

LONDON BOROUGH OF TOWER HAMLETS
MINUTES 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
 Councillor Mohammed Pappu

Officers Present:

David Wong	– (Legal Services)	
Mohshin Ali	– (Senior Licensing Officer)	
Corinne Holland	– (Licensing Officer)	
Simmi Yesmin	– (Democratic Services Officer, Committees, Governance)	

Representing applicants	Item Number	Role
Jon Payne	3.1	(Legal Representative)
Ben Hodges	3.1	(Applicant)
Gregory Fittock	3.1	(Applicant)
*Turabi Ay	3.2	(Licensing Agent)
Adam Ramsey	3.2	(Applicant)
Dilantha Wedamunige	3.2	(Manager)
Kanako Baba	3.2	(Manager)
*Jamie Issac	3.3	(Applicant)
Representing objectors	Item Number	Role
Mohshin Ali	3.3	(Licensing Authority)
Corinne Holland	3.1/3.2	(Licensing Authority)
*Ibrahim Elias	3.1/3.2/3.3	(Environmental Health Officer)

* Virtually present at the meeting

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 a New Premises Licence for (Players Social) 1 Crispin Place, London E1 6DW**

At the request of the Chair, Mr Mohshin Ali, Licensing Officer, introduced the report which detailed the application for a new premises licence for Players Social, 1 Crispin Place, London E1 6DW. Mr Ali explained that this was an application for a premises licence in addition to the premises licence which currently exists at the premises. It was noted that objections had been received by Officers on behalf of Licensing Authority and Environmental Health.

At the request of the Chair, Mr Jon Payne, Legal Representative on behalf of the Applicant, explained that the application was for an extension of licensable activities for the outdoor glass roof seating area. He explained that there were gaming booths and other gaming facilities such as table tennis, pool tables and other playing areas and required a provision for off sale of alcohol in order to serve customers in the outdoor area. Mr Payne highlighted that this was a unique business concept and had been operating for some time with temporary events notices.

Mr Payne, referred to the incident that occurred on 22 May 2021, which had been reported to the Sub-Committee and explained that both the Applicants were unhappy and disappointed with the incident. They had taken strong actions as a result of it and put in place new arrangements. It was noted that a new CCTV camera system was being installed, and the business was employing additional security staff, and offering soft drinks. He said that the incident had got worse because of the intervention from security officers and staff. It was noted that police were called and the licensee had acted responsibly after the incident had started.

Mr Payne explained that existing conditions on the current licence would be transferred over if a licence was to be granted, which would help rebut the presumption of the cumulative impact zone. He said that the hours applied for were within the Council's framework hours and it was noted that there had been no complaints or issues prior to the incident that had been referred to. He urged Members to grant the licence as an incident of such nature could have happened at any premises. Mr Ben Hodges, Applicant, said that the gaming concept was at the request of the Landlord who wanted better use of the outdoor open space, this had been well received by customers and wanted to continue during the summer months. It was noted that the manager

should have known where the premises licence was displayed and as a result was no longer working at the premises.

Members then heard from Ms Corinne Holland, Licensing Officer, she explained that she had initially objected, because the application was vague, and would mean an additional 140 persons in the outside area. She questioned why a variation application was not made instead of a new licence as it was now a new additional licence application in the Cumulative Impact Zone. Ms Holland then referred to the recent incident at the premises, where there was a large police presence and resulting in a police officer being attacked. She said that this incident could have been avoided if staff/management had refused service before it got to the point where the customer was fully intoxicated. Ms Holland stated that the venue was poorly run and the CCTV was not working, and this had been a condition that was agreed with the police, and this was a failure on management's part.

Ms Holland said that the premises was in the Cumulative Impact Zone and as this was an additional licence, the onus lies on the Applicant to rebut the presumption of the Cumulative Impact Zone. She expressed her concern that this licence, if granted, would mean an additional 100 plus people in an area which already experiences high levels of public nuisance. She also highlighted that double the maximum number of TENs had been applied for by the applicants and this had only been brought to Licensing Services' attention during this application process. She concluded that there was a serious lack of control by management and an inability to supervise staff.

Members then heard from Mr Ibrahim Elias, Environmental Health Officer. He said having reviewed the application, there was insufficient information in the operating schedule in order to demonstrate how the applicant would promote the licensing objective of preventing public nuisance, particularly when considering the use of the outdoor area. He also stated that there were residential premises in close proximity, and there were concerns of noise breakout from the venue affecting neighbouring residents with noise impact from access and egress from the venue, especially when customers would be leaving in high spirits.

In response to questions, the following was noted;

- That the reason for not applying for a variation application was to keep the two areas (indoors and outdoors) separate, but the operation of the business would be exactly the same.
- Some of the new measures in place at the premises were new door staff to prevent intoxicated persons from entering the venue, booking system, ensuring alcohol is consumed in a responsible way.
- The premises would have substantial meals on their menu.
- That the CCTV cameras from Spitalfields Market were sufficient at the time to capture the incident mentioned.
- That management were in the process of installing a CCTV camera system and therefore this showed commitment from owners.
- Letter of support from Spitalfields Market operators

- Head of Security for Spitalfields Market had spoken to the Chair of the Spitalfields Residents Association regarding the incident.
- That the TENS applications were for two different locations in the market area.
- That there were 50 covers inside the premises and 114 covers for the external area.
- There would be a waiter/waitress service for drinks to be delivered to the gaming booths etc.
- That a premises licence would help regulate the premise, giving the local authority more control to monitor the premises.
- That the application was for both on and off sale of alcohol.
- The Applicant presented in an attempt to rebut the presumption against grant of a licensing application for premises in a Cumulative Impact Zone, that there would be additional security, a booking system in operation and prohibition on any hen/stag parties.

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, 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

At the request of the Chair, Mr Mohshin Ali, Licensing Officer, introduced the report which detailed the application for a new premises licence for Stop and Shop, 59 Commercial Street, London E1 6BD. It was noted that objections had been received by officers on behalf of Licensing Authority and Environmental Health.

At the request of the Chair, Mr Turabi Ay, Licensing Agent for the Applicant, explained that the hours applied for had been reduced to the Council's framework hours. He said that the premises was a small shop and not alcohol led, which demonstrated exceptional circumstances to grant a licence in the Cumulative Impact Zone.

Mr Ay acknowledged the issues regarding the previous operator and the revocation of the previous premise licence, but confirmed that the applicant had no direct link with the previous operator and since the revocation, the previous operator had left. He highlighted the conditions agreed with in consultation with the Police. He concluded by explaining that all Responsible Authorities and local residents had the power to seek a review of a licence, if there were any problems once a licence was granted, and the Applicant should be given a fair chance.

Members then heard from Ms Corinne Holland. She explained that her objection was on the basis of the licensing objectives of preventing public nuisance, and preventing crime and disorder. She mentioned that Trading Standards had previously sought a previous review of the previous premises licence due to the sale of illicit tobacco and nitrous oxide, and as result, the previous premises licence had been revoked by the Licensing Sub Committee. It was noted that the premises was in the Cumulative Impact Zone (CIZ), a saturated area in terms of public nuisance and crime and disorder, and a new premises licence would add to the cumulative impact of these issues in the area. She highlighted the fact that the onus was on the Applicant to demonstrate how he would not negatively impact on the area and how he would rebut the presumption of the CIZ. She expressed her concerns over the application for a premises licence for sale of alcohol being sought so soon after the revocation of the previous premises licence in relation to the same premises, and was concerned if the new operator would be put under pressure by customers of the previous operator to continue the previous operator's style of operation. Ms Holland concluded that she was not confident that the applicant would promote the licensing objectives.

Members then heard from Mr Ibrahim Elias, Environmental Health Officer. He said having reviewed the application, there was insufficient information in its operating schedule to show how the applicant will promote the licensing objective of preventing public nuisance, particularly in the CIZ. He also stated that there were residential premises in close proximity, and concerns of noise breakout from the venue affecting neighbouring residents, with noise impact from access and egress to and from the premises.

In response to questions the following was noted;

- That the applicant was also the landlord of the premises and would be operating the business.
- There was no contact with the previous operator
- There was no delivery option available
- That the applicant/landlord was unaware the premises licence had been revoked or its history until the previous operator left.

- The applicant failed to answer questions in relation to the licensing objectives, the responsibilities of a premises licence holder and general awareness of the implications of seeking to operate licensed premises in the CIZ.
- The applicant confirmed that he would not sell any of the illicit products that the previous operators did.
- That the premises had recently been refurbished.
- That the premises were not alcohol led and had other grocery products on sale, would have a refusal book and will actively prevent any noise nuisance by displaying notices around the premises asking customers to leave quietly and respect the needs of local residents. No details of the proposed proportion of alcohol to non-alcohol products was given, and when asked to clarify why it was said that the premises would not be alcohol led, the applicant's representative replied that it was a small shop.

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 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

At the request of the Chair, Ms Corinne Holland, Licensing Officer, introduced the report which detailed the application for a new premises licence for Nobody Asked Me, 323 Bethnal Green Road, London E2 6AH. It was noted that objections had been received by officers on behalf of Licensing Authority and Environmental Health.

At the request of the Chair, Mr Jamie Issac, Applicant, explained that the premises would be a small neighbourhood wine shop, selling quality wines not found on the high street, bottles averaging between £12-15 and would have a different collection from other wine shops. He explained the hours sought were well within the framework hours, and only required regulated entertainment for background music. He said that on average there would be 5-6 customers in the shop at any one time. There would be suitable signage asking customers to leave quietly and therefore, the Applicant was of the view there would be no negative impact on the area.

Members then heard from Mr Mohshin Ali, who briefly explained that having reviewed the application, it was weak and did not have sufficient measures in place for licensed premises in the Cumulative Impact Zone (CIZ). He said additional premises in the CIZ would have add to the cumulative impact in the area. He acknowledged that conditions had been agreed with the Police, but the area was at a saturation point and any premises would be likely to add to the cumulative impact of public nuisance and crime and disorder in the area.

Members then heard from Mr Ibrahim Elias, Environmental Health Officer, he said having reviewed the application, there was insufficient information in the operating schedule of the licensing application to show how the applicant will promote the licensing objective for the prevention of public nuisance, particularly when considering that the application was for an additional premises license in the CIZ. He also stated that there were residential premises in close proximity and likely concerns of noise breakout from the premises affecting neighbouring residents.

In response to questions the following was noted;

- That the applicant was happy to remove regulated entertainment from his application, as background music did not require a licence.
- That all staff would be trained on how to sell alcohol responsibly
- That customers would be advised to take alcohol home and consume.
- That there would only be low-level background music playing for atmosphere.
- That contact details for the manager would be made available to residents to report any concerns.
- No delivery option would be available.
- That the applicant was willing to have a noise limiter installed to help minimise noise from emanating outside the premises.
- The premises was previously a coffee shop.

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, 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 London E1 6BD	30/09
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.

Chair, Councillor Peter Golds
Licensing Sub Committee