

LONDON BOROUGH OF TOWER HAMLETS**RECORD OF THE DECISIONS OF THE LICENSING SUB COMMITTEE****HELD AT 5.30 P.M. ON TUESDAY, 24 NOVEMBER 2020****ONLINE 'VIRTUAL' MEETING - [HTTPS://TOWERHAMLETS.PUBLIC-I.TV/CORE/PORTAL/HOME](https://towerhamlets.public-i.tv/core/portal/home)****Members Present:**

Councillor Kahar Chowdhury (Chair)

Councillor Mohammed Ahab Hossain (Member)

Councillor Kyrsten Perry (Member)

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 for a Variation of a Premises Licence for (previously known as Virginia Off Licence & Supermarket) 59 Virginia Road, London, London E2 7NF****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 heard oral representations at the meeting made by the Applicant and the resident objectors, with particular regard to the prevention of public nuisance and the prevention of crime and disorder.

Members welcomed the efforts made by the Applicant in accepting and agreeing to the conditions proposed by the Metropolitan Police and also reducing the hours that had originally been applied for. The Sub-Committee believed that a further reduction in the hours for the sale of alcohol to 10pm would create a balance in a residential area where there are concerns of anti-social behaviour. The Applicant's agreement during the hearing to accept a condition to restrict drinks from being consumed outside the premise also gave Members the assurance that the licensing objectives would be upheld.

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

The Sub Committee was therefore satisfied that the granting of the variation would not negatively impact on the area and the conditions imposed would help promote the licensing conditions.

Accordingly, the Sub Committee unanimously;

RESOLVED

That the application for a Variation of the Premises Licence for (previously known as Virginia Off Licence & Supermarket, 59 Virginia Road, London E2 7NF be **GRANTED in part with conditions**

Sale of Alcohol (on and off sales)

Monday to Sunday from 09:00 hours to 22:00 hours

Hours premises are open to the Public

Monday to Sunday from 09:00 hours to 22:30 hours

New Conditions to be imposed on the premises licence

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 31day 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 refusal of the sale of alcohol;
 - h) any visit by a relevant authority or emergency service.
4. Challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.
5. No guests outside the premises after 21:00 hours.
6. All windows and doors to remain closed at all times while events are on.
7. No noise shall emanate from the premises.
8. No drinks shall be consumed outside the premises.
9. No more than 5 smokers to be allowed to smoke outside the premises at any one time.
10. Notices shall be displayed in the premises asking customers to leave quietly and respect the needs of local residents.

3.2 Application for a Premises Licence for (Marco Food Centre) 38 - 40 Commercial Road, London E1 1LN

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 Sub-Committee carefully considered all of the evidence before them and heard oral representations at the meeting made by the Applicant and his Licensing Representative and from the one of the objectors and the Licensing Representative representing objectors with particular regard to concerns over the prevention of public nuisance and the prevention of crime and disorder.

The Sub-Committee noted the representations on behalf of the residents and from one objector in particular regarding the impact of another premises selling alcohol in the local area and the concerns relating to the likely disturbance to residents nearby. However, Members noted that the business model was clear that the premises would not be alcohol led, and that alcohol would be a small part of the range of products that the premises would be offering.

Whilst the Sub-Committee heard representations made by the Licensing Representative representing objectors, that the premises were close to a cumulative impact zone (CIZ) and would add to the cumulative impact, a CIZ is only relevant if the premises in question are within a CIZ, so the Sub-Committee could not apply the considerations which would otherwise have featured had the premises been in a CIZ.

The Sub-Committee noted representations made by the Licensing Representative representing objectors, regarding residents' human rights. However, Licensing Sub-Committee decisions are made on the basis of what from the evidence is reasonable and proportionate to support the licensing objectives, which incorporate in themselves, reasonable and proportionate safeguards of the interests of those in the community.

The Sub-Committee noted representations made by the Licensing Representative representing objectors, that the premises are in an area covered by a Public Spaces Protection Order (PSPO). However, as stated, Licensing Sub-Committee decisions are made on the basis of what from the evidence is reasonable and proportionate to support the licensing objectives, and so the existence of a PSPO in the area in itself is irrelevant.

The Sub-Committee considered that on the balance of probabilities, there was insufficient evidence that the granting of the application would give rise to the issues raised by objectors.

The Sub-Committee heard the Applicant's proposal that there be a condition that no beer, larger or cider above 6% abv would be sold at the premises.

The Sub Committee heard from the Applicant's Representative that the premises would be providing a variety of products ranging from organic foods,

premium cuts of meat to general groceries and would not be alcohol led. Members were satisfied from answers to questions that granting a premises licence for the reduced hours applied for, together with the Applicant's description of the nature of the business the applicant, the robust management and training regime proposed by the Applicant, and conditions proposed by responsible authorities in the papers would not lead to the licensing objectives being undermined. The Sub-Committee noted that none of the responsible authorities had seen any reason to join in the Sub-Committee proceedings to themselves raise any objections, and had the responsible authorities felt there was any substance to objections, they would like have joined in with making objections.

Decision

Accordingly, the Sub Committee unanimously;

RESOLVED

That the application for a New Premises Licence for Marco Food Centre, 38-40 Commercial Road, London E1 1LN be **GRANTED**.

Sale of Alcohol (off sales only)

Monday to Sunday from 08:00 hours to 00:00 hours (midnight)

Hours premises are open to the Public

Monday to Sunday from 06:00 hours to 00:00 hours (midnight)

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 31day 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 refusal of the sale of alcohol;
 - h) any visit by a relevant authority or emergency service.
4. Challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.
5. Signage of the 'Challenge 25' policy shall be prominently displayed on the premises.
6. No beer, lager or cider above 6% abv would be sold at the premises.
7. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
8. Training shall be given to all staff to ensure compliance with the four licensing objectives. Training records will be kept on the premises, and the training records will show the date of the training. The training record is to be signed by the staff member receiving the training and then countersigned by the Designated Premises Supervisor (DPS). The training on the compliance with the four licensing objectives shall be repeated on an annual basis.
9. The licence holder shall ensure that a refusals register is kept on the premises and that this shall be immediately available upon request of an authorised officer. The register shall record any refused sale of alcohol.
10. The refusal register shall be inspected on a regular basis by the Designated Premises Supervisor (DPS) or nominated person/s and signed by the DPS or nominated person/s that they have checked the register at least 12 months of refusal register details shall be retained and made available upon request by an authorised officer.

11. Signage shall be prominently displayed warning customers of the legal penalties for purchasing alcohol for any person under the age of 18 years.

4. EXTENSION OF DECISION DEADLINE: LICENSING ACT 2003

Nil items.

The meeting ended at 8.10 p.m.