ahead would not lead to public nuisance. The Sub-Committee's decision is therefore to **refuse** a counter-notice.

This decision was made by a majority vote.

The meeting ended at 9.25 p.m.

Chair, Councillor Musthak Ahmed
Licensing Sub Committee

LONDON BOROUGH OF TOWER HAMLETS
MINUTES OF THE LICENSING SUB COMMITTEE
HELD AT 2.30 P.M. ON TUESDAY, 9 JULY 2024
COUNCIL CHAMBER - TOWN HALL, WHITECHAPEL

Members Present in Person:

Councillor Peter Golds
Councillor Suluk Ahmed
Councillor Shahaveer Shubo
Hussain

Apologies:

None

Others Present in Person:

Kerry Smorthit	(Item 3.1)
Alan Miller	(Item 3.1)
Rory O'Donoghue	(Item 3.1)
Warren Dent	(Item 3.1)
Max Kennady	(Item 3.2)
Cllr Penny Wrout	(Item 3.2)
Rosie Walker	(Item 3.2)

Officers Present in Person:

Lavine Miller-Johnson	(Licensing Officer)
Corinne Holland	(Licensing Officer)
David Wong	(Legal Services)
Simmi Yesmin	(Democratic Services Officer, Committees, Governance)

1. DECLARATIONS OF INTEREST

Councillor Shubo Hussain indicated in relation to item 3.1, that he had attended an event at the venue in 2013, but that did not affect his consideration of that application.

2. RULES OF PROCEDURE

The rules of procedure were noted.

3. ITEMS FOR CONSIDERATION

3.1 Application for a New Premise Licence for Boro of Bethnal Green Working Men's Club 42-44 Pollard Row, London E2 6NB

At the request of the Chair, Ms Lavine Miller Johnson, Licensing Officer introduced the report which detailed the application by Mr. Steven Smorthit for a premises licence in respect of the Boro of Bethnal Green Working Men's Club, 42-44 Pollard Row, London E2 6NB.

The application sought: -

Regulated Entertainment (Plays, Films, Live & recorded Music and Performance of dance) (Indoors)

Sunday to Wednesday from 10:00 hours to 23:00 hours

Thursdays from 10:00 hours to 01:00 hours

Friday to Saturday from 10:00 hours to 02:30 hours

Late Night Refreshment (indoors)

Thursdays from 23:00 hours to 01:00 hours

Friday to Saturday from 23:00 hours to 02:30 hours

Sales of Alcohol (on sales only)

Sunday to Wednesday from 10:00 hours to 23:00 hours

Thursdays from 10:00 hours to 01:00 hours

Friday to Saturday from 10:00 hours to 02:30 hours

At the request of the Chair Ms Kerry Smorthit, Mr. Alan Milner, and Mr. Rory O'Donoghue presented the application on the basis that Mr. Dent, the holder of the existing premises licences relating to the same premises, had been served with a notice to stop trading at the premises and was due to vacate by 29th July 2024.

Ms Smorthit explained that the application was to enable the applicant to continue community events with licensable activities to fund maintenance of the building. The Sub-Committee heard that staff had years of experience in running events and would therefore not cause any disturbance to surrounding neighbours.

The Sub-Committee noted that the application had incorrectly stated the starting time for late night refreshment which cannot, as a matter of law, take place before 23:00 hours, and therefore, the applicant agreed to amend the application in that regard.

Members heard from Ms Corinne Holland, Licensing Service, who explained that the application did not address the addition to cumulative impact of public nuisance, and crime and disorder in a cumulative impact area (CIA). Ms. Holland reminded the Sub-Committee of the rebuttable presumption that where premises are in a CIA, an application will be refused, and pointed out

that the application did not mention the CIA. Ms. Holland reminded the Sub-Committee that the onus was on the applicant to show exceptional reason why granting the application would not undermine the licensing objectives by adding to the cumulative impact in the area.

Objections were received against the application from other local residents and other interested parties, including the current licence holder, Mr. Dent, on the basis of public nuisance, and to a lesser extent, crime and disorder in relation to antisocial behaviour.

Members then heard from Mr. Dent, who referred to conflict between the terms of the application and the terms of the existing premises licence held by him. Mr. Dent also made representation about being unfairly evicted.

Objectors other than Mr. Dent and the Licensing Authority did not attend the Sub-Committee meeting. Their written objections in the agenda pack were considered. Broadly, these expressed concerns over whether the applicant could maintain the same standards, particularly in terms of preventing noise disturbance, preventing crime and disorder, and drawing in the same diverse and inclusive patronage as Mr. Dent had achieved.

In response to questions the following was noted;

- That the applicant did not understand the challenges of operating within a CIZ. When asked what they understood about it, the response was that they were not aware of the CIZ, but would look into it subsequently.
- Concerns were raised by both parties regarding the existing premises licences.

Concluding remarks were made by both parties.

Decision

The Sub-Committee reflected that the licence sought would not be a shadow licence, and applicant is unconnected to Mr. Dent. This application would be considered on its own merits. The terms of an existing premises licence are irrelevant. Any disputed eviction is also irrelevant.

The relevant criteria are the licensing objectives and the Council's cumulative impact policy. This application engages the licensing objectives of public nuisance, and to a lesser extent, crime and disorder in relation to antisocial behaviour.

The Sub-Committee appreciated the legitimate concerns of the Licensing Authority over the impact of licensed premises in a CIA.

The Sub-Committee noted that the premises are in a cumulative impact zone, and so, the effect of premises subject to a licensing application being in a CIA 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 CIA.

Paragraph 7 of appendix 5 to the Council's Statement of Licensing Policy says that the Council's cumulative impact policy "will be strictly applied and where relevant representations are received and it is the view of the Council that the application will be refused. Applicants will need to demonstrate that there are exceptional circumstances and that granting their application will not negatively add to the cumulative effect on the Licensing Objectives within the Brick Lane and Bethnal Green CIAs if they wish to rebut this presumption."

Paragraph 8 of the same says, "The Special Cumulative Impact policy creates a rebuttable presumption that where relevant representations are received by one or more of the responsible authorities and/or other persons against applications (Councillors, Members of the Public) within the CIA zones the application will be refused."

Paragraph 9 of the same says, "Where representations have been received in respect to applications within the CIA zones the onus is on the applicant to adequately rebut the presumption."

Paragraph 11 of the same says, that the Council's cumulative impact policy "is not absolute and the Licensing Authority recognises that it has to balance the needs of businesses with local residents. The circumstances of each application will be considered on its merits and the Licensing Authority shall grant applications, when representations are not received. The applicant should demonstrate that the operation of the premises will not add to the cumulative impact on one or more of the following licensing objectives:

- Prevention of Crime and Disorder;
- Prevention of Public Nuisance.

Therefore, applicants will be expected to comprehensively demonstrate why a new or varied licence will not add to the cumulative impact. They are strongly advised to give consideration to mitigating potential cumulative impact issues when setting out steps they will take to promote the licensing objectives in their operating schedule."

The Sub-Committee noted that the applicant sought to address this by reference to the provision of community events on a not-for-profit basis. This is insufficient to rebut the presumption against granting the application, because operating on a not-for-profit basis does not in itself prevent addition to cumulative impact in the area in terms of public nuisance.

The Sub-Committee was not satisfied that the applicant had rebutted the presumption against refusal of the application. The fact that the applicant had not considered the CIA and, when asked, clearly had no knowledge of what it meant or what challenges were likely to arise as a result, gave the Sub-Committee no confidence that there would be no impact. That lack of knowledge and understanding meant that the application, if granted, was more likely than not to adversely impact the CIA by adding to existing public nuisance, and crime and disorder in the area.

The representations of residents and other interested parties, whilst considered, were not based on evidence as to the applicant's ability to uphold the licensing objectives, nor was there evidence of the applicant not encouraging a diverse and inclusive crowd. The applicant's failure to rebut the presumption created by the CIA is reason not to grant the application.

Therefore, the Sub-Committee decided to refuse the application.

Accordingly, the Sub Committee unanimously;

RESOLVED

That the application for a new premises licence for **Boro of Bethnal Green Working Men's Club, 42-44 Pollard Row, London E2 6NB** be **REFUSED**.

3.2 Application for a Variation of a Premises Licence for (Victoria Park Market), Land between Bonner Gate and Gore Gate, London E3 5TB

At the request of the Chair, Ms Lavine Miller Johnson, Licensing Officer introduced the report which detailed the application by The Good Market Company Limited for a variation of premises licence in respect of Victoria Park Market, Land between Bonner Gate and Gore Gate, London E3 5TB.

The application sought the sale by retail of alcohol (on and off sales) on Saturdays from 11:00 hours to 17:00 hours. The premises licence already permitted the same activity on Sundays during the same hours.

At the request of the Chair, Mr Max Kennedy from the company presented the applicant as having run a family friendly food market on Sundays since 2017 without any issues. The application sought to enable expansion of that to Saturdays, to include the sale of alcohol.

The applicant had offered a number of conditions. That the applicant would provide 12 euro bins as part of the waste plan. The applicant pointed out that not all litter emanates from the market. The applicant will provide and maintain toilet facilities. Mr Kennedy explained that they had been trading approximately 350 Sundays with no history of complaints. It was also noted that they had been trading on Saturdays with Temporary Event Notices for the past two months with no complaints.

With regard to one of the conditions offered, that all alcohol stalls will not be located near any residential buildings, the applicant specified a 200 metre distance.

Representations were received against the application from residents on the basis of public nuisance and, to a lesser extent, public safety. One of the residents, Ms. Walker, and a Hackney ward councillor, Councillor Penny Wrouth attended the meeting. Cllr Wrouth presented concerns over the impact of each weekend's activities on open land adjacent to residential premises. The market operated on a side of the park nearer Hackney residents, although that did not preclude the impact upon nearby Tower Hamlets residents. The likely impact pertained to noise, traffic, pollution, litter, and public urination. Residents' concerns also arose from the market taking away use of that part of the park from residents wanting to enjoy other activities.

The written representations of other objectors who did not attend were also considered.

In response to questions, the following was noted;

- The Licensing Officer clarified that there had been no record of complaints regarding the operation of the market.
- That the market was 90% food led.
- That there would be 20-30 stalls and stall holders from tower hamlets would be given priority.

Concluding remarks were made by both parties.

Decision

This application engages the licensing objectives of public nuisance and, to a lesser extent, public safety.

The absence of objection by any of the responsible authorities was of neutral weight.

The Sub-Committee noted that two conditions had been agreed between the applicant and Environmental Health Services: -

- Notices shall be prominently displayed at the site requesting patrons and stall staff to respect the needs of local residents and leave the area quietly. This should be enforced by Market Managers.
- No noise generated at the Market shall give rise to a public nuisance.

The Sub-Committee appreciated the legitimate concerns of residents over the impact in a residential area.

The Sub-Committee was concerned to reflect a balanced approach with regard to the legitimate aims of the business, and the legitimate concerns of the objectors.

Members were satisfied on the balance of probabilities that whilst the objectors' concerns were genuine, granting the licence with conditions was appropriate and proportionate for the promotion of the licensing objectives.

Accordingly, the Sub Committee unanimously;

RESOLVED

Therefore, the Sub-Committee decided to **GRANT** the application for variation to extend the sale by retail of alcohol (on and off sales) to Saturdays from 11:00 hours to 17:00 hours with the following conditions in addition to those already on the licence: -

Conditions

1. Customer queues will be marked out and managed by stallholders and market managers, so they do not obstruct park users.
2. Clear and conspicuous notices will be displayed warning of potential criminal activity such as bag theft, which may target customers.
3. All alcohol stalls will not be located within 200 metres of any residential buildings.
4. Stall holders will keep a refusal book on their stalls which will log any incidents where the sale of alcohol has been refused.
5. Notices shall be prominently displayed at the site requesting patrons and stall staff to respect the needs of local residents and leave the area quietly. This should be enforced by Market Managers.
6. No noise generated at the Market shall give rise to public nuisance.

3.3 Application for a New Premises Licence for (Green Leaf), Unit 2 Vine Court, London E1 1JE

This item was withdrawn by the Applicant prior to the meeting.

4. EXTENSION OF DECISION DEADLINE: LICENSING ACT 2003

The following applications were extended till 30th September 2024.

- The Pickle Factory, 11-14 The Oval, London, E2 9DT

The meeting ended at 4.40 p.m.

Chair, Councillor Peter Golds
Licensing Sub Committee

LONDON BOROUGH OF TOWER HAMLETS**MINUTES OF THE LICENSING SUB COMMITTEE****HELD AT 6.30 P.M. ON THURSDAY, 18 JULY 2024****COUNCIL CHAMBER - TOWN HALL, WHITECHAPEL****Members Present in Person:**

Councillor Shahaveer Shubo
Hussain (Chair)
Councillor Faroque Ahmed
Councillor Asma Islam

Apologies:

None

Others Present in Person:

Christopher Rees-Gay	(Item 3.1)
Damon Borley	(Item 3.1)
Olivia Skolkos	(Item 3.1)
Warren King	(Item 3.1)
Onuoha Olere	(Item 3.1)
Christopher Lloyd	(Item 3.1)
Sajna Miah	(Item 3.1)

Officers Present in Person:

Jonathan Melnick	(Principal Lawyer-Enforcement)
Lavine Miller-Johnson	(Licensing Officer)
Ibrahim Hussain	(Licensing Officer)
Simmi Yesmin	(Democratic Services Officer, Committees, Governance)

1. DECLARATIONS OF INTEREST

Councillors Hussain, Islam and Ahmed all declared a personal interest in item 3.1, Carwash, 1 Quaker Street, London E1 on the basis that they knew of Dr Halima Begum, one of the resident objectors to the application in her capacity as a community activist. However, all three Councillors confirmed that they had not had any discussions regarding this application prior to the meeting.

2. RULES OF PROCEDURE

The rules of procedure were noted.

3. ITEMS FOR CONSIDERATION

3.1 Application for a Premises Licence for (Carwash), 1 Quaker Street, London E1 6SZ

At the request of the Chair, Mr Ibrahim Hussain, Licensing Officer introduced the report which detailed the application by Damon Borley for a new premises licence to be held in respect of Carwash, 1 Quaker Street, London, E1 6SZ (“the Premises”). The application sought authorisation for the sale by retail of alcohol for consumption on and off the Premises. The hours sought were 11:00 hours to 23:00 hours Monday to Saturday and from 11:00 hours to 22:00 hours on Sunday, with drinking-up time of thirty minutes each day.

The application had received representations in objection. These were from the Licensing Authority, Environmental Health, SPIRE, and two local residents, one of whom had submitted a petition with their representation. The representations were based predominantly on the licensing objectives of the prevention of public nuisance and the prevention of crime and disorder and because of the Premises’ location within the Brick Lane Cumulative Impact Zone (CIZ).

At the request of the Chair, The Sub-Committee heard from Mr Christopher Rees-Gay, Legal Representative on behalf of the applicant, who reminded the Sub-Committee that a similar application had been made in November 2023 and refused by the Sub-Committee in January 2024. This application had therefore been made in order to address the specific concerns noted by the Sub-Committee on the previous application and with a view to ensuring that the Premises would not add to the problems already experienced within the Brick Lane CIZ.

Mr. Rees-Gay explained that the Premises were not intended to operate as a bar or a club. The Premises would be used as an event hire space for a variety of events. It was noted that several events had already taken place under Temporary Event Notices and there had been no complaints arising from the events held so far. He also explained that not all events would have music or alcohol nor would they all be for the maximum capacity. A noise report had been commissioned at a recent “Pirate radio showcase” which had been used as a worst case scenario.

It was noted that the applicant had sought to engage with the responsible authorities. The police had no concerns over crime and disorder. In addition, they had engaged with those local residents who had raised concerns with respect to the previous application. With the exception of SPIRE, none of those residents was now objecting to this application.

Mr. Rees-Gay addressed the conditions which he said would address the concerns of the CIZ, among them were many that had been agreed with the police. Some had been agreed with SPIRE and the Environmental Health Service, albeit that their objections remained. The key conditions meant that

the Premises could only operate on six occasions each month and only three could take place on Fridays and Saturdays. Alcohol could only be sold at an event and be ancillary to it and all events would be pre-booked.

Mr. Rees-Gay briefly commented on the representations, which comments were in line with his speaking note.

At the request of the Chair, Mr Christopher Lloyd addressed the Sub-Committee on behalf of SPIRE. He referred to Hackney Council having granted a licence recently to a premises known as Sandbox, which the applicant also operated, and was concerned about how the two venues would be controlled. He suggested that the applicant should have waited to see how things worked out at Sandbox before applying and, had they done so, SPIRE's position might have been different. He suggested that the applicant's noise report was not sufficient and that it ignored the presence of residential premises to the west and south-west of the venue. He told the Sub-Committee that the residents of Hollywood Lofts had a different demographic to other blocks and that the three nearest noise sensitive premises were double-glazed; others in the vicinity, however, were not. The Premises also did not have a roof.

He questioned the toilet provision and the problems with public urination and that the measures proposed (one toilet and one urinal) would not be sufficient for the capacity of the premises.

Mr. Onhura Olere, spoke to the representations made by Environmental Health Service, which was concerned with the prevention of public nuisance. This representation commented on the fact that music was not regulated at the times that the venue was intended to operate, which meant that no enforceable conditions could be imposed to address such issues. It referred to nearby residential premises and the lack of suitability of the venue for noisy events.

Ms. Lavine Miller-Johnson referred to her representation, which was largely based on the CIZ. She referred to a lack of clarity over the percentage of events which would be arts-based or commercial. The conditions offered were noted, but she suggested there was nothing to prevent the Premises from operating as a pop-up bar. She also referred to the deregulation of regulated entertainment and noted that the Premises was not within a policy exception.

Ms. Sajna Miah then addressed the Sub-Committee on behalf of Halima Begum and residents who had signed a petition. She referred to existing problems within the area, such as drug-dealing, parking problems, noise nuisance from patrons and the venue, as well as nuisance from light emitted from the venue. She referred to problems of public urination and stated that the area was highly residential. She did not consider the venue to be appropriate for this area. She told the Sub-Committee that when the premises had been and operated as a carwash, they experienced nuisance from traffic, including noise, as well as noise from the operation of the carwash itself. When the car wash had been operating, there had been noise disturbance 24

hours per day, which had eased off during Covid but increased again subsequently.

In response to questions the following was noted;

- That the capacity was limited to 100 persons, including staff.
- A noise limiter would be fitted and set to the satisfaction of the Environmental Health service. The applicant agreed to submit a quarterly events diary to SPIRE and the Shoreditch Community Association and would hold at least two liaison meetings each year.
- The applicant also limited the number of live bands performing to one per month.
- The Premises would be trading only when an event was organised and it was not intended to be used as a bar or club; when not open for an event, it was used for storage.
- The conditions limiting the frequency of events meant it could not be used more frequently. It would not be possible, therefore, for people to enter in order to buy alcohol.
- That community events amounted to about 80% of the events held. Examples of commercial events included fashion shows and book signings.
- That the applicant was also willing to agree to a condition prohibiting the Premises from operating as a “pop-up bar.” In addition, they were also willing to ensure that events including TENs were notified to responsible authorities in advance.

Concluding remarks were made by all parties.

Decision

This application engages the licensing objectives of the prevention of public nuisance and, to a lesser extent, the prevention of crime and disorder. The location of the Premises within the CIZ mean that the applicant has the burden of proving that they will not add to the problems already existing in the CIZ if the application is granted.

The Council's Policy sets out non-exhaustive examples of venues which might be considered to be exceptions. These include, for example, premises with a capacity of fifty persons or fewer, only have alcohol for consumption on the premises, or only provide off sales, and have arrangements to prevent vertical drinking. The Premises do not fall within a stated exception. It is of note also that the Policy does not consider that the venue will be well-run to be exceptional, since that is the standard expected of all licence holders.

The Sub-Committee noted the various conditions offered by the applicant, some of which had been agreed with the responsible authorities and those making representations, which were intended to rebut the presumption against grant. A number of those specifically addressed concerns raised by the Sub-Committee in respect of the previous decision, such as a limit on the number of events and a reduction in maximum capacity.

The restrictions on the number of events and the agreement to a condition making clear that the Premises could not operate as a pop-up bar meant that the impact of the venue would be considerably limited; the venue could not operate every day unless those conditions were varied or removed.

The Sub-Committee also had regard to the supporting information provided by the applicant. This included details of five Temporary Event Notices (TENs) already given. It had been confirmed that no problems arose as a result of these events. In addition, the Sub-Committee had before it information as to the types of events and the capacities reached, which showed that not every event even attracted the maximum number of patrons. Moreover, supporting information provided showed that other residents of the nearby residential premises had not experienced any problems. Whilst the Sub-Committee did not take them into account as relevant representations, they did indicate that the potential impact of the venue on the CIZ was less clear, particularly given the nature of the Premises and the intended style of operation.

The Sub-Committee noted SPIRE's representation. The applicant had included correspondence showing that there had been efforts to engage with the various parties in advance of the hearing. The conditions SPIRE had requested, such as door staff and liaison meetings had been agreed. The grant of a licence to Sandbox, being a different premises in a different authority's area, was not a factor to take into account in determining this application.

The Sub-Committee noted the lack of a police representation, but this was a neutral factor at best. It could not be construed as implied support for the Premises.

The Sub-Committee considered Mr. Lloyd's concerns about the applicant's noise report. However, it was not correct that it ignored the properties to the west and south-west of the Premises; it was clear that the report was referring to the nearest noise-sensitive premises, which would be the ones most likely to be adversely affected by noise. The applicant was willing to have a sound limiter and specifically included that in its operating schedule. The Sub-Committee noted that this would be suspended due to the deregulation of regulated entertainment. However, if not adhered to the inevitable outcome would be a review at which the Sub-Committee could remove the effect of deregulation, if so minded. The Sub-Committee noted the concerns as to the suitability of the structure. However, additional mitigations had been considered in the noise report and if the structure required that the sound level be set at a very low volume so as to avoid a public nuisance, that would be the appropriate level.

Members took account of the fact that the area was heavily residential in nature. Ms. Begum flagged a number of concerns. Some, such as parking, are not of themselves relevant to the licensing objectives. Others were clearly issues of wider concern around the area and which were outside the remit of the Sub-Committee.

Issues such as the toilet facilities were noted. The applicant explained that there would be two urinals and a toilet. Moreover, the nature of the Premises and the events, combined with the lack of frequency and the fact that alcohol consumption was to be ancillary to the event gave the Sub-Committee some confidence that this was not likely to be an issue with respect to the patrons of the Premises.

Had this application been identical to or much more similar to the previous application the Sub-Committee would have had no hesitation in rejecting it for the same reasons as before. However, it was substantially different and the limitations on the number of events, the capacity, and the inability to operate other than on event days satisfied the Sub-Committee that the conditions would mitigate any impact on the CIZ. Further, the Sub-Committee considered that the lack of problems arising from the TENs was a further indication that the Premises could operate without adding to the problems within the CIZ.

In addition, the conditions requiring events to be pre-booked and notified to the responsible authorities and residents in advance meant that it would be easier to identify any problems in the event that they did occur.

The Sub-Committee was therefore satisfied that the applicant had rebutted the presumption against the grant of the licence and the licence is granted as set out below:

Accordingly, the Sub Committee by a majority vote;

RESOLVED

That the application for a new premises licence for Carwash, 1 Quaker Street, London, E1 6SZ be **GRANTED subject to the following conditions:**

Sale by retail of alcohol

Monday to Saturday	11:00 hours to 23:00 hours
Sunday	11:00 hours to 22:00 hours

Opening hours of the premises

Monday to Saturday	11:00 hours to 23:30 hours
Sunday	11:00 hours to 22:30 hours

Conditions

1. The Premises Licence shall be limited to six (6) events in any one calendar month with no carry over. In addition, there shall be no more than 3 of 6 events that take place on Fridays and Saturdays in each calendar month.
2. All events must be pre-booked 14 days in advance. A record of all guests will be held for each event, this record to be retained on the premises for a minimum of 6 months. The booking and guest list shall be available for inspection at the premises by the police or an

authorised officer.

3. Alcohol will only be sold when a pre-booked event takes place at the premises. The sale of alcohol will be ancillary to the event taking place.
4. The licence holder shall not operate, or allow any other person to operate, a “pop-up bar” at the premises.
5. 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.
6. 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.
7. 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 scanning equipment;
 - g) any refusal of the sale of alcohol;
 - h) any visit by a relevant authority or emergency service.
8. In the event that a serious assault is committed on the premises (or appears to have been committed) the management will immediately ensure that:
 - a) the police (and, where appropriate, the London Ambulance Service) are called without delay;
 - b) all measures that are reasonably practicable are taken to apprehend any suspects pending the arrival of the police;
 - c) the crime scene is preserved so as to enable a full forensic investigation to be carried out by the police; and
 - d) such other measures are taken (as appropriate) to fully protect the safety of all persons present on the premises.

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 must show the outcome of the person who was intoxicated. The record shall be available for inspection at the premises by the police or an authorised officer at all times whilst the premises is open.
10. A written dispersal policy shall be in place and implemented at the premises to move customers from the premises and the immediate vicinity in such a way as to cause minimum disturbance or nuisance to neighbours.
11. The premises shall risk assess all events taking place at the venue. The assessment shall look at all potential risks including but not limited to violence, intoxication, underage drinking and drug use. This assessment shall be written down and stored for 1 year and made available to Police upon request.
12. The premises must have a detailed documented security plan, that must include an ejections policy, search policy, anti-theft policy, and sia numbers, the security plan will be made available to police upon request.
13. In relation to off sales of alcohol from the premises, this can only be sold in sealed containers. Patrons are not permitted to remove open bottles/glasses or other open vessels from the licensed premises.
14. The licence holder shall enter into an agreement with a hackney carriage and/or private carriage firm to provide transport for customers, with contact numbers made readily available to customers who will be encouraged to use such services.
15. A direct telephone number for the manager at the premises shall be publicly available at all times the premises is open. This telephone number is to be made available to residents and businesses in the vicinity.
16. The number of persons permitted in the premises at any one time (including staff) shall not exceed 100 persons.
17. A noise limiter must be fitted to the musical amplification system and set at a level determined by and to the satisfaction of an authorised officer of the Environmental Health Service, so as to ensure that no noise nuisance is caused to local residents or businesses. The operational panel of the noise limiter shall then be secured by key or password to the satisfaction of officers from the Environmental Health Service and access shall only be by persons authorised by the

Premises Licence holder. The limiter shall not be altered without prior agreement with the Environmental Health Service. No alteration or modification to any existing sound system(s) should be effected without prior knowledge of an authorised Officer of the Environmental Health Service. No additional sound generating equipment shall be used on the premises without being routed through the sound limiter device.

18. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
19. Notices shall be prominently displayed at any area used for smoking requesting patrons to respect the needs of local residents and use the area quietly.
20. No waste or recyclable materials, including bottles, shall be moved, removed from or placed in outside areas between 21:00 hours and 07:00 hours on the following day.
21. No collections of waste or recycling materials (including bottles) from the premises shall take place between 21:00 hours and 07:00 on the following day.
22. 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.
23. All staff whose duties include the serving of alcohol must be trained in the requirements of this scheme including the importance of recording any refusals.
24. Entry by children under the age of 18 is prohibited unless accompanied by an adult over the age of 18.
25. Super-strength lagers, beers and/or ciders, i.e. those with an ABV of 6.5% or higher, shall not be sold at the premises.
26. There shall be up to 3 sia door staff for each event and this shall be risk assessed. A copy of the risk assessment shall be kept on the premises and made available for inspection by the police and authorised officers of other responsible authorities on request.
27. The Premises Licence holder shall submit a quarterly (at least every 3 months) Events Diary to the Residents Associations (Shoreditch Community Association and SPIRE), the Licensing Authority and the Police. This record shall also include temporary event notices.
28. The Licence holder shall hold and publicise 2 liaison meetings each

year (at least every 6 months) with local residents and the Residents Associations (Shoreditch Community Association and SPIRE) to address any concerns or complaints about the premises from local residents to prevent public nuisance.

29. There will be a maximum of 1 x live band event per month.

3.2 Application for a Nw Premise Licence for Fabwick, Unit 4a, Queens Yard, 43 White Post Lane, London, E9 5EN

At the request of the Chair, Mr Ibrahim Hussain, Licensing Officer introduced the report which detailed the application by Kenan Balli for a new premises licence to be held in respect of Fabwick, Unit 4a Queen's Yard, 43 White Post Lane, London, E9 5EN ("the Premises"). The application sought authorisation for: regulated entertainment (plays, films, live and recorded music, and performance of dance from 10:00 hours to midnight seven days per week; the provision of late night refreshment from 23:00 hours to midnight Sunday to Wednesday and to 01:00 hours Thursday to Saturday; the sale by retail of alcohol (on sales only) from 10:00 hours to midnight Sunday to Wednesday and to 01:00 hours Thursday to Saturday. The premises would be open to the public from 10:00 hours to midnight Sunday to Wednesday and to 01:00 hours Thursday to Saturday.

In advance of the hearing, conditions had been agreed with the responsible authorities. Performances of plays and films had been removed from the scope of the application. The applicant's agent had clarified that the Premises would operate as a restaurant.

It was noted that two representations were received against the application, both from local residents. These related to crime and disorder and noise nuisance from a number of licensed premises within the area. Both representations made specific reference to noise disturbance from various premises due to a lack of soundproofing.

Neither the applicant nor those making representations attended the hearing. It was noted that the applicant had informed Democratic Services of the intention to attend in person. However, there had been no contact prior to the hearing to explain the lack of attendance. Those making representations had not indicated in advance that they would or would not be attending. The Sub-Committee was given legal advice as to the options available to the Sub Committee. Under Regulation 20(2)(b) of the Licensing Act 2003 (Hearings) Regulations 2005, the Sub-Committee determined to proceed with the application. The Sub Committee did not consider it to be necessary in the public interest to adjourn the application.

Decision

The Sub-Committee noted the clarification by the applicant that the Premises would operate as a restaurant. It further noted that a number of conditions had

been agreed with the police and the Noise Service which would help to mitigate concerns relating to public nuisance and crime and disorder. The Sub-Committee considered that the clarification as to the operation of the Premises, and that it would not be a bar or nightclub, meant that there was likely to be less impact on the licensing objectives. The Sub-Committee noted the provision in the reports pack of nearby premises, many of which were open much later and were of a different nature to these Premises.

The Sub-Committee nonetheless had some concern over the retention of live and recorded music and performances of dance given the intention to operate as a restaurant. It was noted that regulated entertainment was to be ancillary to the operation as a restaurant. The Sub-Committee had regard to the objections with respect to public nuisance, particularly the risk of noise disturbance and considered the possibility that the applicant had misunderstood the need for regulated entertainment, given that music played at a background level would not be licensable. Equally, however, it was possible that this was a conscious decision by the applicant and which, if not addressed, was likely to lead to confusion as to whether it was being carried on ancillary to the restaurant activities and would, especially after 23:00 hours, be more likely to impact upon the licensing objective of the prevention of public nuisance.

The Sub-Committee did not consider that there was sufficient evidence before it to justify refusing the application. The concerns related largely to the impact from other, different premises. Whilst those objections carried more weight with respect to the application as originally drafted, the Sub-Committee considered that they carried less weight when the agreed conditions and amendments were taken into account. Further, the Sub-Committee considered that it would be possible to make further amendments and impose additional conditions which would mitigate any impact further.

The Sub-Committee considered that removing regulated entertainment from the scope of the licence would mitigate the impact on the licensing objectives, particularly that of the prevention of public nuisance. Moreover, it would be more in keeping with the operation of the Premises as a restaurant. In addition to the agreed conditions, some of which required minor modifications in light of the applicant's confirmation that the Premises were to operate as a restaurant, the Sub-Committee determined to impose a condition requiring alcohol to be served with table meals.

Accordingly, the Sub Committee by a majority vote;

RESOLVED

That the application for a new premises licence for Fabwick Unit 4a Queen's Yard, 43 White Post Lane, London, E9 5EN be **GRANTED in part and subject to the following conditions:**

Sale by retail of alcohol (on-sales only)

Sunday to Wednesday	10:00 hours to 00:00 hours
Thursday to Saturday	10:00 hours to 01:00 hours

Provision of late night refreshment (indoors only)

Sunday to Wednesday	23:00 hours to 00:00 hours
Thursday to Saturday	23:00 hours to 01:00 hours

1. The premises will operate as a restaurant, where, save for the area marked on the plan, the sale of alcohol will be on the premises only, whole of premises and outside seating areas.
2. 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.
3. 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.
4. 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 scanning equipment;
 - g) any refusal of the sale of alcohol;
 - h) any visit by a relevant authority or emergency service.
5. In the event that a serious assault is committed on the premises (or appears to have been committed) the management will immediately ensure that:
 - a) the police (and, where appropriate, the London Ambulance Service) are called without delay;
 - b) all measures that are reasonably practicable are taken to apprehend any suspects pending the arrival of the police;
 - b) the crime scene is preserved so as to enable a full forensic investigation to be carried out by the police;
 - c) such other measures are taken (as appropriate) to fully protect the safety of all persons present on the premises.

6. The licence holder shall ensure that any queue to enter the premises which forms outside the premises is orderly and supervised by door staff so as to ensure that there is no public nuisance or obstruction to the public highway.
7. 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 must show the outcome of the person who was intoxicated. The record shall be available for inspection at the premises by the police or an authorised officer at all times whilst the premises is open.
8. A written dispersal policy shall be in place and implemented at the premises to move customers from the premises and the immediate vicinity.
9. The sale of alcohol for consumption on the premises shall only be to a person seated taking a table meal there, and for consumption by such a person as ancillary to their meal.
10. The premises shall have a security plan that will include an ejection policy, SIA security levels and where appropriate a search policy.
11. Appropriate fire safety procedures are in place including fire extinguishers, internally illuminated fire exit signs, numerous smoke detectors and emergency lighting (see enclosed plan for details of locations). All appliances are inspected annually. All emergency exits shall be kept free from obstruction at all times.
12. All customers will be asked to leave quietly. Clear and legible notices will be prominently displayed to remind customers to leave quietly and have regard to our neighbours.
13. The licensee and staff will ask persons who appear to be under the age of 25 for photographic ID such as proof of age cards, the Connexions Card and Citizen Card, photographic driving licence or passport, an official identity card issued by HM Forces or by an EU country, bearing the photograph and date of birth of bearer. All staff will be trained for underage sales prevention regularly. A register of refused sales shall be kept and maintained on the premises.
14. Loudspeakers shall not be located in the entrance lobby, or outside the premises building nor on ceilings. And anti-vibration mounts used is speakers attached to the walls.
15. All windows and external doors shall be kept closed after 22:00 hours, or at any time. When regulated entertainment takes place, except for the immediate access & egress of persons.

16.No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises, which gives rise to a public nuisance.

17.The external area shall not be used after 22:00 hours, except for patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke, and shall be limited to 8 persons at any one time.

4. EXTENSION OF DECISION DEADLINE: LICENSING ACT 2003

There were no applications that required decision deadline extensions.

The meeting ended at 8.30 p.m.

Chair, Councillor Shahaveer Shubo Hussain
Licensing Sub Committee