

LONDON BOROUGH OF TOWER HAMLETS**RECORD OF THE DECISIONS OF THE LICENSING SUB COMMITTEE****HELD AT 5.30 P.M. ON TUESDAY, 1 JUNE 2021****COMMITTEE ROOM ONE - TOWN HALL MULBERRY PLACE****Members Present:**

Councillor Peter Golds (Chair)

Councillor Zenith Rahman (Member)

Councillor Mohammed Pappu (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 New Premises Licence for (Players Social) 1 Crispin Place, London E1 6DW****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 officers representing the Licensing Authority and Environmental Health 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 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 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 Licensing Authority in relation to a serious incident on 22 May 2021 and the lack of control demonstrated by management during this incident. This reinforced the concern that granting an additional licence in this CIZ would add to the cumulative impact in the area, not only in terms of public nuisance, but also in relation to alcohol fuelled crime and disorder.

The Sub Committee appreciated that the Applicant was offering conditions and measures to prevent any such further disturbance. However, fact that such a serious incident had occurred meant that the Sub Committee were not confident in the applicant's ability to uphold the licensing objectives of preventing public nuisance and preventing crime and disorder.

The Sub-Committee were of the view that a 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. The Sub Committee was not satisfied that the presumption against grant of an application for a licence for alcohol in the CIZ had been rebutted. The Sub-Committee were not satisfied that the Applicant had demonstrated any exceptional circumstances or evidence to justify a grant of a new premises licence in the CIZ, and the Sub-Committee's concerns in this regard were reinforced by the serious incident on 22 May 2021.

Therefore, Members made a unanimous decision to refuse the application.

Accordingly, the Sub Committee unanimously

RESOLVED

That the application for a New Premises Licence for Players Social, 1 Crispin Place, London E1 6DW be **REFUSED**.

3.2 Application for a New Premises Licence for (Stop N Shop) 59 Commercial Street, London E1 6BD

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 the oral representations at the meeting from the Applicant and his Licensing Agent and officers representing the Licensing Authority and Environmental Health 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 from the representation made by the Applicant and his Agent that the previous operator had left and had no involvement in the business following the revocation of the previous licence. It was noted that the Applicant was also the Landlord of the premises and wanted to operate the business himself. However, the Sub-Committee was concerned that the Applicant had a lack of knowledge and understanding of the CIZ and the steps needed to rebut the presumption of the CIZ. When questioned about his knowledge and understanding of the CIZ, the Applicant failed to explain how he would promote the licensing objectives and avoid adding to the cumulative impact in the area. The Sub-Committee was concerned that the Applicant showed a lack of understanding about running licensed premises in a CIZ, being an area with high levels of public nuisance and anti-social behaviour.

The Sub-Committee noted the Applicant's representative saying that there was exceptional reason for granting this application for premises in a CIZ, in that he presented the premises as being a small shop, which was not alcohol led. However, the Sub-Committee did not receive any evidence as to why a small shop such as this one would not be alcohol led. Some businesses like restaurants and specified specialist shops tend to be obvious in many instances as not being alcohol led. The Sub-Committee were mindful that a small shop is not itself not alcohol led, nor is a larger shop in itself alcohol led. Whether a business is alcohol led depends upon what is primarily sells, and in particular, what proportion of sales would be made up of alcohol. Saying that a shop is small does not in itself suffice to present exceptional circumstance to justify granting an application relating to premises in a CIZ. No evidence was given specifying what would be sold, and what estimated proportion of sales would constitute alcohol.

The Sub-Committee being concerned that the Applicant had failed to demonstrate a lack of understanding of the licensing objectives and the issues of seeking to operate licensed premises in a CIZ, the Sub-Committee was not satisfied that the Applicant properly understood what it would mean in that setting to uphold the licensing objectives.

Accordingly, the Sub-Committee unanimously

RESOLVED

That the application for a New Premises Licence for Stop N Shop, 59 Commercial Street, London E1 6BD be **REFUSED**.

3.3 Application for a New Premise Licence for 'Nobody Asked Me', 323 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 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 from the Officers representing the Licensing Authority and Environmental Health, objecting to the application, with particular regard to the prevention of public nuisance.

The Sub-Committee noted the representations from the Licensing Authority, and Environmental Health regarding the impact of the premises in the Bethnal Green Cumulative Impact Zone (CIZ) and in particular the concerns relating to an additional set of licensed premises in a CIZ. However, the Sub-Committee also noted the applicant's representation that the impact of the premises licence if granted, would be mitigated by the proposed conditions agreed with the Metropolitan Police, and the representation by the Applicant that the premises was a relatively small, premium wine shop and delicatessen, so from that evidence not alcohol led, with hours well within the framework hours.

The Sub-Committee was therefore satisfied that there would be no addition to the cumulative impact in the area. It was also noted that the application had been amended, and the hours for regulated entertainment in the form of recorded music was removed and therefore alleviating any concerns about noise nuisance.

The Sub-Committee was satisfied that the licensing objectives would be upheld, and that the conditions imposed in relation to a non-alcohol led business would effectively mitigate the risk of public nuisance and help alleviate any concerns raised by the Responsible Authorities.

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

Accordingly, the Sub Committee unanimously;

RESOLVED

That the application for a new Premises Licence for Nobody Asked Me, 323 Bethnal Green Road, London E2 6AH be **GRANTED with conditions**.

Sale of Alcohol (Off Sales only)

Monday to Sunday from 12:00 hours to 20:00 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 with copies of recent CCTV images or data with the absolute minimum of delay when requested.
3. When the designated premises supervisor is not on the premises, any or all persons authorised to sell alcohol will be authorised by the designated premises supervisor in writing. This shall be available on request by the Police or any authorised officer.
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 refusal of the sale of alcohol;
 - h) 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:
 - a) the police (and, where appropriate, the London Ambulance Service) are called without delay;
 - b) all measures that are reasonably practicable are taken to apprehend any suspects pending the arrival of the police;
 - c) the crime scene is preserved so as to enable a full forensic investigation to be carried out by the police; and
 - d) such other measures are taken (as appropriate) to fully protect the safety of all persons present on the premises.
6. A noise limiter must be fitted to the musical amplification system set at a level determined by and to the satisfaction of an authorised officer of the Environmental Health Service, so as to ensure that no noise nuisance is caused to local residents or businesses. The operational panel of the noise limiter shall then be secured by key or password to the satisfaction of officers from the Environmental Health Service and access shall only be by persons authorised by the Premises Licence holder. The limiter shall not be altered without prior agreement with the Environmental Health Service. No alteration or modification to any existing sound system(s) should be effected without prior knowledge of an authorised Officer of the Environmental Health Service. No

additional sound generating equipment shall be used on the premises without being routed through the sound limiter device.

7. Loudspeakers shall not be located in the entrance lobby or outside the premises building. There shall be no sales of alcohol for consumption off the premises after (20:00 hours).
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. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
10. Notices shall be prominently displayed at any area used for smoking requesting patrons to respect the needs of local residents and use the area quietly.
11. A direct telephone number for the manager at the premises shall be publicly available at all times the premises is open. This telephone number is to be made available to residents and businesses in the vicinity.
12. All tills shall automatically prompt staff to ask for age verification identification when presented with an alcohol sale.
13. A 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.
14. 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

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, it was in the public interest to do so, and did not require representation from parties to the applications.

Premises	Extended to:
Trade Commercial Street, 47 Commercial Street	30/09

London E1 6BD	
All Points East, Victoria Park, Grove Road, London E9 7DE	30/09
Lofthouse Square, Ground Floor, Laterna Building Fish Island Village, Wyke Road, London E3 3PL	30/09
Travelodge, 20 Middlesex Street, London E1 7EX	30/09
Travel Goods, 79 Wentworth Street, London, E1 7TD	30/09
Iberian Connections, 2-10 Ezra Street, London, E2 7RH	30/09
Roof Top, 60 The Highway, Wapping London E1W 2BF	30/09
Wheezy Fulfilment Centre, Railway Arch, 154 Martha Street, London E1 2PG	30/09
Delicious Pho, 3-6 Steward Street, London, E1 6FQ	30/09
Italian Graffiti Food Centre, 124-126 Brick Lane, London E1 6RU	30/09
The Medieval Banquet, Ivory House, St Katherine's Dock, East Smithfield, London E1W 1BP	30/09

The meeting ended at 8.30 p.m.