

LONDON BOROUGH OF TOWER HAMLETS

RECORD OF THE DECISIONS OF THE LICENSING SUB COMMITTEE

HELD AT 5.30 P.M. ON TUESDAY, 16 MARCH 2021

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 Shah Ameen (Member)

Councillor Kyrsten Perry (Member)

1. DECLARATIONS OF INTEREST

There were no declarations of interest 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 meeting held on 2nd February and 23rd February were agreed and approved as a correct record. The minutes of 26th January were deferred to the next meeting.

4. ITEMS FOR CONSIDERATION

4.1 Application for a New Premises Licence for (Morley's) 60-62 Brick Lane, London E1 6RF

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, the Applicant's Licensing Representative and from the objectors objecting to the application.

The Sub-Committee noted that the premises is in a cumulative impact zone (the CIZ). The cumulative impact policy creates 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 it can demonstrate exceptional circumstances and that the granting of the application would not negatively add to the cumulative issues already experienced within the CIZ.

The Sub-Committee noted the representations made by the Responsible Authorities, in particular from the Licensing Authority and Environmental Health regarding the risk of noise nuisance and effects on the CIZ. It also noted residents' concerns about the existing levels of noise nuisance and anti-social behaviour in the area, the quality of life of other local residents in the area and the risk of increased noise nuisance and disturbance if the premises licence was to be granted.

Members also noted the serious concerns raised by the Metropolitan Police and Community Safety Manager in relation to the likely increase in crime and disorder in the area, were there to be another late night venue attracting people into the area, increasing alcohol fuelled crime and disorder.

The Sub Committee welcomed the efforts made by the Applicant in offering some robust conditions and also offering a reduction in the hours originally applied for. However, the Sub Committee were not satisfied that the Applicant or his Licensing Representative were able to sufficiently demonstrate or provide information on how a venue of such nature would not add to the cumulative impact in the area and therefore were not satisfied that the Applicant had rebutted the presumption against granting an application for a licence relating to alcohol and regulated entertainment for premises in the CIZ.

The Sub-Committee were of the view that a late night venue with a licence for the sale of alcohol and regulated entertainment would potentially increase crime and disorder and public nuisance in an area which already experiences high levels of anti-social behaviour. Therefore, the Sub Committee was not satisfied that the presumption against grant of an application for a licence for alcohol and regulated entertainment regarding premises in the CIZ had been rebutted. The Sub-Committee were not satisfied that the Applicant had

demonstrated any exceptional circumstances to justify a grant of a licence for alcohol and regulated entertainment relating to premises in the CIZ.

The Sub-Committee did, however, decide to grant the application in part by granting late night refreshments only and in line with the Council's Framework hours to enable the premises to offer hot food later than the standard hours. The Sub-Committee considered that this would not result in the same impact as a licence permitting the sale of alcohol and regulated entertainment in the CIZ, as late night refreshment would not add to alcohol fuelled crime and disorder, nor noise nuisance, as would arise from granting a licence for alcohol and regulated entertainment.

The Sub-Committee was satisfied that the hours for late night refreshments with additional conditions would ensure that licensing objectives would be upheld, and the conditions imposed would adequately mitigate any risk of public nuisance and crime and disorder.

Therefore, Members made a decision and the decision was unanimous. Members granted the application in part with conditions.

Accordingly, the Sub Committee unanimously

RESOLVED

That the application for a New Premises Licence for Morley's, 60-62 Brick Lane, London E1 6RF be **GRANTED in part with conditions.**

The Provision of Late Night Refreshments

Monday to Thursday from 23:00 hours – 23:30 hours

Friday and Saturday from 23:00 hours – 00:00 hours (midnight)

Hours premises are open to the public:

Monday to Thursday from 11:00 hours – 00:00 hours (midnight)

Friday and Saturday from 11:00 hours – 00:30 hours (the following day)

Sunday from 11:00 hours – 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 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. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
4. 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 visit by a relevant authority or emergency service.
5. In the event that a serious assault is committed on the premises (or appears to have been committed) the management will immediately ensure that:
 - the police (and, where appropriate, the London Ambulance Service) are called without delay; all measures that are reasonably practicable are taken to apprehend any suspects pending the arrival of the police;
 - the crime scene is preserved so as to enable a full forensic investigation to be carried out by the police; and such other measures are taken (as appropriate) to fully protect the safety of all persons present on the premises.

4.2 Application for a New Premises Licence for (Adana) 267 Bethnal Green Road, London E2 6AH

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 licencing 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 made at the meeting by the Applicant, the premises manager and the Officer representing the Licensing Authority.

Members noted the explanation given by the Applicant in his defence for continuing to trade without a late night refreshment licence on the occasions reported by the Licensing Authority. Members were concerned about the trading hours that were still being advertised on the internet, but were assured by the Applicant that this would be rectified immediately.

Members noted objections from the Officer representing the Licensing Authority, regarding the number of instances of trading without a late night refreshment licence, a failed test purchase of hot food during hours when hot food should not have been sold without a late night refreshment licence, and the warning letters sent to the business by the Licensing Authority. Members also noted the Officer representing the Licensing Authority stating that the hours applied for were beyond the Council's Framework Hours, were excessive, and there was the likelihood that a late night venue would increase public nuisance in particular noise nuisance as it may attract people who have been drinking, who are intoxicated and are more likely to be less aware of their surroundings and cause noise nuisance. Members also agreed that the hours applied for were excessive and were not confident that such late hours would not negatively impact on the area in terms of the stated public nuisance.

The Sub Committee was satisfied that the reduction in hours together with the conditions proposed would keep a balance between the licensing objectives, the objectives of the business, and the effects on residents nearby, alleviating the concerns raised by the Licensing Authority and helping reduce the risk of any disturbances.

Therefore, Members made a decision and the decision was unanimous. Members granted the application in part with conditions.

Accordingly, the Sub Committee unanimously

RESOLVED

That the application for a New Premises Licence for Adana, 267 Bethnal Green Road, London E2 6AH be **GRANTED in part** with conditions.

The Provision of Late Night Refreshments

Sunday to Thursday from 23:00 hours – 00:00 hours (midnight)
Friday and Saturday from 23:00 hours – 00:30 hours (the following day)

Hours premises are open to the public:

Sunday to Thursday from 12:00 hours – 00:30 hours (the following day)

Friday and Saturday from 12:00 hours – 01:00 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. 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.
4. No idling of vehicles, being either patron or delivery vehicles outside the premises whilst the premises are in operation.
5. Notices shall be displayed in the premises asking customers to leave quietly and respect the needs of local residents.
6. Patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke, shall be limited to 3 persons at any one time.

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:
Barkney Wick, 75 Smeed Road, London E3 2NE	31/07/21

Stop N Shop, 59 Commercial Street, London E1 6BD	31/07/21
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The meeting ended at 7.55 p.m.