

LONDON BOROUGH OF TOWER HAMLETS**RECORD OF THE DECISIONS OF THE LICENSING SUB COMMITTEE****HELD AT 6.30 P.M. ON TUESDAY, 23 NOVEMBER 2021****THE COUNCIL CHAMBER, TOWN HALL, MULBERRY PLACE, 5 CLOVE
CRESCENT, LONDON, E14 2BG****Members Present:**

Councillor Peter Golds (Chair)

Councillor Victoria Obaze (Member)

Councillor Amina Ali (Member)

1. DECLARATIONS OF INTEREST

Councillor Amina Ali declared a personal interest on item 4.1, Application for a variation of the premises licence for Milk Float, Sweet Water Trading Mooring, Hackney Wick, London E9 5EN on the basis that the premises was in her ward. However, she confirmed that she had not discussed the application with any interested parties prior to the meeting.

2. RULES OF PROCEDURE

The rules of procedure were noted.

3. MINUTES OF THE PREVIOUS MEETING(S)

The minutes of the meetings held on 28th September and 26th October were agreed and approved as a correct record.

4. ITEMS FOR CONSIDERATION**4.1 Application for variation of a Premises Licence for Milk Float Sweet Trade Water Mooring Hackney Wick London E9 5EN****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:

The Prevention of Crime and Disorder;
Public Safety;
The Prevention of Public Nuisance; and
The Protection of Children from Harm.

Consideration

The Sub-Committee considered an application by Moo Canoes Ltd. to vary the premises licence held in respect of The Milk Float, moored at Sweet Water Trade Mooring, London, E9 (“the Premises”). The application sought to permanently permit off-sales of alcohol within the permitted hours. The application attracted one representation, from Cllr. Blake in her capacity as ward councillor. The London Legacy Development Corporation (LLDC), the local planning authority for the area, had made a representation but that was withdrawn in advance of the hearing.

The premises benefit from the temporary permissions attaching to the licence as a result of the Business and Planning Act 2020. Alfie Hatt, on behalf of the applicant, told the Sub-Committee he had discussed the application with PC Mark Perry of the Police Licensing Unit and had agreed some conditions with them. The police had not objected. Those conditions were:

- All off-sales were to be in sealed containers;
- All off-sales would be in biodegradable containers or packaging;
- No alcohol sold for consumption off the premises was to be consumed in the immediate vicinity of the Premises;
- There would be no off-sales of alcohol one hour either side of sporting events at the London Stadium.

Mr. Hatt further told the Sub-Committee that they had private security that were linked to the Olympic Park security control so that if anything untoward should happen, they would be made aware and would cease alcohol sales until those issues were remedied. In relation to the grassed bank area referred to in Cllr. Blake’s representation, this had apparently now been fenced off by the LLDC in August and the intention was that this would be planted over and thus would deter crowds from gathering in that area.

He further informed the Sub-Committee that anti-social behaviour (ASB) in the area had reduced and that this had been acknowledged by the LLDC when they withdrew their representation. He indicated that nearby off-licences were selling alcohol more cheaply and that he was unsure what the company was said to be failing to do. He explained that they had an interest in maintaining the area and working with the authorities. He explained when asked the security processes and protocols in place.

Cllr. Blake maintained her written representation. She told the Sub-Committee that that area was an unusual one and that the previous summer anti-social behaviour (ASB) had been a weekly occurrence. She considered that the premises should be subject to periodic reviews and that there was no mention in the conditions of ceasing alcohol sales if the circumstances warranted that. She noted also that new homes were due to be built in the area opposite the grassed area in question and that those homes would be affected by noise.

The Sub-Committee considered that the licensing objectives of the prevention of public nuisance and public safety were engaged. As to the latter, the main

concern seemed to be the risk of someone falling into the canal. This seemed to the Sub-Committee to be both unlikely but also an inherent risk given the nature of the area. No other concerns had been raised in this regard nor was the Sub-Committee made aware of any instance where that risk had materialised.

The Sub-Committee considered the likely impact upon the licensing objectives of granting this application. Unlike a new application, which involves a degree of speculation on the Sub-Committee's part, a variation allows the Sub-Committee to consider the past performance of the premises. In that regard, no specific concerns had been realised that linked the Premises to ASB in the area; rather, the concerns seemed to be linked to the area itself and were not caused by or exacerbated by the Premises.

In addition, the Premises had benefited from the temporary variation granted under the Business and Planning Act 2020, which allowed temporary off-sales initially until September 2021 and now to 2022. By the time of the hearing, the Premises had been trading for around a year since that Act came into force (albeit with some interruptions due to lockdowns). If that temporary permission had led to an increase in ASB, or ASB had been directly linked to the Premises, the Sub-Committee would have expected there to have been some evidence of that. Absent such evidence, the Sub-Committee could not be satisfied that there was sufficient evidence to justify refusing the application.

The Sub-Committee was advised that it could not take account of the possible impact on new homes yet to be built. That could not constitute a public nuisance at this stage.

The Sub-Committee did not think it appropriate to time-limit the variation or to subject it to regular reviews. The Premises could benefit in any event from the temporary permission under the Business and Planning Act 2020 and the applicant was entitled to seek a permanent variation. The Licensing Act 2003 already contains a review mechanism and in the event that the Premises operated in a way to undermine the licensing objectives, a review could be sought at any time.

The Sub-Committee considered that it was appropriate and proportionate to grant the application with amendments to existing conditions and additional conditions:

Accordingly, the Sub Committee unanimously;

RESOLVED

That the application for a variation of the premises licence for Milk Float, Sweet Water Trading Mooring, Hackney Wick, London E9 5EN be **GRANTED with conditions**.

Sale of alcohol (on and off sales)

Monday to Sunday from 10:00 hours to 23:00 hours

Non-Standard timings

New Year's Eve - Sale of alcohol from 10:00 hours to 00:00 hours (midnight)
– opening hours of the premises from 10:00 hours to 01:00 hours (the following day)

Amendment to condition

Condition 15 - on the premise licence is amended to read "Off sales of alcohol will be for delivery or collection."

Additional Conditions

1. On any day that a sporting or other major event is being held at the London Stadium, off-sales of alcohol shall cease no earlier than hour one prior to the published event commencement time and shall resume no earlier than one hour after the published event cessation time.
2. Alcohol sold or supplied for consumption off the premises shall be not be consumed along the length of the towpath adjacent to the premises.

4.2 Application for a New Premises Licence for (The Medieval Banquet) Ivory House, St Katherine's Dock, East Smithfield, London E1W 1BP

The application was withdrawn at the meeting on behalf of the Applicant.

5. EXTENSION OF DECISION DEADLINE: LICENSING ACT 2003

Nil items.

The meeting ended at 8.25 p.m.