

**LONDON BOROUGH OF TOWER HAMLETS****MINUTES OF THE LICENSING SUB COMMITTEE****HELD AT 5.30 P.M. ON TUESDAY, 13 OCTOBER 2020****ONLINE 'VIRTUAL' MEETING - [HTTPS://TOWERHAMLETS.PUBLIC-I.TV/CORE/PORTAL/HOME](https://towerhamlets.public-i.tv/core/portal/home)****Members Present:**

Councillor Eve McQuillan (Chair)

Councillor Zenith Rahman

Councillor Sufia Alam

**Officers Present:**

Lavine Miller-Johnson	– (Licensing Officer)	
David Wong	– (Legal Services)	
Mohshin Ali	– (Senior Licensing Officer)	
Nicola Cadzow	– (Environmental Health Officer)	
Simmi Yesmin	– (Democratic Services Officer, Committees, Governance)	

<b>Representing applicants</b>	<b>Item Number</b>	<b>Role</b>
Saiful Islam	4.2	(Applicant)
Shakila Rahman	4.2	(Applicant)

**Apologies**

None

**1. DECLARATIONS OF INTEREST**

There were no declarations of interests made.

**2. RULES OF PROCEDURE**

The rules of procedure were noted.

**3. MINUTES OF THE PREVIOUS MEETING(S)**

The minutes of the meetings were deferred to the next meeting of the Licensing Sub Committee.

#### **4. ITEMS FOR CONSIDERATION**

##### **4.1 Application for Variation of a Premises Licence for Brawn, 49 Columbia Road, London E2 7RG**

This item was withdrawn by the Applicant prior to the meeting.

##### **4.2 Application for a New Premises Licence for (Sake Sushi) Railway Arch, 268 Poyser Street, London E2 9RF**

At the request of the Chair, Mr Mohshin Ali, Licensing Officer introduced the report which detailed the application for a late night refreshment licence for Sake Sushi, Railway Arch, 268 Poyser Street, London E2 9RF. It was noted that objections had been received on behalf of Officers representing the Licensing Authority and Environmental Health.

At the request of the Chair, Members heard from the Applicants, Mr Saiful Islam and Ms Shakila Rahman, they explained that the premises was a commercial delivery based unit, offering a delivery only service. It was noted that there were no alcohol sales, no regulated entertainment and there would be no members of the public (customers) entering the premises.

Ms Rahman explained that they would display the contact number for the manager around and outside the premises for residents to contact if there were any problems. They would have suitable notices restricting idling of delivery vehicles and notices reminding delivery drivers to leave the area quietly and respect the needs of local residents. The Applicants represented that doors would be kept closed to prevent any noise escape, and the kitchen was at the back of the premises.

Mr Islam said that they used to receive a lot of their orders from offices nearby but due to the pandemic, they have had a loss in business and therefore were seeking to be allowed to sell hot food during later hours in order to sustain the business. Mr Islam further explained that the premises had been kept open for the hours applied for, serving cold food only and that there had been so no issues nor complaints. They now wanted to introduce hot food on the menu and therefore required a late night refreshment licence.

It was noted that the premises had been open for some time, has had no complaints, and this has been reflected by the absence of representations from residents. Ms Rahman stated that they would train staff and were happy to accept any measures or conditions that the Sub-Committee felt necessary and proportionate. They urged Members to support them in this current climate and help them sustain their business to survive.

Members then heard from Ms Nicola Cadzow, Environmental Health Officer. She stated that the Applicants had no understanding of the Cumulative Impact Zone (CIZ) and the hours applied for were beyond Council's framework hours. She said the hours applied for were excessive, and 2am in residential area

would be likely to cause disturbance to residential properties at the noise sensitive hours sought.

Members also heard from Ms Lavine Miller-Johnson, Licensing Officer. She referred to her representation in the report and explained that the hours applied for were far too excessive. It was noted that on a balance of probability, she was concerned by the addition of another premises providing "Late Night Refreshments", potentially adding to the existing anti-social issues in the area. It was noted that customers would not be coming to the premises but there would still be staff on the premises and delivery drivers would be accessing and leaving the premises frequently. She acknowledged the fact that the applicants had accepted the conditions she had proposed however was concerned that there was no consideration regarding the cumulative impact zone.

In response to questions the following was noted;

- That there had been no noise complaints associated with the premises.
- That legible notices would be displayed around the premises asking delivery drivers to leave quietly and respect the needs of residents.
- That the premises served Japanese food.
- It was noted that when the application was made the applicants were unaware that the premises was in the CIZ if they had been aware then they would have reflected this in their operating schedule.
- That there would be strictly no idling of vehicles.

### **The Licensing Objectives**

In considering the application, Members are normally 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 heard oral representations at the meeting made by the Applicants and Officers representing the Licensing Authority and Environmental Health with particular regard to the prevention of public nuisance.

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

in a CIZ is that there is a rebuttable presumption that where relevant representations are received by one or more of the responsible authorities and/or other persons objecting to the application, the application will be refused.

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

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

The Sub Committee heard from the Applicant that the premises was food-led and was a delivery only based premises, with no provision for sale of alcohol or regulated entertainment. When questioned Members were satisfied that granting a late night refreshments licence for the nature of business the applicant intends use for and with conditions offered and accepted, this would not negatively add to the cumulative impact zone.

The Sub-Committee noted the representations from the Licensing Authority, and Environmental Health regarding the impact of the premises on the Brick Lane Cumulative Impact Zone (CIZ) and the concerns relating to the likely disturbance to residents nearby. However the conditions proposed by the Applicant gave The Sub Committee the assurance that this will help alleviate concerns raised by the Responsible Authorities and not negatively impact on the cumulative impact zone and the conditions imposed would also help promote the licensing objectives.

#### Decision

Accordingly, the Sub Committee unanimously;

#### **RESOLVED**

That the application for a Late Night Refreshment Licence for Sake Sushi, Railway Arch, 268 Poyser Street, London E2 9RF be **GRANTED**.

#### The Provision of Late Night Refreshments

Monday to Sunday from 23:00 hours to 02:00 hours (the following day)

#### Hours premises are open to the Public

Monday to Sunday from 12:00 hours to 02:00 hours (the following day)

#### Conditions

1. 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.
2. Notices to be displayed reminding staff and delivery drivers to be respectful of residents.
3. No idling of delivery vehicles.
4. 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.
5. 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.
6. CCTV warning notice shall be displayed inside and outside the premises.
7. A crime prevention policy shall be kept in place at the premises
8. The premises is for delivery services only.
9. No customers shall be allowed inside the premises and the restrictions shall be displayed outside the premises by way of signage.
10. An incident log shall be kept at the premises, and be available on request to the Police or an authorised officer.
11. Staff shall receive appropriate training about emergency and general safety precautions and procedures.
12. Business or premises is only for online internet sales delivery food business
13. No collection or food takeaway service is available at the premises

**5. EXTENSION OF DECISION DEADLINE: LICENSING ACT 2003**

Members agreed to extend the decision deadlines for the applications below to 31 January 2021; Licensing applications were extended due to the impact of the pandemic, and were adjourned under regulation 11 of the Licensing Act 2003 (Hearings) Regulations 2005, and was in the public interest to do so and did not require representation from parties of the application.

<b>Premises</b>
Mason & Painter, 67 Columbia Road, London E2 7RG
Hulya's Cafe & Restaurant, 357 Cambridge Heath Road, London, E2 9RA
Enola's Kitchen, 'Sundial Centre' 11 Shipton Street, London, E2 7RU
Stop N Shop, 59 Commercial Street, London E1 6BD
Al Safa Grill- 24 Vallance Road E1 5HR (LMJ)
Budgens Express 287-289 Whitechapel Road E1 1BY (LMJ)
Virginia Off Licence & Supermarket, 59 Virginia Road, London E2 7NF
<i>Shop, 36 Toynbee Street, London E1 7NE</i>
<i>Marco Food Centre, 38 – 40 Commercial Road, London E1 1LN</i>

The meeting ended at 6.30 p.m.

Chair, Councillor Eve McQuillan  
Licensing Sub Committee