

LONDON BOROUGH OF TOWER HAMLETS

RECORD OF THE DECISIONS OF THE LICENSING SUB COMMITTEE

HELD AT 6.30 P.M. ON TUESDAY, 12 OCTOBER 2021

**COUNCIL CHAMBER, TOWN HALL, MULBERRY PLACE, 5 CLOVE CRESCENT,
LONDON, E14 2BG**

Members Present:

Councillor Amina Ali (Chair)

Councillor Victoria Obaze (Member)

Councillor Rajib Ahmed (Member)

1. DECLARATIONS OF INTEREST

There were no declarations of interest.

2. RULES OF PROCEDURE

The rule of procedure were noted.

3. MINUTES OF THE PREVIOUS MEETING(S)

The minutes of the meetings held on 2nd and 14th September were agreed and approved as a correct record.

4. ITEMS FOR CONSIDERATION

4.1 Licensing Act 2003 Application for a new Premises Licence for Caligan Limited. 459 Railway Arch, Robeson Street, London, E3 4JA

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 the evidence before them and heard oral representations at the meeting made by the Applicant's solicitor and the Lead Petitioner representing the objectors.

The Sub-Committee noted the Applicant was seeking a new premises licence for the off sale of alcohol as part of their e-commerce business. The Sub-Committee noted that the premises would not be open to the public and intended to operate between 07:00 -23:00 hours, seven days a week.

The Sub-Committee noted the concerns of the objectors, whose primary concerns arose from the Applicant's proposed use of third-party delivery services and their Apps, for the despatch and delivery of alcohol. The objectors stated this would further add to the anti-social behaviour experienced in the area, which had been a persistent problem for many years. The Sub-Committee considered that a licensing applicant's responsibilities are limited to the immediate vicinity of the premises, and for an e-commerce business, this would involve conditions to govern the sale of alcohol up to the point of delivery, but beyond that, the Applicant could not be held responsible for the actions of others, such as customers who had received delivery and third-party delivery companies. The Sub-Committee were satisfied that the conditions offered by the Applicant would support the four licensing objectives and address any concerns over noise nuisance, crime and disorder.

The Sub-Committee could only proceed on the basis of evidence before it, rather than speculative comments on what may happen following the grant of an application.

Therefore, Members made a unanimous decision to grant the application with conditions.

Accordingly, the Sub Committee unanimously

RESOLVED

That the application for a new Premises Licence for Caligan Limited, 459 Railway Arch, Robeson Street, London E3 4JA be **GRANTED** with conditions.

Opening Hours:

Monday – Sunday 06:00 – 23:00 hours

Premises are not open to the public

Sale of Alcohol (off sales)

Monday – Sunday 07:00 – 23:00 hours

Conditions

1. No access to the public.
2. The supply of alcohol shall be by way of delivery only.

3. The Applicant shall notify the Licensing Authority of the digital platform(s) used for the sales of alcohol and any changes to those platforms.
4. No deliveries from or to the premises shall take place between 23:00 hours and 07:00 hours on the following day.
5. All off-sales are to be in sealed containers.
6. Alcohol shall only be delivered to a residential or business address and not to a public place.
7. 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.
8. 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.
9. A warning shall be displayed on the digital platform on which an order is placed informing customers that they must be aged 18 or over to make a purchase of alcohol and notifying customers that the person executing the delivery will carry out age verification on delivery.
10. The customer will be required to declare that he or she aged 18 or over. If the person executing the delivery is not satisfied that the customer is aged 18 or over any alcohol in the order will be withheld.
11. A signature at the point of delivery must be obtained. No delivery shall be left without a signature.
12. Every third-party courier delivery box shall be labelled with the words "Age Restricted Product" or be readily identifiable as an age restricted product to the person delivering it.
13. The applicant and his agents shall adopt a "Challenge 25" policy where all customers accepting deliveries who appear to be under the age of 25 will be asked for proof of their age before that delivery can take place. The following proofs of age are the only ones to be accepted.
 - Proof of age cards bearing the "Pass" hologram symbol
 - UK Photo Driving licence
 - Passport.

14. The licensee shall keep a log of all refused sales. The log will contain the details of the time and date, personal details provided by the attempting purchaser, description of the products they attempted to purchase and the reason why the sale was refused. The refusals log is to be made available for inspection by any responsible authority.
15. No idling of vehicles, being delivery vehicles outside the premise whilst premise is in operation.
16. 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 public nuisance.

4.2 Licensing Act 2003 Application for a new Premises Licence for True Italian Taste, 54 Middlesex Street, London, E1 7EZ

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 the evidence before them and heard oral representations at the meeting virtually made by the Applicant's friend and the objectors, the Licensing Authority and Environmental Health who were also in virtual attendance.

The Sub-Committee noted the application was for a new premises licence for a restaurant described as a pizzeria and cafeteria where customers can enjoy a glass of wine and/or an Italian aperitif in a cosy and homely environment. The Sub-Committee noted the Applicant was seeking a sale of alcohol licence for on and off sales.

The Sub-Committee noted the premises is in the Brick Lane Cumulative Impact Zone (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 Licensing Authority and Environmental Health relating to the licensing objective for the prevention of noise nuisance. However, the Sub-Committee also noted the Applicant's representation that the sale of alcohol was within the framework hours and that the premises would be small, accommodating twenty covers. The Sub-Committee were assured that background music was to be played in the basement, which would not disturb the neighbours. The Sub-Committee noted the Applicant's submission to withdraw the 'off-sale' element of his application for the sale of alcohol, which the Sub-Committee was satisfied would go towards ensuring that there would be no addition to the cumulative impact in the area.

The Sub-Committee was satisfied that there were exceptional circumstances relating to the normal presumption against the grant of a licensing application regarding premises in a CIZ. The premises were small premises accommodating under 50 covers, the business would be food led, not alcohol led, and it was intended to be operated during framework hours. The Sub-Committee decided to impose additional conditions that alcohol would only be sold ancillary to a substantial meal. This aimed to ensure the business remained not alcohol led and that the risk of public nuisance and anti-social behaviour would be minimised. For the same reason, the Sub-Committee also imposed a condition that there be no vertical drinking.

The Sub-Committee was satisfied that the licensing objectives would not be undermined by the granting of the application, and that the conditions imposed in relation to alcohol being ancillary to a meal and no vertical drinking allowed, would effectively mitigate the risk of public nuisance and help alleviate the concerns raised by the Responsible Authority.

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 VoV Limited, True Italian Taste, 54 Middlesex Street, London, E1 7EZ be **GRANTED** with conditions.

Conditions

Sale of Alcohol (on sales only)

Monday – Sunday 12:00 – 22:30 hours

1. Drinks will be served in plastic or toughened glass.
2. Customers carrying open or sealed bottles or glasses will not be admitted to the premises.
3. All-inclusive or irresponsible other drink promotions will not be permitted.
4. The DPS or a Premises Licence holder will be in charge of the premises when any drinks promotions are taking place.
5. Prominent, clear and legible notices are displayed at all exits requesting patrons to respect the needs of local residents and to leave the premises and the area quietly.
6. Crime prevention notices will be displayed warning customers of the possibility of crime.
7. To operate an anti-drugs policy.
8. 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.
9. 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.
10. 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.
11. 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.
12. 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.
13. The premises shall only operate as a restaurant:
- a) in which customers are shown to their table;
 - b) where the supply of alcohol is by waiter or waitress service only;
 - c) which provide food in the form of substantial table meals that are prepared on the premises and are served and consumed at the table using non disposable crockery;
14. There shall be no vertical drinking.
15. There will be no smoking outside the premises.
16. Alcohol to be served ancillary to a substantial meal.

5. EXTENSION OF DECISION DEADLINE: LICENSING ACT 2003

Members agreed to extend the decision deadlines for the applications below to the 31st December 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.

- Classic Football Shirts, 17 Commercial Street, London, E1 6NE
- Katsute, 147 Brick Lane, London, E1 6SB
- Globe Town Community Association, 152-156 Roman Road, London E2

6. EXCLUSION OF PRESS & PUBLIC

The press and public were not required to be excluded.

7. LICENSING ACT 2003 VARIATION OF DESIGNATED PREMISES SUPERVISOR FOR CURRY BAZAAR, 77 BRICK LANE, LONDON E1 6QL

This application was withdrawn by the Applicant.

The meeting ended at 8.15 p.m.

Chair, Councillor Amina Ali
Licensing Sub Committee