

LONDON BOROUGH OF TOWER HAMLETS**MINUTES OF THE LICENSING SUB COMMITTEE****HELD AT 5.30 P.M. ON TUESDAY, 26 JANUARY 2021****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 Shad Chowdhury

Councillor Victoria Obaze

Officers Present:

Nicola Cadzow	–	(Environmental Health Officer)	
Ladi Lapite	–	(Principal Enforcement Lawyer)	
Kathy Driver	–	(Principal Licensing Officer)	
Corinne Holland	–	(Licensing Officer)	
Simmi Yesmin	–	(Democratic Services Officer, Committees, Governance)	

Representing applicants	Item Number	Role
Angela Delbourgo	4.1	(Legal Representative)
Khyrul Chowdhury	4.1	(Applicant)
Kwaku Appiah	4.2	(Applicant)

Representing objectors	Item Number	Role
PC Mark Perry	4.1	(Metropolitan Police)
Nicola Cadzow	4.1	(Environmental Health Officer)
Kathy Driver	4.2	(Principal Licensing Officer)
Duncan Campbell	4.2	(Resident)
Christopher Want	4.2	(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. MINUTES OF THE PREVIOUS MEETING(S)

The minutes of the Licensing Sub Committee meetings held on 1st and 3rd December 2020 were agreed and approved as a correct record.

4. ITEMS FOR CONSIDERATION

4.1 Application for a New Premise Licence for Lime Grill, 332 Burdett Road, London, E14 7DL

At the request of the Chair, Ms Corinne Holland, Licensing Officer, introduced the report which detailed the application for a new premises licence for Lime Grill, 332 Burdett Road, London E14 7DL. It was noted that objections had been received on behalf of officers representing the Metropolitan Police and Environmental Health.

At the request of the Chair, Ms Angela Delbourgo, Legal Representative on behalf of the Applicant explained that the applicant was seeking late night refreshments only. There would be no sale of alcohol or regulated entertainment and would only be selling hot food and soft drinks. She said the hours applied for were for 7 days a week from 11pm to 4am. It was noted that the food would be served on the premises and for takeaway and deliveries and there would be no outside tables. Ms Delbourgo explained that there were sofas inside the premises for customers waiting for takeaways so there would be no issues of customers congregating outside the premises.

She explained that Limehouse Kebab and other neighbouring premises had similar hours as proposed and there had been no objections from residents. Ms Delbourgo noted Police's concern related to late night premises and crime and disorder and Environmental Health's concerns about noise and both officers wanting to propose a restriction in the hours and conditions.

It was noted that the Applicant was happy to comply with conditions but not agreeable to reducing the hours applied for. Ms Delbourgo said that the hours applied for were due to customer demand, customers such as minicab drivers and shift workers. She said the hours applied for were crucial to the business. She said the premises are similar to Limehouse Kebab which were not identified as giving problems.

Members then heard from PC Mark Perry, representing the Metropolitan Police, he explained that the premises would attract customers who had been drinking especially during the weekends and people who are likely to be intoxicated and they are more likely to be less aware of their surroundings and have raised voices and are more likely to cause alcohol related crime and disorder and noise nuisance to local residents. He explained that such late

hours in an area with a lot of residential housing would lead to an increase in crime and disorder and public nuisance.

PC Perry said he had spoken to the Applicant and proposed moderate hours with an extension for online orders as the Applicant had stated to him that the hours applied for were for takeaway deliveries via third parties such as UberEats, Deliveroo etc. He said the Applicant should firstly demonstrate that he can run a licensed premises well and then apply for an extension in the future.

Members also heard from Ms Nicola Cadzow, Environmental Health Officer, she referred to her statement on page 91 and said she agreed with the proposals made by the Police and also expressed her concern about the excessive hours applied for and the potential of noise breakout during noise sensitive hours. She also suggested a reduction in hours and conditions if members were minded to grant the application.

In response to questions the following was noted;

- In order to comply with licensing objectives, the Applicant would comply with the conditions proposed, have notices, operate CCTV cameras to identify anyone causing problems and request delivery drivers not leave engines idling outside the premises.
- That no residents had objected to the application.
- That customers frequenting the premises would be eating in or takeaway orders for home.
- That there were waste disposal bins outside the premises.
- That approximately 6-7 customers eat inside the premises at any one time.
- That there was a similar licensed premises in close proximity with late hours.

Both parties made concluding remarks.

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.

The Sub-Committee heard representations made by the Applicant's Legal Representative, that the hours applied for was due to customer demand and to provide for those customers working unsociable hours and welcomed conditions to promote the licensing objectives.

Members also heard objections from Officers representing the Metropolitan Police and Environmental Health, that the hours applied for were beyond the Council's Framework Hours and were far too excessive, and the likelihood that a late night venue would attract people who have been drinking, who are intoxicated and are more likely to be less aware of their surroundings and cause noise nuisance or alcohol related crime and disorder.

Members noted the proposed hours suggested by the Police and supported by Environmental Health and were of the view that the reduced hours put forward would be the most appropriate hours to be granted in order to keep a balance between the objectives of the business, the effects on residents nearby and commensurate to the licensing objectives.

Members were satisfied that the reduction in hours together with the conditions proposed would also help alleviate concerns raised by the responsible authorities and help reduce the risk of any disturbances.

The Sub Committee was therefore satisfied that the granting of the application with the reduced hours and conditions would not negatively impact on the area and the conditions imposed would help promote the licensing objectives.

Accordingly, the Sub Committee unanimously;

RESOLVED

That the application for a New Premises Licence for Lime Grill, 332 Burdett Road, London E14 7UL be **GRANTED in part with conditions**

Late Night Refreshments

Sunday to Thursday from 11:00 hours to 01:00 hours (the following day) – From 00:00 hours (midnight). This is for delivery only via food ordering websites.

Friday and Saturday from 11:00 hours to 02:00 hours (the following days) – From 01:00 hours. This is for delivery only via food ordering websites.

Hours premises are open to the Public

Sunday to Thursday from 11:00 hours to 01:00 hours (the following day)
Friday and Saturday from 11:00 hours to 02:00 hours (the following day)

Conditions

1. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Tower Hamlets Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the entire 31 day period.
2. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises are open. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.
3. An incident log shall be kept at the premises and be available on request to the Police or an authorised officer. It must be completed within 24 hours of any incident and will record the following:
 - a) all crimes reported to the venue;
 - b) all ejections of patrons;
 - c) any complaints received concerning crime and disorder
 - d) any incidents of disorder;
 - e) all seizures of drugs or offensive weapons;
 - f) any faults in the CCTV system, searching equipment or scanning equipment;
 - g) any refusal of the sale of alcohol;
 - h) any visit by a relevant authority or emergency service.
4. No noise generated on the premises, or by its associated plant or equipment, shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
5. No idling of vehicles, being either patron or delivery vehicles outside the premise whilst premises are in operation.
6. Notices shall be displayed in the premises asking customers to leave quietly and respect the needs of local residents.

4.2 Application for a New Premise Licence for Enola's Kitchen, 'Sundial Centre', 11 Shipton Street, London, E2 7RU

At the request of the Chair, Ms Corinne Holland, Licensing Officer, introduced the report which detailed the application for a new premises licence for Enola's Kitchen, Sundial Centre, 11 Shipton Street, London E2 7RU. It was noted that objections had been received on behalf of the Licensing Authority and local residents.

At the request of the Chair, Mr Kwaku Appiah, Applicant explained that he was applying for sale of alcohol for the café in the centre to offer customers wine or beer with their meal and to also cater for small events such as funerals or for other small events for service users or older people. Mr Appiah said he was working in conjunction with Peabody Trust, which is in support of the application. It was also noted that events at the centre would include poetry recitals, acoustic guitar playing and that all events would finish by 11pm. The premises have a small capacity of 24 and also offered apprenticeship placements for students and delivery of food. It was a small café and not a bar or pub.

Members then heard from Ms Kathy Driver, Licensing Officer who explained that the representation was in relation to locality of the premises. There were concerns that the premises are in the middle of a densely residential area with narrow streets allowing one car at a time and with an increase of delivery vehicles this would cause disturbances. Ms Driver therefore suggested conditions to be considered such as stewards to manage the outside area and no food or drinks to be consumed outside the premises.

Members then heard from Mr Duncan Campbell and Mr Christopher Want, local residents who both shared similar concerns regarding the hours for sale of alcohol and regulated entertainment and that not a lot of people in the area had been aware of the application otherwise there would have been more objections. They stated that another premises would draw more people into the area which was a predominantly residential area and that there would be more street drinkers, noise and anti-social behaviour. They were both very supportive of the centre but did not want it becoming a late night venue.

In response to questions the following was noted;

- The film club would be for members only and alcohol would only be served accompanied by food.
- The capacity of the premises was 24.
- Shipton street is fairly narrow raising concerns that it would become more congested.
- That the application was advertised by putting the notice up outside the premises and an advert in the newspaper.
- The applicant was aware there had been problems with the previous owners but assured Members that the new management were experienced and had a new way of working.
- There would be staff at the door advising customers to leave quietly, and notices displayed asking customers to leave quietly and respect

the needs of residents. Mr Appiah assured Members that the type of customers that would be frequenting the premises would not be hanging around after any event.

- That only background music would be played.
- That there would be approximately one event per month.
- That there was a dispersal policy in place.
- That there would be no escape of noise as they had tested it with the landlord, the premises had double doors and was double glazed.
- If there was no amplified music then there was no need for regulated entertainment licensing.
- That the hours were late and a compromise was reached with the Applicant for a reduction in hours for the sale of alcohol to 10pm.

Both parties made concluding remarks.

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 from 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 Licensing Authority and residents 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 sold ancillary to a meal and there would be no off site sales. It was also noted that the premises are very small with a capacity of 24.

Members welcomed the efforts made by the Applicant in accepting and agreeing to the conditions proposed by the Responsible Authorities and also agreeing to reduce 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. It was also noted that there would only be

background music and unamplified acoustic music played at the premises which would not require regulated entertainment licensing.

The Applicant's agreement during the hearing to a condition to restrict drinks from being consumed outside the premises also gave Members the assurance that the licensing objectives would be upheld.

The Sub Committee was therefore satisfied that the granting of the application with the reduced hours and conditions would not negatively impact on the area and the conditions imposed would help promote the licensing objectives.

Decision

Accordingly, the Sub Committee unanimously;

RESOLVED

That the application for a New Premises Licence for Enola's Kitchen, Sundial Centre, 11 Shipton Street, London E2 7RU be **GRANTED in part with conditions.**

Sale of Alcohol (on sales only)

Monday to Sunday from 11:00 hours to 22:00 hours

Regulated Entertainment (in the form of the showing of Films)

Monday to Friday from 12:00 hours to 22:00 hours
Saturday to Sunday from 10:00 hours to 22:00 hours

Hours premises are open to the Public

Monday to Sunday from 08:00 hours to 22:30 hours

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 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. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
7. All staff will be trained as to their responsibility under the Licensing Act 2003. This training shall be recorded and the records to be available on request to the Police or any authorised officer.
8. There shall be no off sales
9. No alcohol shall be consumed outside the building
10. Alcohol shall only be sold ancillary to a meal.
11. There shall be no congregation of customers outside the premises once the premises are closed to the public.
12. 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. This should include the deployment of security/stewards to enable this to be done effectively. The Policy to be agreed with the Licensing Authority and Police.

- 13.No Music or Amplified Sound shall be generated on the premises to give rise to a nuisance to neighbouring residents.
- 14.Loudspeakers shall not be placed in the entrance lobby or outside the premises building.
- 15.All windows and external doors shall be kept closed when regulated entertainment takes place, except for the immediate access & egress of persons.
- 16.Patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke, shall be limited to 5 persons at any one time.
- 17.No noise generated on the premises, or by its associated plant or equipment, shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.

5. EXTENSION OF DECISION DEADLINE: LICENSING ACT 2003

Members agreed to extend the decision deadlines for the applications below to the dates stated; 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.

Premises	Extended to:
Greenglow, Railway Arches,296-297 Cambridge Heath Road	30/04
The Breakhouse Café), Unit 17, Bloc Riverbank, 455 Wick Lane, London, E3 2TB	30/04
The Milk Float, Sweet Water Trading Mooring Whit Post Lane Hackney Wick E9 5EN	30/04

The meeting ended at 7.40 p.m.

Chair, Councillor Peter Golds
Licensing Sub Committee