

LONDON BOROUGH OF TOWER HAMLETS

RECORD OF THE DECISIONS OF THE LICENSING SUB COMMITTEE

HELD AT 6.30 P.M. ON TUESDAY, 7 DECEMBER 2021

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

Members Present:

Councillor Shah Ameen (Chair)

Councillor Victoria Obaze (Member)

Councillor Rajib Ahmed (Member)

1. DECLARATIONS OF INTEREST

There were no declarations of interest.

2. RULES OF PROCEDURE

The rules of procedure were noted.

3. MINUTES OF THE PREVIOUS MEETING(S)

The minutes of the meeting held on 9th November 2021 were agreed and approved as a correct record.

4. ITEMS FOR CONSIDERATION

**4.1 Application for a New Premise Licence for Classic Football Shirts, 17
Commercial Street, London, E1 6NE**

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

The Sub-Committee considered an application by the Classic Football Company Trading Ltd. for a new premises licence to be held in respect of 17 Commercial Street, London, E1 6N ("the Premises"). The application sought authorisation for the sale of alcohol for consumption on the Premises from 11:00 hours to 23:00 hours Monday to Saturday and from 11:00 hours to 22:30 hours on Sundays.

The application attracted representations from two responsible authorities, the Licensing Authority and Environmental Health, on the grounds that the application did not sufficiently address how there would be no impact on the public nuisance licensing objective and that the Premises were located within the Brick Lane CIZ.

The Sub-Committee heard from Andy Newman and Ciaran Gold, the Applicant's director, who explained the application. The applicant had proposed a number of conditions in their operating schedule and had agreed to additional conditions proposed by the responsible authorities if the Sub-Committee were minded to grant the application. The Sub-Committee was told that the maximum number of patrons was 48, considerably fewer than the 67 capacity when the Premises were previously licensed, with no covers outside. The café was a small part of the business; the focus of the business was the sale of classic football shirts. Additional detail was given to the Sub-Committee about the business.

Patrons would be seated and the Premises were the sort where patrons would come and browse for some time and might want to be able to have a small food and drink offering. The café was ancillary to the main business and an additional condition had been offered to that effect, thereby addressing concerns as to future changes. Four Temporary Event Notices (TENs) had been given since September, which had caused no problems. No residents had objected to the application.

Mohshin Ali, Licensing Officer, confirmed that there had been no issues with the TENs but that the Licensing Authority nonetheless considered the application likely to adversely impact on the CIZ. Nicola Cadzow, on behalf of Environmental Health, echoed that concern, suggesting that there would be greater likelihood of noise disturbance and that there were insufficient conditions to address the CIZ.

During questions it was explained that although the applicant would provide meals if that was a condition, it did not fit with their business model. However, food and drink was a very small part of the business and the café took up only about ¼ of the floor area. There was no difference between this and a store like John Lewis, where people did not go to drink.

Of the proposed additional conditions, the two objected to related to a prohibition on noise and vibration that gave rise to a public nuisance, and to a requirement that alcohol only be served with a table meal. In relation to the first, that was already addressed by the law and there was no need for a condition. Mr. Gold also told the Sub-Committee that not all patrons would be drinking in any event and that in his experience there was a natural dispersal

of patrons. People wanting to get food and drink were not likely to be visiting the Premises for that purpose.

The application engaged the licensing objective of the prevention of public nuisance. The Sub-Committee did not consider that the prevention of crime and disorder arose as an issue here. The onus was on the application to prove that they would not negatively impact upon the CIZ and the Council's Statement of Licensing Policy gives some indication as to what might justify an exception, which includes businesses that are not alcohol-led, that operate to framework hours, and which cater for 50 or fewer persons.

The Sub-Committee accepted that the café would be a small part of the business and that it would not be somewhere that would attract people specifically in order to drink. It was a retail outlet and the additional condition proposed by the applicant would ensure that it could not easily change into the type of venue that would adversely impact upon the CIZ.

The fact that TENs had been given and had not resulted in any complaints also provided an indication to the Sub-Committee that the applicant could operate without adversely impacting upon the CIZ. The Sub-Committee did not consider that the Premises would give rise to additional footfall but, even if it did, that alone would not of itself adversely impact upon the CIZ.

The Sub-Committee was satisfied that the applicant had demonstrated that the grant of the licence would not adversely impact upon the CIZ and that any impact that might arise would be mitigated by the imposition of the conditions consistent with the operating schedule and with the additional conditions proposed by the applicant and those proposed by the responsible authorities. The Sub-Committee determined not to impose the two conditions objected to by the applicant, namely the requirement for a table meal and the condition relating to noise and vibration. As to the first, the Sub-Committee was satisfied that the conditions that the café is ancillary to the main business and that food would always be available sufficed to deal with that concern. It accepted, in any event, that alcohol was not the predominant focus of the business or the café. As to the second, the Sub-Committee was advised that the criminal law already prohibited the creation of a public nuisance and the statutory guidance was clear that conditions should not duplicate existing legal requirements.

Accordingly, the Sub Committee unanimously;

RESOLVED

That the application for a new Premises Licence for Classic Football Shirts, 17 Commercial Street, London E1 6NE be **GRANTED with conditions.**

Sale of alcohol (On sales)

Monday to Saturday from 11:00 hours to 23:00 hours

Sunday from 11:00 hours to 22:30 hours

Opening hours

Monday to Saturday from 09:00 hours to 23:30 hours

Sunday from 09:00 hours to 23:00 hours

Conditions

1. All staff shall be suitably trained for their job function in the premises. The training shall be written into an ongoing programme and under constant review and shall be made available to a relevant responsible authority when called upon.
2. A properly specified and fully operational CCTV system shall be installed, operated and maintained. The system shall incorporate a camera covering the entrance door and be capable of providing an image which is regarded as 'identification standard' of all persons entering and/or leaving the premises. The CCTV system shall be in operation at the premises at all times when the premises are used for the provision of licensable activity.
3. The CCTV system shall incorporate a recording facility and all recordings shall be securely stored for a minimum of 31 days. The CCTV system shall be maintained and fully operational throughout the hours that the premises is open for any licensable activity.
4. Signage indicating that a CCTV recording system is in operation shall be displayed prominently in the premises.
5. A premises daily register shall be kept at the premises. This register shall be maintained and kept for a rolling period of 12 months. The register shall record the name of the person responsible for the premises on each given day.
6. The register shall record all incidents which may have occurred which are relevant to the supply of alcohol and the promotion of the licensing objectives. Such incidents shall include complaints made to the premises alleging nuisance or anti-social behaviour by persons attending or leaving the premises.
7. The register shall also record all refusals to sell alcohol. The register shall be readily available for inspection by an authorised person upon reasonable request.
8. No person shall be allowed to leave the premises whilst in the possession of any glass drinking vessel or open glass bottle, whether empty or containing any beverage.
9. Signage requesting customers to be respectful of others when entering or leaving the premises shall be installed in a prominent position by the premises' exit.

10. The premises' frontage shall be regularly monitored to keep it clean and clear of litter.
11. 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 a Proof of Age card carrying a 'PASS' logo.
12. All occasions when persons have been refused service shall be recorded in the premises daily register.
13. There shall be no children unaccompanied by a responsible adult on the premises after 20:00.
14. All children under the age of 12 years shall be accompanied by an adult whilst on the premises.
15. Loud speakers shall not be located in the entrance lobby or outside the premise building.
16. Patrons permitted to temporarily leave and re-enter the premises e.g. to smoke, shall be limited to 5 persons at any one time.
17. 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.
18. There shall be no vertical drinking of alcohol at the premises.
19. Notices shall be prominently displayed at any area used for smoking requesting patrons to respect the needs of local residents and to use and leave the area quietly.
20. The café to be ancillary to Classic Football Shirts and merchandise retail outfit.
21. Food will always be available to patrons in the café.

4.2 Application for a New Premise Licence for Katsute, 147 Brick Lane, London, E1 6SB

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.

The Sub-Committee considered an application by Kojima Ltd. for a new premises licence to be held in respect of 147 Brick Lane,, London, E1 6SB (“the Premises”). The application sought authorisation for the sale of alcohol for consumption on and off the Premises from 08:00 hours to 22:30 hours Monday to Sunday.

The application attracted representations from the Licensing Authority on the grounds that the application did not sufficiently address how there would be no impact on the public nuisance licensing objective and that the Premises were located within the Brick Lane CIZ.

The Sub-Committee heard from Niall McCann, solicitor for the applicant, and Joseph Mossman, the director of the company. They informed the Sub-Committee that the hours for licensable activity were amended so as to start at 11:00 hours. Opening hours would remain the same.

Mr. McCann informed the Sub-Committee that the business was a Japanese café. The applicant operated another similar business in Islington’s CIZ and had done so for the last five years. He had also opened a Japanese restaurant in Islington about ten years ago. Neither operated with any problems. The food and drink on offer was authentic Japanese fare. The experience at the Islington café was that people would sometimes want a glass of Japanese whiskey or Sake with their food. Their clientele tended to be Japanese nationals and their friends.

Mr. McCann told the Sub-Committee there would be no additional impact on the CIZ. The Premises were not a place where people would come and stay and be encouraged to drink. The alcohol on offer was limited and the Premises accommodated 36 covers at present. There would be no draught beers and patrons would be seated. The premises that caused problems for the CIZ tended to be bars and clubs.

With regard to off-sales the concerns tended to be around street drinking and pre-loading. The Premises would not attract such a clientele given that the average price of a bottle of Sake was about £50.00 and the cheapest bottle of Japanese whiskey was around £70.00. Anyone wanted to obtain alcohol for pre-loading would go to an off-licence. Alcohol sales were a very small part of the business, around 5% of total sales.

Mr. McCann further explained that there were no noise problems and that the Premises had operated under a total of eleven days of Temporary Event Notices (TENs) without complaints or problems. Numerous conditions were proposed and had been agreed to in order to mitigate any possible impact,

including a condition that alcohol sales would be ancillary to the main business, that the alcohol displayed was limited to 15% of the trading area, and limiting the products sold to Japanese beers, wines and whiskey. He confirmed following a question from the legal adviser that proposed condition 3 could be amended so that it was clear that bottled or canned craft beers also needed to be Japanese. All proposed conditions had been agreed save for one requiring alcohol sales to be with a table meal, on the basis that the Premises did not offer table meals. However, the Premises was willing to have a condition requiring food to be available during permitted hours.

Mr. Ali, on behalf of the Licensing Authority, told the Sub-Committee that their concerns related to the fact that the Premises were located in the Brick Lane CIZ and that another premises selling alcohol was likely to add to that impact. He confirmed that TENs had been given and that the Authority had not received any complaints.

During questions Mr. McCann explained that the reason there would be no impact was because the Premises had been open since September without complaint, there had been TENs, the operator was experienced, and any additional impact arises from drunkenness and noise. The clientele of Katsute did not go there to drink. Mr. Mossman further explained that the intention was for the Premises to be an immersive experience of Japanese culture and a place for patrons to feel tranquil. Those looking to party would simply not be attending the Premises. The reason for seeking to sell alcohol was that the applicant prided itself on authenticity and drinking Sake or Japanese whiskey was part of the experience and patrons expected it.

The application engaged the licensing objective of the prevention of public nuisance. The Sub-Committee did not consider that the prevention of crime and disorder arose as an issue here. The onus was on the application to prove that they would not negatively impact upon the CIZ and the Council's Statement of Licensing Policy gives some indication as to what might justify an exception, which includes businesses that are not alcohol-led, that operate to framework hours, and which cater for 50 or fewer persons.

The Sub-Committee accepted that the Premises would not be alcohol-led and that it would not be somewhere that would attract people specifically in order to drink. Given the ethos of the Premises, combined with the conditions limiting the type of alcohol to be sold so that it was in keeping with that, combined with the limit on the display area, satisfied the Sub-Committee that the Premises would not easily change into the type of venue that would adversely impact upon the CIZ.

The fact that TENs had been given and had not resulted in any complaints also provided an indication to the Sub-Committee that the applicant could operate without adversely impacting upon the CIZ. The Sub-Committee did not consider that the Premises would give rise to additional footfall but, even if it did, that alone would not of itself adversely impact upon the CIZ.

The Sub-Committee was satisfied that the applicant had demonstrated that the grant of the licence would not adversely impact upon the CIZ and that any

impact that might arise would be mitigated by the imposition of the conditions consistent with the operating schedule and with the additional conditions proposed by the applicant and those proposed by the responsible authorities. The Sub-Committee determined not to impose the suggested condition requiring alcohol to be sold with a table meal, given that the Premises were not a restaurant.

Accordingly, the Sub Committee unanimously;

RESOLVED

That the application for a new Premises Licence for Katsute, 147 Brick Lane, London E1 6SB be **GRANTED with a conditions.**

Sale of alcohol (On and Off Sales)

Monday to Sunday from 11:00 hours to 22:30 hours

Opening hours

Monday to Sunday from 08:00 hours to 23:00 hours

Conditions

1. CCTV shall be installed, operated and maintained in agreement with the Police. Maintained means that the system will be regularly serviced (at least once a year) and checked every two weeks to ensure that it is storing images correctly and a log kept and signed by a Supervisor to this effect. The system will provide an identifiable full head and shoulder image of everyone entering the premises and will operate in any light conditions within the premises. The system will cover the full exterior of the premises and shall record in real time, date and time stamped and will operate whilst the premises is open for licensable activities. The recordings will be kept for a minimum of 31 days and copies will be made available to an Authorised Officer or a Police Officer (subject to the Data Protection Act 1998) within 24 hrs of any request free of charge.
2. There will always be a member of staff on duty who can operate the system, to allow Officers to view recordings and if required by a Police Officer, provide a copy of images immediately free of charge to assist in the immediate investigation of offences. If the system malfunctions and will not be operating for longer than one day of business then Police must be informed.
3. Alcoholic products shall be strictly limited to Sake, Shochu, Japanese wine, Japanese whisky and bottled or canned craft Japanese beers.
4. The licence holder shall enforce the challenge 25 proof of age scheme.

5. Emergency lighting, emergency exit signs and fire alarms system will be installed covering the entire retail premises and protected escape route. The escape routes will be clearly signed and accessed via a door with a push bar emergency operating mechanism.
6. Staff will be fully trained regarding emergency egress, and fire drills will be performed on a regular basis.
7. No more than 15% of the front of house trading area shall be used for the display of alcoholic drinks.
8. The sale of alcohol shall be ancillary to the premises operating as a shop selling Japanese cooking equipment, food and drink.
9. All off sales shall be in sealed containers.
10. The supply of alcohol shall only be to persons seated. There shall be no vertical drinking within the premises.
11. The number of persons permitted in the premises at any one time (excluding staff) shall not exceed 46 persons.
12. There shall be no provision of draft beers.
13. When the designated premise 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
14. 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/finds 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.
15. In the event that a serious assault is committed on the premises (or appears to have been committed) the management will immediately if safe to do so 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.

16. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
17. Patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke, shall be limited to (8) persons at any one time.
18. 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.
19. The premises licence holder shall ensure that any patrons smoking outside the premises do so in an orderly manner and are supervised by staff so as to ensure that there is no public nuisance or obstruction of the public highway
20. During the hours of operation of the premises, the licence holder shall ensure sufficient measures are in place to remove and prevent litter or waste arising or accumulating from customers in the area immediately outside the premises, and that this area shall be swept and or washed, and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements by close of business.
21. 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.
22. 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.

4.3 Application for a Temporary Event Notice for The Gun, 54 Brushfield Street, London E1 6AG (TEN 1)

This application was resolved prior to the meeting.

4.4 Application for a Temporary Event Notice for The Gun, 54 Brushfield Street, London E1 6AG (TEN 2)

This application was resolved prior to the meeting.

4.5 Application for a Temporary Event Notice for The Atrium 124-126 Cheshire Street London E2 6AG

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

Consideration

The Licensing Sub Committee heard from PC Mark Perry from the Metropolitan Police, his main objection related to the fact that no documentation was had been provided to show how the event would be managed in particular given the lack of description in the temporary event notice (TEN) and the subsequent description as a white collar boxing event. PC Perry was most concerned with the security arrangements and how potential crowd violence would be controlled. Mr Wolid Ali, Applicant told the Licensing Sub Committee that he had run these events for several years and he had never been asked for these documents previously.

During an adjournment at the meeting Mr Ali provided some documentation but nothing in writing about security arrangements. However, he did tell the Licensing Sub Committee what arrangements were in place which included 1 SIA registered door staff per 50 persons, searches to ensure weapons/alcohol are not brought into the venue.

The Licensing Sub Committee were satisfied that withstanding the shortcomings on the TEN application the applicant would ensure the licensing objectives would be promoted and were satisfied that adequate security arrangements would be in place and therefore a decision was made to refuse to issue a counter notice.

Accordingly, the Sub Committee made a majority decision;

RESOLVED

That the application for a counter-notice for The Atrium, 124-126 Cheshire Street, E2 6AG be **REFUSED** and the **TEN to be granted**.

Saturday 11th December 2021 from 14:00 hours- 22:00 hours

The provision of regulated entertainment.

5. EXTENSION OF DECISION DEADLINE: LICENSING ACT 2003

Nil items.

The meeting ended at 9.20 p.m.