

LONDON BOROUGH OF TOWER HAMLETS**MINUTES OF THE LICENSING SUB COMMITTEE****HELD AT 2.30 P.M. ON TUESDAY, 7 JULY 2020****ONLINE 'VIRTUAL' MEETING - [HTTPS://TOWERHAMLETS.PUBLIC-I.TV/CORE/PORTAL/HOME](https://towerhamlets.public-i.tv/core/portal/home)****Members Present:**

Councillor Peter Golds (Chair)
Councillor Mohammed Ahbab Hossain
Councillor Victoria Obaze

Officers Present:

Corinne Holland	– (Licensing Officer)
Luke Wilson	– (Legal Services)
Simmi Yesmin	– (Democratic Services)

Representing applicants	Item Number	Role
Jose Ortega	3.1	(Applicant)
Jack Holborn	3.1	(Legal Representative)
Andrei Marin	3.2	(Applicant)
Darryl White-McDowell	3.2	(Applicant)
Ruben Reis	3.3	(Applicant)

Representing objectors	Item Number	Role
Nick Nicholas	3.1	(Legal Representative on behalf of the Premise Licence Holder)
Kuldip Sahota	3.3	Resident

Apologies

None

1. DECLARATIONS OF INTEREST

There were no declarations of interests made.

2. RULES OF PROCEDURE

The rules of procedure were noted.

3. ITEMS FOR CONSIDERATION

3.1 Application to Review the Premises Licence for Manjal, 3 Turnberry Quay, London E14 9RD

A request was made to address the Sub-Committee by the Legal Representative on behalf of the Premises Licence Holder for Manjal.

Mr Nick Nicholas, Legal Representative, explained that due to the current pandemic, the premises had been closed and all members of staff and management were on government furlough. Therefore, he had been unable to obtain instructions from his client. He stated that the premises was no longer in use and the business was sharing an establishment at a different premises. If this arrangement continues, the licence holder is likely to surrender the licence and there would be no point in making any amendments to the licence as the licence would no longer exist. On that basis, Mr Nicholas requested an adjournment until the furlough period ends on 3 August 2020 and his client returns to work.

The Chair invited Mr Jack Holborn, Legal Representative on behalf of the Applicant, to address the Sub-Committee. Mr Holborn explained that this review had been pending for many months. The Applicant wished to proceed with the hearing so that his concerns could be addressed.

The Sub Committee adjourned and retired to consider the adjournment request in private. The Sub-Committee reconvened and confirmed its decision:

The item was adjourned and is to be considered at a future Licensing Sub-Committee meeting. Members believed the adjournment was in the interest of justice as the representative for the licence holder did not have full instructions.

3.2 Application for a New Premises Licence for (S-A-N-D Grocery Ltd), 98a Coborn Road, Bow, London E3 2DG

At the request of the Chair, Ms Corinne Holland, Licensing Officer, introduced the report which detailed the application for a new premises licence for S-A-N-D Grocery Ltd, 98a Coborn Road, London E3 2DG. It was noted that objections had been received from local residents.

At the request of the Chair, Mr Darryl White-McDowell, on behalf of the Applicant, explained that they had been trading at the premises since November 2019 and had been a success since they opened. They now have plans to extend the shop and offer more products. He added that they were

seeking to obtain a licence for sale of alcohol as the latest addition to the store.

Mr White-McDowell explained that they wish to support the local community by offering a variety of products all in one store. He explained that they currently operate strict procedures to control the sale of tobacco. He maintained that customer safety was paramount. Management and staff were fully trained and understand the need for responsible sale of alcohol. The Premises would adhere to conditions imposed if a licence was granted.

It was noted that the objectors were not present at the meeting and therefore members noted and considered the written objections.

In response to questions, the following was noted:

1. The Applicant was willing to reduce the hours for sale of alcohol in the mornings to promote the protection of children from harm licensing objective. It would agree to a condition that alcohol would not be sold before 9am Monday to Friday.
2. The Premises has a roller shutter to cover alcoholic drinks from public view during unlicensed hours.
3. There would not be an extensive range of drinks, unlike supermarkets, as it was a small premises. The Premises would sell a small range of beer, wine and spirits.
4. The Applicant was willing to accept a condition to restrict the sale of single cans of high strength beer and cider.

Mr White-McDowell made brief closing remarks.

The Chair advised the attendees that a decision would be made by the Sub-Committee following the meeting and a decision notice, including the reasons for the decision, would be sent to all parties within five working days.

The Licensing Objectives

In considering the application, Members were required to consider the same in accordance with the Licensing Act 2003 (as amended), the Licensing Objectives, the Home Office Guidance and the Council's Statement of Licensing Policy and in particular to have regard to the promotion of the four licensing objectives:

1. The Prevention of Crime and Disorder;
2. Public Safety;
3. The Prevention of Public Nuisance; and
4. The Protection of Children from Harm.

Consideration

Each application must be considered on its own merits. The Chair confirmed that the Sub-Committee had carefully considered all of the evidence before

them and the oral representations made by the Applicant at the meeting. In the absence of the objectors, Members noted and considered the written representations contained in the agenda.

Members welcomed the efforts made by the Applicant in offering some robust conditions and also accepting and agreeing to the conditions proposed by the Responsible Authorities and the Sub-Committee. These conditions gave Members assurance that the licensing objectives would be promoted.

Members were satisfied that the reduction in hours in the early morning would also help alleviate concerns arising from the local resident objectors and reduce the risk of disturbances and harm to children.

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 S-A-N-D Grocery Ltd, 98a Coborn Road, Bow, London E3 2DG be **GRANTED** with conditions.

Sale of Alcohol (off sales only)

Monday to Friday from 09:00 hours – 22:00 hours
Saturday from 09:00 hours – 20:00 hours
Sunday from 09:00 hours – 16:00 hours

Hours premise is open to the public:

Monday to Friday from 07:00 hours – 22:00 hours
Saturday from 09:00 hours – 20:00 hours
Sunday from 09:00 hours – 16:00 hours

Conditions

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.

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.

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.

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.

This premises shall not sell single cans or bottles of beer, larger or cider that exceed the strength of 6.5 abv unless sold as part of a multipack.

All staff whose responsibilities include the retail sale of alcohol shall receive training about the prevention of underage sales on induction and then every six months thereafter. This training shall be recorded and the records to be available on request to the Police or any authorised officer. The training to include:

- a) the operation of the challenge 25 scheme;
- b) types of acceptable ID;
- c) the method of recording challenges;
- d) the likely consequences of making an underage sale;
- e) refusing sales to persons who appear to be drunk;
- f) proxy sales.

All customers causing or likely to cause a public nuisance will be advised by staff to leave the area and to desist from the nuisance. If the public nuisance persists, then staff shall contact the appropriate authorities.

Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.

Staff shall ensure that the front of the premises is free of rubbish whilst the premises is open and at the end of the trading day.

3.3 Application for a New Premises Licence for Barzinho Bar & Kitchen, 60-62 Brick Lane, London E1 6RF

At the request of the Chair, Ms Corinne Holland, Licensing Officer, introduced the report which detailed the application for a new premises licence for Barzinho, 60-62 Brick Lane, London E1 6RF. It was noted that an objection had been received from a local resident.

Mr Rubens dos Reis, Applicant, explained that he was currently in discussions with the Landlord regarding the lease of the premises. All plans were on hold due to the uncertainty of whether the lease of the premises would be agreed and whether a new business would be able to survive in the current economic climate. Despite this, Mr dos Reis confirmed he would present the application to the best of his ability.

Mr dos Reis confirmed that the hours applied for were the same hours as the previous licence held at the premises and the hours applied for were within the Council's framework hours. He explained the plans and layout of the premises and highlighted the kitchen area, the dining area set up and the bar area. He said that it would be a similar concept to the previous business at the premises which was an Argentinean Grill and Steak House. The new business would be a Brazilian Bar and Grill and therefore he was of the view that a licence for this premise would not be adding to the cumulative impact as the new licence would be replacing what was already there.

Members then heard from Mr Kuldip Sahota, resident objector, who explained that he had lived at the flat which was directly above the premises since April 2016. He said that application was similar to the previous business which had caused a lot of public nuisance. He explained that there were speakers fixed onto the ceiling on the first floor which is directly below his flat. He said that there were other premises nearby which also cause a lot of disturbance to him and his flatmate. There were often parties until 2am with noise and loud music making it impossible for him to sleep.

Mr Sahota explained that he suffered health problems due to the noise from the premises under the previous licence. He added that his flatmate suffered from asthma and was often unable to leave windows open for fresh air because of the noise and smoke from customers standing outside the premises. He said that the premises would need sound proofing and wanted clarification on what floors the licence was sought for.

In response to questions the following was noted:

- The Applicant confirmed that the licensable activities were for the ground floor and first floor. The basement floor would only be used for customer toilets.
- The Premises would be a bar and restaurant. The Applicant planned on converting part of the premises from a sitting area into a bar area.

- The Applicant confirmed that they would not have live music playing after 11pm but recorded music would be played during operational hours.
- The Applicant stated that the focus would be on the kitchen however he did not want customers to be limited to seated drinking only; he wanted the flexibility to allow for vertical drinking.
- The premises had capacity for 100 people to be seated.
- Signs would be displayed around the premises asking customers to leave quietly and not to disturb local residents.
- Staff would ask customers to keep quiet when leaving the premises.
- Customers would not be allowed to take drinks outside the premises.
- The Applicant was amenable to having SIA door staff on Fridays and Saturdays but he did not want to employ door staff from Sunday to Thursday.
- The Applicant was unable to guarantee that music would not affect the resident objector.
- As a measure of precaution, the Applicant could install smaller speakers around the premises to distribute the sound equally and not be too loud in one area.
- The premises would have a cultural connection to Brazil; it would be fun, open and offer cocktails.

Both parties made closing remarks.

The Chair advised all parties that a decision would be made by the Sub-Committee following the meeting and a decision notice, including the reasons for the decision, would be sent out to all parties within five working days.

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 it and the oral representations at the meeting from the Applicant and a local resident objecting to the application.

The Sub-Committee noted that the premises is in a cumulative impact zone (CIZ). The 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 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 it can demonstrate exceptional circumstances and that the granting of the application would not negatively add to the cumulative issues already experienced within the CIZ.

The Sub-Committee noted the representations from the resident objector that the noise from the premises and its patrons would severely affect his health and quality of life, and the quality of life of other local residents in the area. The Sub Committee also noted the Applicant's submission that the application was for a licence similar to the licence previously in operation at this premises.

The Sub-Committee was not satisfied that the exceptional circumstances were present. The application included plans to modify the premises by converting a sitting area into a bar and vertical drinking area. The evidence before the Sub-Committee suggested that the premises would be alcohol-led and different in nature to the licence previously in operation.

The Sub-Committee noted that recorded music would be played until closing time. The Applicant accepted that he would be unable to ensure that no noise nuisance would be suffered by local residents. The Sub-Committee also noted that the Applicant was reluctant to employ SIA security staff from Sunday to Thursday to address potential issues immediately outside the premises. The Sub-Committee was not satisfied that the granting of the premises licence would not add to the cumulative public nuisance and anti-social behaviour issues already experienced in the area. Accordingly, the Applicant had not successfully rebutted the CIZ presumption and the application was refused.

Accordingly, the Sub Committee unanimously

RESOLVED

That the application for a New Premises Licence for Barzinho, 60-62 Brick Lane, London E1 6RF be **REFUSED**.

4. EXTENSION OF DECISION DEADLINE: LICENSING ACT 2003

There were no applications that required extensions to decision deadlines.

The meeting ended at 4.25 p.m.

Chair, Councillor Peter Golds
Licensing Sub Committee