

LONDON BOROUGH OF TOWER HAMLETS**MINUTES OF THE LICENSING SUB COMMITTEE****HELD AT 5.30 P.M. ON TUESDAY, 2 FEBRUARY 2021****THE COUNCIL CHAMBER, TOWN HALL, MULBERRY PLACE, 5 CLOVE
CRESCENT, LONDON, E14 2BG****Members Present:**

Councillor Kahar Chowdhury (Chair)

Councillor Zenith Rahman

Councillor Rajib Ahmed

Officers Present:

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

Representing applicants	Item Number	Role
Ziya Merton	3.1	(Licensing Agent)
Corinne Tuplin	3.2	(Legal Representative)
Jack Ma	3.3	(Applicant)
Mohibur Rahman	3.3	(Manager)

Representing objectors	Item Number	Role
Leo Charalambides	3.1	(Legal Representative)
David Leonard	3.1	(Resident)
Sue Hughes	3.1	(Resident)
Heather Corben	3.1	(Resident)
Michael Wilshire	3.1	(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 for Variation of a Premises Licence for Kilikya, Unit C4 Ivory House, St Katharines Docks, London E1W 1AT

At the start of the hearing, a request was made by Mr Ziya Merton, Licensing Agent representing Mr Ali Berka, Applicant, for an adjournment. Mr Merton informed the Sub-Committee that the Applicant was not present at the meeting due to being in poor health abroad. However it was established at the meeting that the Applicant's Licensing Agent had full instructions to represent on the Applicant's behalf, and was content to proceed, if the Sub-Committee decided not to adjourn.

Members retired in private for a short while and then reconvened. The Chair announced that the request for adjournment had been refused, the Sub-Committee took into consideration the public interest, including the cost impact of an adjournment on all participants, and the fact that Mr Merton had full instructions and could proceed with full instructions to represent the Applicant.

At the request of the Chair, Ms Lavine Miller-Johnson, Licensing Officer, introduced the report which detailed the application for a variation of the premises licence for Kilikya, Unit C4 Ivory House, St Katharine's Docks, London E1W 1AT. It was noted that objections had been received on behalf of individual local residents and a residents' association.

At the request of the Chair, Mr Ziya Merton explained that the application was for off sales of alcohol only, and the hours were only for the licensable hours the premises already had. He said that he appreciates that the premises were a lively, but was a unique bar offering food and drinks. Mr Merton presented that the Applicant would ensure no idling of delivery vehicles, and any alcohol sold being delivered to customers would be sold in sealed containers and only sold ancillary to a meal.

Mr Merton explained that there was a full CCTV camera system in operation. He presented that the Applicant would be happy to consider any conditions which the Committee felt necessary and proportionate. It was noted that there were other premises in the area which could be the cause of the noise nuisance and crime and disorder referred to in residents' written representations. It was noted that the premises had been closed since 6th January 2021, as the applicant was out of the country and did not want the premises open without him being present.

He explained that the introduction of off sales would attract and allow flexibility, making the business more sustainable. In terms of litter, staff would be on duty to patrol the immediate vicinity of the premises on a regular basis, and had 24 hour security to monitor any problems. He said that alcohol would only be sold with a meal, and would help customers avoid the inconvenience of purchasing food from one place and alcohol from another, which also disadvantages the business as customers prefer to get their food and drink

from the same place, which in turn decreases the number of deliveries that would be made as a whole in relation to delivered orders.

In conclusion, Mr Merton concluded that no increase in hours was sought, existing conditions on the licence were sufficient, and the Applicant was happy to accept any further conditions.

Members then heard from Mr Leo Charalambides, Legal Representative, on behalf of the residents' association, the Friends of St Katherine's Dock. He explained that he represented 350 residents as part of the residents' association, and was instructed to put forward their concerns raised in relation to this application. He said the plan submitted with the application was misleading on page 51 of the agenda, as it was an old plan and the premises layout had changed. He said customers congregate in the archway, are noisy and litter in the dock. He said there were 18 licensed premises in the area, and there was a huge amount of littering, which with the increase in the takeaway delivery industry, it has exacerbated the area.

Mr Charalambides presented that delivery drivers congregate, smoke, and bring their motorbikes and bicycles inside the courtyard, causing congestion and adverse impact on the area. It was also presented that, therefore, another set of premises being licensed to deliver as part of its licensed alcohol activities is not suitable for the area which already experiences high levels of public nuisance as a result of delivery drivers and vehicles. It was represented that the Applicant had not sought to address the impact of more delivery drivers and vehicles in the area, and the effects it would have on the pedestrian walkways. Mr Charalambides said that the area had become a delivery hub, and there needed to be a balance of residential community and business interests. He urged Members to reject the application.

Members also heard from Heather Corben and Michael Wilshire, individual local residents who expressed similar concerns to the residents' association, relating to the application, namely concerns over narrow walkways always being congested with delivery drivers, so that residents were unable to walk past with family and children; noise emanating causing noise nuisance; late night crowds congregating causing disturbance to residents. Ms Corben and Mr Wilshire also presented that there were 18 other premises, and granting a further licence would set a precedent for other premises to apply and that the applicant gave them no assurances in how this would not negatively impact on the area.

In response to questions the following was noted;

1. That the plan of the premises supplied by the Applicant was inaccurate as it did not reflect the current layout of the premises.
2. Litter had been associated with the premises, as beer pumps had been brought outside the premises, and the premises had served drinks in florescent coloured cups, so that residents were then able to link the premises the customers who had congregated outside and committed littering with those coloured cups.

3. That the premises was running as a bar during October/November and December 2020.
4. That the disturbance mentioned in representations against the application had not previously been reported to the Council, as residents had maintained a degree of tolerance before being aware of the application, which would lead to increased footfall associated with the licensable activity of alcohol sales in relation to the Applicant's business premises.
5. It was acknowledged by the Applicant's representative that the plan may be out of date, but he pointed out there was no requirement to submit a plan of the premises for a variation application. Nonetheless, it was also noted that the Applicant had chosen to submit a plan, which thus formed part of the application.
6. For deliveries, alcohol would only be sold in sealed containers and ancillary to a meal.
7. That there had been no objection from responsible authorities, and no increase in hours was sought by the Applicant.

Concluding remarks were made by all parties.

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's Licensing Agent, the Legal Representative representing the Residents' Association and other local residents representing themselves objecting to the application, with particular regard to the prevention of public nuisance.

At the start of hearing this application, the Sub-Committee decided upon a request for adjournment made by the Applicant's Agent, who informed the Sub-Committee that the Applicant was not present at the meeting due to being in poor health abroad., However it was established at the meeting that the Applicant's Licensing Agent had full instructions to represent on the Applicant's behalf, and was content to proceed, if the Sub-Committee decided not to adjourn. In refusing the request for an adjournment, the Sub-Committee took into consideration the public interest, including the cost impact of an adjournment on all participants.

The Sub-Committee noted the representations on behalf of the Residents' Association and from other residents asserting that a grant of the application would adversely impact the area, in terms of noise nuisance and other public nuisance, especially litter, increase in delivery drivers and delivery vehicles and congestion in the narrow walkway which from the residents perspective was not designed to accommodate such large footfall of people. The Sub-Committee considered residents' representations that off sales would increase more delivery orders. The Sub-Committee considered representations on behalf of residents that the premises plan on page 51 of the agenda, submitted by the Applicant was incorrect and did not reflect the correct layout of the Applicant's premises and operation of the business.

The Sub-Committee was not satisfied that the Applicant's Representative sufficiently clarified in response to questions, to what extent, if at all, the plan submitted with the application was up to date and accurate with regard to the layout and operation of the Applicant's premises. The Sub-Committee was also not satisfied that the Applicant's Representative sufficiently clarified in response to questions, what measures would be in place to allay the concerns raised by residents regarding public nuisance.

The Sub Committee were therefore not satisfied that the application, if granted, would not uphold the licensing objectives, particularly the prevention of public nuisance.

Accordingly, the Sub Committee unanimously;

RESOLVED

That the application for a Variation of the Premises Licence for Kilikya, Unit C4 Ivory House, St Katherines Dock, London E1W 1AT be **REFUSED**.

3.2 Application for a New Premises Licence for Lucky Dog, 70 Brick Lane, London E1 6RL

At the request of the Chair, Ms Lavine Miller-Johnson, Licensing Officer, introduced the report which detailed the application for a new premises licence for Lucky Dog, 70 Brick Lane, London E1 6RL. It was noted that an objection had been received on behalf of Environmental Health.

At the request of the Chair, Ms Corinne Tuplin, Legal Representative on behalf of the Applicant explained that it was a small set of premises with 27 covers selling Chinese cuisine for eating in and takeaway, in respect of which the Applicant sought to sell alcohol between 12 midday and 9.45pm, Monday to Sunday with a 10pm closure.

She acknowledged that the premises was in the cumulative impact zone (CIZ). However, Ms Tuplin did not consider that the premises would negatively impact the area, as the Police did not regard these premises as causing issues in the area, hence there had been no representations by them. It was noted that the Applicant was willing to accept the conditions proposed

by Environmental Health in the event of the application being granted. Ms Tuplin said that the premises fell within exceptional circumstances as stated in paragraph 19.8 of the London Borough of Tower Hamlets' Statement of Licensing Policy, namely that these premises were small with a capacity of 27 covers, the hours applied for were within the Council's framework hours, the premises was not alcohol led, but food led, and there was no regulated entertainment.

Ms Tuplin said that there would be regular risk assessments, and notices would be displayed requesting customers to leave quietly and respect the needs of residents. She also made the observation that there were no objections from residents.

Members then heard from Ms Nicola Cadzow, Environmental Health Officer, who referred to her representations on page 127 of the agenda. She said that the application did not provide sufficient information on how granting it would not add to public nuisance in the area, and there was insufficient information in the application regarding the effects on the CIZ.

In response to a question, it was noted that the conditions in the operating schedule and those agreed with responsible authorities would be adhered to, if the application were granted.

Concluding remarks were made by both parties.

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 Applicant's Legal Representative and the Officer representing Environmental Health objecting to the application 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's Representative that the Applicant was able to demonstrate exceptional circumstances on the basis that the venue was a small premises with a capacity of 27, it was not alcohol led, alcohol would only be sold ancillary to a substantial seated meal served at the premises, and the hours were within the Council's framework hours, with no off sales and no regulated entertainment. The Sub-Committee was satisfied from the evidence presented that the Applicant intended the use of the premises to be food led premises, the evidence considered including the Applicant's willingness to have conditions consistent with food led premises.

The Sub-Committee considered the representations from 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 and public nuisance. However, the above exceptional circumstances, coupled with the Applicant's willingness to accept the conditions proposed by the Environmental Health Officer and the conditions proposed in their operating schedule, gave the Sub Committee the assurance that the concerns raised by the Responsible Authority would be allayed and that what was applied for would not add to the cumulative impact. The Sub-Committee were satisfied that the conditions offered would also promote the licensing objectives.

Decision

Accordingly, the Sub Committee unanimously;

RESOLVED

That the application for a New Premises Licence for Lucky Dog, 70 Brick Lane, London E1 6RL be **GRANTED**.

Sale of Alcohol (on sales only)

Monday to Sunday from 12:00 hours to 21:45 hours

Hours premises are open to the Public

Monday to Sunday from 12:00 hours to 22:00 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. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
6. No off sales of alcohol.

7. Drinking up time: service of all alcohol will cease 15 minutes before the closing of the premises.
8. Alcohol will only be served ancillary to a substantial seated meal for consumption on the premises only.
9. Vertical drinking will not be permitted. Customers will not be permitted to take part finished and or open containers of alcoholic drinks from the premises. Orders for food and beverages shall be taken and dispensed by waiter or waitress service only. Alcohol will not be sold to customers purchasing exclusively takeaway food orders.
10. Anti-social behaviour on the premises: A policy will be in force for the management of large groups i.e. hen and stag parties. The group will be required to nominate a responsible person to liaise with staff.
11. Staff will be trained in dealing with drunken or disruptive behaviour and the procedure for dealing with any such behaviour by patrons.
12. Anti-social behaviour of any kind including strong loud and offensive language, shall not be tolerated. any customer suspected of engaging in, the same shall be asked to leave, Will be escorted to the exit and observed leaving the vicinity of the premises.
13. Anyone attempting to enter the premises visibly under the influence of alcohol or drugs will be refused entry or shall be asked to leave, escorted to the exit and observed leaving the vicinity of the premises.
14. Staff shall implement a dispersal policy outside the premises within the applicant's direct control to reduce risk of public nuisance.
15. Staff shall receive induction training at the commencement of employment. Staff shall receive regular re-training a minimum of four times a year. Staff training records shall be maintained for inspection by the Metropolitan Police and Local Authority Enforcement Officers. Staff training will include underage alcohol sales training procedures for dealing with disruptive behaviour mandatory drug awareness training.
16. Alcohol Designated Public Places Orders: Notices indicating the existence and effect of an Alcohol Designated Public Places Order will be prominently displayed at the exits to the premises.
17. No queuing will be allowed outside the premises. The numbers of customers smoking in front of the premises will be limited and customers will not be allowed to cause a blockage to the public footpath. Staff shall implement a dispersal policy outside the restaurant within the applicant direct control to reduce risk public nuisance.
18. The licensee shall have a policy or procedure in place, which deals with excessive or unreasonable noise nuisance emanating from customers visiting the premises and how this would be managed, if customers are not prepared to abide by the signage around the premises requesting customers to leave the site quietly.

19. The disposal of waste into external receptacles shall not take place between the hours of 23:00 hours and 08:00 hours. No deliveries or waste collections will be taken place between the hours of 23:00 hours and 08:00 hours.
20. The pavement frontage area immediately in the vicinity of the premises will be swept at least twice a day and as and when required (including after the closing of business), To ensure that all litter emanating from the premises is collected and disposed of. Additionally, and at the same time the licensee will also undertake routine inspections of the immediate surrounding area and ensure that any litter emanating from the premises is swept up and disposed of.
21. No person shall be employed to solicit for custom or be permitted to solicit for custom for business for the premises in any public place within a 500-metre radius of the premises.
22. Clear signage shall be placed in the restaurant window stating that the premises supports the Council's 'No Touting Policy'.
23. Suitable signage shall be displayed around the premises advising customers and staff of the "Challenge 25 policy". This policy shall be brought to the attention of customers at the point of sale for alcohol.
24. All staff shall receive training and regular refresher training regarding the Licensing Act 2003 and the "Challenge 25" identification policy.
25. The date, time and circumstances under which any attempted purchase by a young customer has been refused will be recorded in the incident register. This will be made available for inspection by any police officer community support officer or authorised person upon demand.
26. Loudspeakers shall not be located in the entrance lobby or outside the premises building.
27. All windows and external doors shall be kept closed when regulated entertainment takes place, except for the immediate access and egress of persons.
28. 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.
29. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
30. Only background music shall be played at the premises.

3.3 Application for a New Premise Licence for Tian Tian Market, Unit 2-3, 18 Piazza Walk, London, E1 8ZN

At the request of the Chair, Ms Lavine Miller-Johnson, Licensing Officer, introduced the report which detailed the application for a new premises licence for Tian Tian Market, Unit 2-3, 18 Piazza Walk, London, E1 8ZN. It was noted that an objection had been made by a local resident.

It was noted that the objector was not present at the meeting, and that nonetheless, the objector's representations would be taken into account as set out in the agenda papers.

At the request of the Chair, Mr Mohibur Rahman, manager of the premises explained that the business was an oriental supermarket, selling oriental foods and drinks, and wanted to sell alcohol as part of the products being sold. He said that all staff would be trained, CCTV cameras were operational at the premises, and they would have one SIA accredited individual on door staff on duty during all hours of operation. He said that the hours applied for were between 7am to 11pm in order to be flexible during public holidays etc. but they currently operate Mondays- Sunday between 10am to 10pm.

In response to questions the following was noted;

1. CCTV cameras were in operation 24 hours a day, and images can also be accessed remotely via laptops or mobile.
2. SIA accredited door staff would help prevent public nuisance and crime and disorder, and deter people from drinking immediately outside the premises.
3. SIA accredited door staff would be hired through an agency who would deal with the shifts/rota/hours they work.
4. Notices asking customers to leave quietly and respect the needs of local residents would be displayed around the premises.
5. The premises would operate a Challenge 25 policy, train staff to check for IDs, and have a refusal and incident book to log any issues/incidents.

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 Manager of the premises representing the Applicant, and in the absence of the objector Members noted and considered the written objection contained in the agenda pack, with particular regard to the prevention of public nuisance.

Members welcomed the efforts made by the Applicant in accepting and agreeing to the conditions proposed by the Licensing Authority and also noted the hours during which the premises will be operating irrespective of the hours that had originally been applied for, were between the hours of 10am and 10pm. Members were of the view that a reduction in hours and conditions agreed would give assurance that the licensing objectives would be promoted.

Members were satisfied that the reduction in hours for the sale of alcohol would also help allay concerns arising from the local resident objector and reduce the risk of any disturbances.

The Sub Committee was therefore satisfied that in the granting of the application with the conditions imposed, the licensing conditions, particularly the prevention of public nuisance would not be undermined.

Accordingly, the Sub Committee unanimously;

RESOLVED

That the application for a New Premises Licence for Tian Tian Market, Unit 2-3, 18 Pizza Walk, London E1 8ZN be **GRANTED**.

Sale of Alcohol (off sales)

Monday to Sunday from 10:00 hours to 22:00 hours.

Hours premises are open to the Public

Monday to Sunday from 07:00 hours to 23:00 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 a 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 with 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. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
6. A minimum of 1 SIA licensed door supervisors shall be on duty, at the premises, at all times whilst it is open for business.
7. All staff whose responsibilities include the retail sale of alcohol shall receive training about the prevention of underage sales. This training shall be recorded and the records to be available on request to the Police or any authorised officer.
8. All sales of alcohol for consumption off the premises shall be in sealed containers only, and shall not be consumed 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 shall be available for inspection at the premises by the police or an authorised officer at all times whilst the premises is open.

4. EXTENSION OF DECISION DEADLINE: LICENSING ACT 2003

Nil items.

The meeting ended at 8.20 p.m.

Chair, Councillor Kahar Chowdhury
Licensing Sub Committee