

LONDON BOROUGH OF TOWER HAMLETS**MINUTES OF THE LICENSING SUB COMMITTEE****HELD AT 6.30 P.M. ON TUESDAY, 11 JANUARY 2022****THE COUNCIL CHAMBER, TOWN HALL, MULBERRY PLACE, 5 CLOVE
CRESCENT, LONDON, E14 2BG****Members Present:**

Councillor Mohammed Pappu (Chair)

Councillor Peter Golds
Councillor Rajib Ahmed**Officers Present:**

Mohshin Ali	– (Senior Licensing Officer)
Nicola Cadzow*	– Environmental Health
Ibrahim Hussain*	– Licensing Officer
Jonathan Melnick	– Legal Officer
Farhana Zia	– Democratic Services Officer

Representing applicants	Item Number	Role
Ernst Daniel Rickard Daun*	4.1	Applicant
Winston Brown*	4.1	Applicant's Solicitor
Abul Kawsar*	4.2	Applicant's Agent
Mohammed Khan*	4.2	Applicant's Business Partner
M.D. Saiful Islam*	4.2	Applicant's Business Partner

Representing objectors	Item Number	Role
Mohshin Ali	4.1	Licensing Authority
Mohshin Ali	4.2	Licensing Authority
Nicola Cadzow*	4.3	Environmental Health

*Attended – Virtually

1. DECLARATIONS OF INTEREST

There were no declarations of pecuniary interest made by the members.

2. RULES OF PROCEDURE

The rules of procedure were noted.

3. MINUTES OF THE PREVIOUS MEETING(S)

The minutes of the meeting held on the 23rd November 2021 were agreed and approved as a correct record.

4. ITEMS FOR CONSIDERATION

4.1 Application for a New Premise Licence for Dauns, 77 Wentworth Street, London, E1 7TD

At the request of the Chair, Mr Ibrahim Hussain, Licensing Officer introduced the report which detailed the application for a new premises licence for Dauns, 77 Wentworth Street, London E1 7TD. It was noted that objections had been made by the Licensing Authority.

Mr Winston Brown, the applicant's solicitor, addressed the sub-committee and stated that whilst representations had been made by the Licensing Authority due to the premises being in the Brick Lane Cumulative Impact Zone (CIZ), Mr Daun had offered conditions to rebut the presumption.

Mr Brown said the premises met the criteria of being an 'exceptional circumstance' in that it was a food-led business offering a selection of exclusive Scandinavian wine and beer with Scandinavian food. He said the premises was small and would seat less than 50 covers. Mr Brown referred to pages 63-66 of the agenda which set out the background and proposed conditions. Mr Brown said Mr Daun had consulted with others and had established a good working relationship with other licensees in the area. Mr Brown added the hours applied for were within the framework hours and requested the members to grant the application.

Mr Mohshin Ali, Senior Licensing Officer said it was unclear if the Applicant had accepted the conditions put forward by the Licensing Authority in their letter of 19th November 2021. Mr Ali said the application had been objected to based on the number of licensed premises serving alcohol and its cumulative effect on the area.

In response to questions from Members the following was noted:

- Mr Brown clarified his client accepted the conditions put forward by the Licensing Authority.
- Mr Daun said alcohol would only be served with food and at the moment the premises had seating for 14 people. He confirmed there would be no vertical drinking of alcohol.

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 Ernst Daun for a new premises licence to be held in respect of Dauns, 77 Wentworth Street, London, E1 (“the Premises”). The application sought authorisation for the sale by retail of alcohol from 12:00 hours to 21:00 hours Sunday to Thursday and from 12:00 hours to 22:00 hours on Friday and Saturday.

The application attracted one representation from the Licensing Authority. This was based on the Premises being located in the Brick Lane Cumulative Impact Zone (CIZ).

The Sub-Committee heard from Mr. Daun and his solicitor, Winston Brown, who explained the application and had provided further written material in advance of the hearing. The Sub-Committee was told that this was a small, food-led premises providing Scandinavian food and drink. The business promoted vegan food and wished to have a small alcohol offering to complement that. Conditions had been proposed in the operating schedule and further conditions agreed with the police and the Environmental Health Officer. The applicant recognised the CIZ but contended that there would be no additional impact and that the Premises fell within a possible exception in that policy, being within framework hours, not alcohol-led, and having fewer than fifty covers. It was submitted that the nature of the Premises itself was also unique. During the hearing the applicant confirmed that he also agreed the conditions proposed in the Licensing Officer’s representation at Page 87 of the report pack.

The Sub-Committee heard from Mohshin Ali on behalf of the Licensing Authority. He maintained his representation and that he was concerned that another premises selling alcohol would add to the existing problems within the CIZ. Those concerns remained notwithstanding the agreed conditions, which he accepted would mitigate any impact.

Having had regard to the application and the agreed conditions, the Sub-Committee was satisfied that the applicant had shown that the Premises could be justified as an exception to the CIZ. It fell within recognised potential exceptions to the policy. Appropriate conditions had been agreed with the responsible authorities which would mitigate any impact. The Sub-Committee was also satisfied that the nature of the Premises was such that it would not lead to any additional impact. The Sub-Committee therefore decided to grant

the application as sought and subject to the conditions consistent with the operating schedule and the conditions agreed with the police, the Environmental Health Officer, and the Licensing Officer.

Accordingly, the Sub Committee unanimously;

RESOLVED

That the application for a variation of the premises licence for Dauns, 77 Wentworth Street, London, E1 7TD be **GRANTED** with conditions:

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 copies of recent CCTV images or data with the absolute minimum of delay when requested.
3. No persons other than the Police, the Licensing Authority, the Premises Holder, the manager or authorised persons shall have access to the CCTV recording equipment or the recordings made from such equipment. The CCTV system will be in operation, and recording whenever the premises are open to the public.
4. A minimum of two notices stating that CCTV is in operation shall be displayed throughout the premises where the public have access. The notices shall be at least A4 size.
5. The license holder must ensure that all staff are aware of their social and legal obligations, and their responsibilities regarding the sale of alcohol.
6. Training shall be given to all staff to ensure compliance with the four licensing objectives. Training records will be kept on the premises, and the training records will show the date of training. The training record is to be signed by the staff member receiving the training and then countersigned by the Designated Premises Supervisor (DPS).

7. There will be a prominent signage near the door to the premises reminding the patrons to leave the area quietly.
8. The licence holder will operate a dispersal policy to be agreed with the council to ensure that patrons do not congregate outside the premises after leaving.
9. A proof of age policy agreed in writing by the Licensing Authority must be enforced.
10. Challenge 25 to be implemented whenever a young person seeks to purchase alcohol. The premises will only accept valid forms of identification, such as photo driving licence, passport and Home Office approved ID cards displaying the national proof of age standard scheme (PASS hologram).
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/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.
12. 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.
13. 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.
14. Loudspeakers shall not be located in the entrance lobby or outside the premise building.
15. 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 nuisance.

16. 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.
17. The supply of alcohol at the premises shall only be to a person seated taking a table meal there and for consumption by such a person as ancillary to their meal.
18. There shall be no vertical drinking of alcohol at the premises.

4.2 Application for a New Premise Licence for Poplar Spice, 201 East India Dock Road, London, E14 0ED

At the request of the Chair Mr Ibrahim Hussain, Licensing Officer, introduced the report which detailed the application for a new premises licence for Poplar Spice, 201 East India Dock Road, London E14 0ED. It was noted that objections had been made by the Licensing Authority and local residents.

Mr Abul Kawsar, representing the Applicant apologised for his client not being in attendance. He said the Applicant's business partners were in attendance. Mr Kawsar explained they had applied for a late-night refreshments licence, to meet demand and ensure the business remained competitive. Of the objections received to the application, Mr Kawsar said these were tactical from other business competitors. He said the current business intended to make a fresh start and would comply with the licensing objectives and conditions.

Mr Mohshin Ali, Senior Licensing Officer, stated the main objection the Licensing Authority had to the application related to the historical incidences of the premises trading beyond the permitted hours and being in breach of the Covid -19 curfew. However, on two recent visits the Licensing Authority had found the premises to be compliant. Mr Ali added the lapsed licence had only come to light in October 2021, hence the current application.

In response to question from Members the following was noted:

- Mr Kawsar confirmed Mr Mohammed Mynul Khan would be at the premises with the two business partners to oversee the day-to-day operation of the premises.
- Last orders would be taken 30 minutes prior to closing time so to ensure food and take away orders do not exceed the closing time of the premises.
- The one-minute stop, with the late-night refreshments commencing at 23.01 hours had been applied for to allow for a shift change. No food would be served during that one-minute.
- In response to if the Applicant would consider an earlier closing time for Sunday, Mr Kawsar stated demand was high and therefore they'd like to operate until 2:00 hours as per their application.

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 Mohammed Mynul Khan for a new premises licence to be held in respect of Poplar Spice, 201 East India Dock Road, London, E14 ("the Premises"). The application sought authorisation for the provision of late night refreshment from 23:01 hours to 02:00 hours seven days per week. Representations against the application were received from the Licensing Authority and from three interested parties.

The Sub-Committee heard from Mr. Kawsar and Mohammed Khan and Mr. M. D. Khan on behalf of the applicant. The Sub-Committee was informed that the applicant was out of the country and unable to return to the UK due to travel restrictions. They were authorised to act on the applicant's behalf.

The premises had previously benefitted from a premises licence held by London East Communications Ltd. The applicant had been the director. The company had dissolved in September 2018. The result of this was that the licence lapsed. The application sought to obtain a new licence for the same hours as authorised previously.

Mr. Kawsar suggested that the interested parties making representations were competitors of the applicant. He informed the Sub-Committee that there had been no complaints or objections from others and that the applicant had offered various conditions.

Mohshin Ali, Licensing Officer, spoke to his representation. He referred to allegations of operating outside licensed times or in breach of Covid restrictions. It was only as a result of these allegations that the fact that the licence had lapsed came to light. However, he also noted that when the Premises had been visited they had been compliant. He was concerned about who would be managing the Premises since the applicant had not been present when visits had been carried out. He was concerned also with the hours, which were outside of framework hours. He suggested additional conditions to be imposed if the Sub-Committee was minded to grant the application.

Mr. Kawsar accepted that there had been breaches but suggested that these were by the previous business. He indicated during questions that they would consider a reduced hour on Sunday. He considered, however, that it would be beneficial to the locality, that their customers wanted to be able to purchase food until 02:00 and that the impact on the neighbourhood would be controlled.

The main concern related to the prevention of public nuisance with the operation of the later hours. Whilst the applicant had accepted that there had been some breaches, the Sub-Committee had no evidence that these had in fact impacted on the licensing objectives. In addition, the Sub-Committee had regard to the fact that visits carried out had shown compliance.

The Sub-Committee attached little weight to the representations from those interested parties who had not appeared. There were clear similarities between the writing on the envelopes, for example, or sentences in the representations that were identical to sentences in others. The Sub-Committee could not be sure that these were not from the same people but, in the absence of them attending, it did detract from the weight to be afforded to the representations. Further, the representations themselves were lacking in specificity, which again made it harder for the Sub-Committee to place any real weight upon them.

The main concern for the Sub-Committee was the operation on Sunday through to Monday until 02:00 hours. No other nearby premises operated beyond 01:00 hours and Sunday is the day when generally licensed and other premises operate to earlier hours. Whilst the Sub-Committee considered that the licensing objectives would be promoted if the application was granted to 02:00 hours Monday to Sunday, it was not satisfied that there would not be an adverse impact on Sunday if granted until 02:00 hours. People generally tended to go to bed earlier or would generally expect less noise on Sunday and the Sub-Committee was not satisfied, even with the imposition of conditions, that these would suffice to mitigate any impact. The Sub-Committee was satisfied that the conditions consistent with the operating schedule and those proposed by the Licensing Authority, along with a modest reduction on Sundays to 01:00 hours would be appropriate and proportionate to ensure the promotion of the licensing objectives.

Accordingly, the Sub Committee unanimously;

RESOLVED

That the application for a variation of the premises licence for Poplar Spice, 201 East India Dock Road, London E14 0ED be **GRANTED** with conditions:

Provision of late night refreshment (indoors)

Monday to Saturday	23:01 hours to 02:00 hours
Sunday	23:01 hours to 01:00 hours

Hours the premises are open to the public

Monday to Saturday	11:00 hours to 02:00 hours
Sunday	11:00 hours to 01:00 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:
 - a) All entry and exit points will be covered enabling frontal identification of every person entering in any light condition;
 - b) The CCTV system shall continually record whilst the premises are open for licensable activity and at all times when customers are on the premises;
 - c) All recordings shall be stored for a minimum period of 31 days and be date and time-stamped;
 - d) Viewing of recordings shall be made available immediately upon the request of the police or authorised officer throughout the 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 that the premises are open. This staff member must be able to provide the police or authorised council officer with copies of recent CCTV images or data with the absolute minimum of delay when requested.
3. An incident report log book is kept at the premises and record all incidents of crime and disorder associated with the premises. The incident log shall be made available on request to the police or an authorised officer of the Council.
4. Signs will be displayed prominently inside and outside the premises asking customers to respect local residents and to be quiet when leaving the premises.
5. Any delivery service will be arranged with non-motoring vehicle services such as Deliveroo, to avoid motoring noise, parking and pollution nuisance.
6. The extraction system is fitted with attenuation and filtration units to avoid noise and odour nuisance. Fan power level will be kept at minimum to reduce noise level during late night hours.
7. Visiting children will be required to be supervised by adults during the late night hours after 21:00 hours. Signs will be clearly displayed to notify visitors of this. An on-site supervisor will monitor the age of customers.

4.3 Application for a Variation of a premises licence for Tower Hamlet's Pizza, 479 Cambridge Heath Road, London, London E2 9BU

At the request of the Chair Mr Ibrahim Hussain, Licensing Officer, introduced the report which detailed the application for a new premises licence for Tower Hamlet's Pizza, 479 Cambridge Heath Road, London E2 9BU. It was noted that objections had been made by Environmental Health.

The Applicant, Mr Haroon Hamidi, was not in attendance for the meeting. Democratic Services confirmed notification of the meeting had been sent to the Applicant and this had been followed up with phone calls enquiring if they'd be attending physically or virtually for the meeting.

The Sub-Committee then heard from Ms Nicola Cadzow who referred to her objection on page 268 of the agenda. Ms Cadzow said her objection related to the prevention of public nuisance and the concern of noise disturbance to residents in the early hours of the morning. Ms Cadzow requested the sub-committee not to grant the variation of the licence.

Members of the Sub-Committee had no questions for Ms Cadzow.

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 Haroon Hamidi to vary the premises licence held in respect of Tower Hamlets Pizza, 479 Cambridge Heath Road, London, E2 ("the Premises"). The current licence permits the provision of late night refreshment from 23:00 hours to 01:00 hours Sunday to Thursday and from 23:00 hours to 02:00 hours on Fridays and Saturdays. The variation sought authorisation to provide late night refreshment to 05:00 hours seven days per week. The application attracted a representation from the Environmental Health Service, which considered that the application risked undermining the licensing objective of the prevention of public nuisance.

The applicant did not appear. The Sub-Committee's Legal Adviser confirmed with officers that the requisite notices had been sent and the Sub-Committee was advised that the applicant's son had acknowledged receipt of the hearing notices and confirmed that they would be attending remotely. There had been no other contact from the applicant. The Sub-Committee was given legal advice as to its powers to proceed or to adjourn pursuant to Regulation 20 of the Licensing Act 2003 (Hearings) Regulations 2005. The Sub-Committee determined to proceed.

Ms. Cadzow, Environmental Health Officer, addressed her representation. In essence she was concerned that there was insufficient information to address the potential for public nuisance, particularly in respect of noise and the late hours.

The application made reference to delivery hours but also suggested that people would be eating inside the Premises to 05:00 hours. The absence of the applicant at the hearing meant that the Sub-Committee could not explore how noise from patrons and delivery drivers, for example, could be controlled. There were no conditions offered to explain how noisy patrons would be dealt with. The Sub-Committee considered that a degree of noise nuisance was highly likely given the nature of the Premises and the late hours sought.

The Sub-Committee was therefore not satisfied that its concerns could be dealt with by the imposition of appropriate conditions and the application for variation is therefore refused.

Accordingly, the Sub Committee unanimously;

RESOLVED

That the application for a variation of the premises licence for Tower Hamlets Pizza, 479 Cambridge Heath Road, London, E2 be **REFUSED**.

5. EXTENSION OF DECISION DEADLINE: LICENSING ACT 2003

Nil Items.

The meeting ended at 7.53 p.m.

Chair, Councillor Mohammed Pappu
Licensing Sub Committee