

LONDON BOROUGH OF TOWER HAMLETS**MINUTES OF THE LICENSING SUB COMMITTEE****HELD AT 5.37 P.M. ON TUESDAY, 23 FEBRUARY 2021****ONLINE 'VIRTUAL' MEETING - [HTTPS://TOWERHAMLETS.PUBLIC-I.TV/CORE/PORTAL/HOME](https://towerhamlets.public-i.tv/core/portal/home)****Members Present:**

Councillor Mohammed Pappu (Chair)

Mohammed.Hossain

Councillor Kyrsten Perry

Farhana Zia

– (Democratic Services Officer, Committees,
Governance)

Representing applicants	Item Number	Role
Mr [Name redacted at the request of the individual March 2023]	4.1	Applicant
Ms [Name redacted at the request of the individual March 2023]	4.1	Applicant's Wife
Mr Andrew Woods	4.2	Applicant's Legal Representative
Mr Mathew Carver	4.2	Applicant

Representing objectors	Item Number	Role
Mr Duncan Campbell	4.1	Objector

1. DECLARATIONS OF INTEREST

No declarations of pecuniary interests were declared by Members.

2. RULES OF PROCEDURE

The rules of procedure were noted by the members.

3. MINUTES OF THE PREVIOUS MEETING(S)The minutes of the Licensing Sub-Committee meeting held on the 12th January 2021 were agreed as an accurate record of the meeting.**4. ITEMS FOR CONSIDERATION**

4.1 Licensing Act 2003 Application for a Premises Licence for Hackney Essentials 146 Columbia Road, London E2 7RG

At the request of the Chair, Ms Kathy Driver, Principal Licensing Officer, introduced the report which detailed the application for a new premises licence for Hackney Essentials, 146 Columbia Road, London E2 7RG. It was noted that objections had been received from local residents.

The Applicant Mr [Name redacted at the request of the individual March 2023], supported by his wife Ms [Name redacted at the request of the individual March 2023], explained the business was offering niche products, such as vegan produce, candles, ceramic crafts, and handmade items alongside groceries and was looking to expand its range of products to include the sale of alcohol. The Applicant informed the Sub-Committee they had been advised to apply for a 23:00 hours closing time however they had no intention of operating until 23:00 hours.

Ms [Name redacted at the request of the individual March 2023] explained the history of the shop and said they took over the premises from a friend who was struggling to pay the rent. They had over the summer months established themselves as a business, selling fine foods and handicrafts as well as groceries. They had built up their customer base, which was mainly local residents and had given employment to four local people who had lost their jobs because of the pandemic. Ms [Name redacted at the request of the individual March 2023] added they were an all-female team, except for Mr [Name redacted at the request of the individual March 2023] and had several letters of support from local customers. Ms [Name redacted at the request of the individual March 2023] said they were seeking a licence so they could sell carefully selected alcohol brands from local producers and start-ups based in East London. She said the alcohol would complement the existing range of goods sold. Ms [Name redacted at the request of the individual March 2023] emphasised they were not looking to be open late or operate as a standard off-licence.

Mr [Name redacted at the request of the individual March 2023] said they were a community-based business who wanted to make a positive contribution to the area. He said they had offered deliveries to local customers during the lockdowns, which were greatly appreciated and now wanted to make the business more viable with the sale of niche alcohol products. Mr [Name redacted at the request of the individual March 2023] said the footfall for the business was an average of 50 to 60 customers per day.

In respect to the concerns raised by the objectors, Mr [Name redacted at the request of the individual March 2023] and Ms [Name redacted at the request of the individual March 2023] said they hoped these were allayed, as the business had no intention of opening late. They empathised with the concerns raised about street drinking and public nuisance however they believed the type of customer and alcohol they would be selling would not contribute to this behaviour.

Members then heard for Mr Duncan Campbell, objector to the application, who said the objection had been made in light of the application asking for a late night closing time of 23:00 hours. He said local residents welcomed new businesses to the area and hoped Hackney Essential would thrive. However the street scene around Columbia Road and Ezra Street had changed significantly from the late 1980's, when there was just an old-fashioned pub. Mr Campbell said the number of licenced premises selling alcohol had increased and in recent years this had led to a street drinking culture. He said it was not unusual to see 60 to 70 people, on a hot summer's day, sitting on the pavement drinking late into the night.

Mr Campbell said the problem had been brought to the attention of the authorities, however licenced premises blamed each other for the culture that had arisen and the public nuisance it causes. Mr Campbell said the customers were young middle-class people who did not mind spending £20.00 for a bottle of wine and sitting on the street to drink and socialise. He said the notices asking patrons to leave quietly were not a deterrent, as drunk people took no notice of them.

Mr Campbell said should the licence permit alcohol sales to 23:00 hours, residents were concerned any new owner, if the business passes into new ownership, would exploit this and open later than the timings Mr [Name redacted at the request of the individual March 2023] was intending to be open. Mr Campbell said the licence should be limited to 20:00 hours or 21:00 hours.

In response to questions the following was noted:

1. Precautions such as a Challenge 25 policy, regular training of staff and CCTV were in place to ensure the licensing objectives were upheld and the risk of anti-social behaviour and crime and disorder minimised.
2. Mr [Name redacted at the request of the individual March 2023] offered to reduce the closing hours in his application to 20:00 hours Monday to Thursday, 21:00 hours Friday and Saturday, and 18:00 hours on Sunday

Concluding remarks were made by the 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 it and the oral representations at the meeting from the Applicant and the local resident objecting to the application, with particular regard to the licensing objectives of the prevention of crime and disorder, the prevention of public nuisance and protection of children from harm.

The Sub-Committee noted the Applicant's representation that the business was offering niche products, such as vegan produce, candles, ceramic crafts, and handmade items alongside groceries and was looking to expand its range of products to include the sale of alcohol. The Sub-Committee were informed by the Applicant that he had been advised to apply for a 23:00 hours closing time. The Applicant confirmed that he had no intention of operating until 23:00 hours and offered to reduce the closing hours in his application to 20:00 hours Monday to Thursday, 21:00 hours Friday and Saturday, and 18:00 hours on Sunday.

The Sub-Committee noted the local residents' concerns about the late opening times applied for and the risk of anti-social behaviour and public nuisance arising from street drinking in the area, however, the Sub-Committee was satisfied that the conditions proposed by the Applicant would adequately address these risks and promote the licensing objectives..

The Sub-Committee was satisfied that the granting of the application on the conditions and reduced hours proposed would uphold the licensing objectives.

Decision

Accordingly, the Sub-Committee unanimously;

RESOLVED

That the application for a new premises licence for Hackney Essential, 146 Columbia Road, London E2 7RG be **GRANTED** with conditions.

The sale by retail of alcohol – Off sales only

Monday to Thursday, from 9:00 hrs to 20:00 hrs
Friday and Saturday, from 9:00 hrs to 21:00 hrs
Sunday from 9:00 hrs to 18:00 hrs.

The opening hours of the premises

Monday to Thursday, from 9:00 hrs to 20:00 hrs
Friday and Saturday, from 9:00 hrs to 21:00 hrs
Sunday from 9:00 hrs to 18:00 hrs

Conditions

- 1.1 Any incidents of a criminal nature that may occur on the premises will be reported to the Police.
- 1.2 The Licensee will install comprehensive CCTV coverage at the premises and it is operated and maintained at the premises.
 - a) Cameras must be sited to observe the entrance and exit doors both inside and outside.
 - b) Cameras on the entrances must capture full frame shots of the heads and shoulders of all people entering the premises i.e. capable of identification.
 - c) Cameras viewing till areas must capture frames not less than 50% of screen.
 - d) Cameras overlooking floor areas should be wide angled to give an overview of the premises.
 - e) Be capable of visually confirming the nature of the crime committed.
 - f) Provide a linked record of the date, time and place of any image.
 - g) Provide good quality images –colour during opening times.
 - h) Operate under existing light levels within and outside the premises.
 - i) Have the recording device located in a secure area or locked cabinet.
 - j) Have a monitor to review images and recorded picture quality.
 - k) Be regularly maintained to ensure continuous quality of image capture retention.
 - l) Have signage displayed in the customer area to advise that CCTV is in operation.
 - m) Digital images must be kept for 31 days.
 - n) Police will have access to images at any reasonable time.
 - o) The equipment must have a suitable export method, e.g. CD/DVD writer so that the police can make an evidential copy of the data they require.
 - p) This data should be in the native file format, to ensure that no image quality is lost when making the copy, if this format is non-standard (i.e. manufacturer proprietary) then the manufacturer should supply the replay software to ensure that the video on the CD can be replayed by the police on a standard computer.
 - q) Copies must be made available to Police on request.
- 1.3 All customers will be asked to leave quietly. Clear and legible notices will be prominently displayed to remind customers to leave quietly and have regard to our neighbours.
- 1.4 The licensee and staff will ask persons who appear to be under the age of 25 for photographic ID such as proof of age cards, the Connexions Card and Citizen Card, photographic driving licence or passport, an official identity card issued by HM Forces or by an EU country, bearing the photograph and date of birth of bearer.
- 1.5 All staff will be trained for UNDERAGE SALES PREVENTION regularly.

1.6 A register of refused sales shall be kept and maintained on the premises.

4.2 Licensing Act 2003 Application for variation of a Premises Licence for Funk, 142 Columbia Road, London E2 7RG

At the request of the Chair, Ms Kathy Driver, Principal Licensing Officer, introduced the report which detailed the application for variation of a premises licence for Funk, 142 Columbia Road, London E2 7RG. It was noted that an objection had been received from a local resident.

The Applicant's Legal Representative, Mr Andrew Woods, and the Applicant, Mr Mathew Carver, explained why a variation of the licence was being sought. Mr Woods said the application was seeking an extension to the existing licence to 21:00 hours Monday to Saturday and 19:00 hours for Sunday with the removal of non-standard timings on the licence. Mr Woods said Mr Carver had taken over the premises in October 2020 and was a leading cheese specialist selling exclusively produced artisan cheeses with an offer of wine and beer. Mr Woods stated the Applicant had, between 12th November 2020 to 20th February 2021, applied for Temporary Event Notices (TENs), and had successfully operated until 21:00 hours with no issues or complaints from residents.

Mr Woods said the objection from Mr Crozier was of a general nature and did not relate specifically to the premises. He said they had written to Mr Crozier, but had not received a response. Mr Woods said no representations had been made by the responsible authorities. He referred to the supplementary agenda and said Mr Carver owned several similar cheese outlets in London and referred to the product list and said he hoped this would give the Sub-Committee an idea of the nature of the shop and what it sells.

Mr Carver added that due to the pandemic, his restaurant business had closed and therefore he wanted to keep the supply chain going to support small scale producers. He said his company was based in Hackney Wick and he'd been looking for some time to find a shop in east London to trade from. He said he had run a delivery service throughout the lockdown and found there was great demand for his produce, especially in this locality. He said the current closing times did not make the business viable and many local people were disappointed with the closure time of 19:00 hours. He said through the TEN's he received positive feedback from customers who wanted the shop to stay open until later.

Mr Crozier, the Objector was not in attendance at the meeting. The Chair read out Mr Crozier objection and the concerns cited relating to public nuisance and the number of licenced premises in the area changing the character of the street.

In response to questions the following was noted:

1. Mr Woods confirmed that the premises was not a bar, as referred to in the objector's representation. There was no recorded music or any other licensable activity at the premises. The premises is small and unlike a supermarket, people come specifically to buy cheese, wine and/or beer. Precautions such as Challenge 25, regular training of staff and CCTV were in place to ensure the licensing objectives were upheld, and the risk of anti-social behaviour and crime and disorder minimised.
2. No complaints had been received against the premises under the current licence conditions. Cheese was sold with corked bottles of wine which customers took home to enjoy. There had been no issues with customers congregating in the street.

Concluding remarks were made by the Applicant's legal representative.

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 it and the oral representations at the meeting from the Applicant and the Applicant's Legal Representative. The Sub-Committee noted the written objection of the local resident, who was not in attendance, with particular regard to the licensing objective of the prevention of public nuisance.

The Sub-Committee noted the application was for the variation of the existing premises licence to extend the hours for the sale of alcohol and to remove the non-standard timings on the licence. The Sub-Committee noted the business venture involved the selling of exclusively produced artisan cheeses with an offer of wine and beer. The Applicant had successfully demonstrated through Temporary Event Notices (TENs) the demand for the produce sold and that the licensing objectives would be upheld if the extension in hours was granted. The Applicant stated that most of the customers were local residents. It was noted that there had been no complaints or issues regarding the premises since the business opened.

The Sub-Committee noted the local resident's objection and concerns relating to public nuisance but felt these were general concerns about the area rather than specific to the premises.

The Sub-Committee was satisfied that the extension in the hours of operation was reasonable and that the licensing objectives would be promoted by the granting of the application

Decision

Accordingly, the Sub-Committee unanimously;

RESOLVED

That the application for a variation of premises licence for Funk, 142 Columbia Road, London E2 7RG be **GRANTED** with conditions.

Sale of Alcohol (off sales)

Monday to Saturday 10:00 hours to 21:00 hours

Sunday 10:00 hours to 19:00 hours

Hours premises is open to the public:

Monday to Saturday 10:00 hours to 21:00 hours

Sunday from 10:00 hours to 19:00 hours

Removal of non-standard timings "From November to December (terminal hour 20:00 hours on Wednesday's and Sunday's".

Conditions

1. To prevent the supply of alcohol to under-age customers, we will apply "Challenge 25".
2. Alcohol bottles will be stored right next to the counter (the further away possible from the door of the premises), so that good vigilance of the product can be retained at all times.
3. The shop is already equipped with window metal shutters that keep the shop front safe at all times.
4. Alcoholic products shall not be displayed on the front window display.
5. CCTV system shall be installed to monitor and record the activities, in order to help prevent crime and disorder.
6. Clear and conspicuous notices warning of potential criminal activity, such as theft, that may target customers shall be displayed.
7. Deliveries of goods necessary for the operation of the business will be carried out at such a time or in such a manner as to prevent nuisance and disturbance to nearby residents.
8. Customers will be asked not to stand around loudly talking in the street outside the premises and will not be admitted to premises above opening hours.
9. A "Challenge 25" policy shall be in operation. This will ensure anyone who is over 18 but looks under 25 to carry acceptable ID (a card bearing the PASS hologram, a photographic driving license or a passport) if they wish to buy alcohol.

5. EXTENSION OF DECISION DEADLINE: LICENSING ACT 2003

Members agreed to extend the decision deadlines for the applications below to the 31st July 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, it was in the public interest to do so, and did not require representation from parties to the applications.

Premises	Extended to:
Units 37-41, Boxpark Shoreditch, 2-10 Bethnal Green Road, London E1 6GY	31/07
Beefy and Birds (Kyices Kitchen) 76 Brick Lane, London E1 6RL	31/07
Players Social, 1 Crispin place, London E1 6DW	31/07
Diamond chicken & Pizza, 324 Burdett Road, London, E14 7DL	31/07
The Medieval Banquet, Ivory House, St Katherine's Dock, East Smithfield, London E1W 1BP	31/07
Quick commerce Limited, 28 Redchurch Street, London, E2 7DP	31/07
Café 92, 92 Manchester Road, London, E14 3BE	31/07