

LONDON BOROUGH OF TOWER HAMLETS

RECORD OF THE DECISIONS OF THE LICENSING SUB COMMITTEE

HELD AT 6.30 P.M. ON TUESDAY, 22 FEBRUARY 2022

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

Members Present:

Councillor Peter Golds (Chair)

Councillor Shad Chowdhury (Member)

Councillor Rajib Ahmed (Member)

1. DECLARATIONS OF INTEREST

There were no declarations of interest made.

2. RULES OF PROCEDURE

The rules of procedure were noted.

3. MINUTES OF THE PREVIOUS MEETING(S)

The minutes of the meetings held on 11th and 25th January were agreed and approved as a correct record.

4. ITEMS FOR CONSIDERATION

**4.1 Application for a New Premises Licence for (Oval Cafe) 11-12 The Oval,
London E2 9DU**

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 for a new premises licence in respect of Oval Café, 11-12 The Oval, London E2 9DU (“the Premises”). The application sought to permit the sale of alcohol and the provision of regulated entertainment by way of recorded music and the provision of late night refreshments. The application attracted objections from the Metropolitan Police relating to the licensing objectives of the prevention of crime and disorder, promoting public safety and preventing public nuisance.

The Sub-Committee noted that the premises did previously have a licence which had lapsed due to an administrative error.

The Sub-Committee noted a comment by the police during the meeting that whilst their concerns arose from crime and disorder in the area, the police accepted that there was no evidence of that being linked to the Oval Café.

The Sub-Committee noted comment by the police that their concerns were based upon professional opinion. However, decisions of the Licensing Sub-Committee must be based upon evidence, and in the absence of direct evidence linking the Oval Cafe to crime and disorder, public nuisance, and issues of public safety, the Sub-Committee was satisfied that granting the application would not undermine the above licensing objectives.

The Sub-Committee appreciated that the police had concerns about the applicant regarding separate premises. However, those premises were not the subject of this application, which had to be considered on its own merits.

In light of the concerns raised by the police in relation to the area generally, the Sub-Committee considered it reasonable and proportionate to include as conditions of the premises licence, those set out below, in addition to the conditions which are in any event mandatory.

The Sub-Committee could not grant the full range of hours sought for the sale of alcohol and the provision of late night refreshment, because the terminal hour for licensable activities cannot be the same as the time for closing to the public, otherwise issues can arise with late orders when closing the premises to the public.

Therefore, Members made a decision and the decision was unanimous. Members granted the application in part with conditions.

Accordingly, the Sub Committee unanimously;

RESOLVED

That the application for a new Premises Licence for Oval Café, 11-12 The Oval, London E2 9DU be **GRANTED with amendments and conditions.**

Sale of Alcohol (On Sales only)

Monday to Thursday from 12:00 hours to 23:30 hours

Friday and Saturday from 12:00 hours to 00:00 hours (midnight)
Sunday from 12:00 hours to 22:30 hours

The Provision of Late Night Refreshments (indoors)

Monday to Thursday from 23:00 hours to 23:30 hours
Friday and Saturday from 23:00 hours to 00:00 hours (midnight)

The Provision of Regulated Entertainment – indoors (Recorded Music)

Thursday from 23:00 hours to 23:30 hours
Friday and Saturday from 23:00 hours to 00:00 hours (midnight)
Sunday from 23:00 hours to 22:30 hours

Non-standard timings

New Years Eve, above licensable activities from 08:00 hours to 03:00 hours to 03:00 hours on New Year's Day.

Opening Hours

Monday to Thursday from 08:00 hours to 00:00 hours (midnight)
Friday and Saturday from 08:00 hours to 00:30 hours (the following day)
Sunday from 08:00 hours to 23:00 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. 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.
5. The premises will be serve only seated patrons, and the premises shall be supervised by a floor manager and an S.I.A accredited door supervisor after 21:00hrs until the premises close to the public.
6. That an incident report book be kept to record all incidents of crime and disorder associated with the premises.
7. Deliveries shall be only from 08:00hrs to 19:00hrs Monday to Saturday.
8. The café shall be strictly adults only after 18:00hrs.
9. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance
10. A Noise Limiter must be fitted to the musical amplification system set at a level determined by and to the satisfaction of an acoustic consultant who is a member of the Institute of Acoustics so as to ensure that no noise nuisance is caused to local residents or businesses.
 - a. The operation panel of the noise limiter shall then be secured by a key or password to the satisfaction of the acoustic consultant and access shall only be by persons authorised by the Premises Licence Holder.
 - b. No alteration or modification to any existing sound system(s) should be effected without prior agreement with an acoustic consultant.
 - c. No additional sound generating equipment shall be used on the premise without being routed through the sound limiter device.
11. At times when this premises operates with the (Pickle Factory), 14 The Oval, London E2 9DT, then following Pickle Factory Conditions shall apply.
 - a. Any private hire shall be internally risk assessed in advance.
 - b. Cab service shall be offered to all guests leaving the building.
 - c. Deliveries shall take place Monday to Saturday, from 08:00 hours to 19:00 hours and Sundays, from 09:00 hours to 12:00 hours.
 - d. SIA accredited staff shall be deployed in a pattern and numbers agreed by the DPS and the Police.
 - e. Toilets shall be checked at least every 30 minutes at peak times to detect and discourage drug use during events. Records of these checks shall be kept.

- f. A barricade is to be used outside the entrance to the venue when events are on to facilitate the effective queuing of people wishing to gain entry.
- g. All members of Management and Staff shall be briefed as to the operation of 'Challenge 25' and 'Don't Do Drunk' Policies, with the related paperwork acknowledged and signed. This also applies to all new starters and trial shift applicants.
- h. An incident book shall be kept and maintained every day the premises is open.
- i). The incident book shall contain the names and numbers of SIA accredited security staff, their time on duty and time off duty.
- ii). The incident book shall also record any refusals of entry, refusals of sale of alcohol and any incidents of disorder, incidents of crime or other incidents of note.
- iii). The incident book shall be signed off by the duty manager at the end of each day.
- i. To be a member of the local "pub watch" and to send representatives to all related meetings.
- j. All flat surfaces in the toilet areas shall be removed or covered over to prevent and deter drug use. Toilet seat covers shall be removed from all toilets.
- k. All security staff shall wear their identification badges and high visibility tabards clearly marked "Security".
- l. A joint strategy between the Oval and the Pickle Factory for managing customers arriving and leaving their respective venues shall be completed and agreed by Police.
- m. Prominent notices will be placed throughout the venue asking customers to mind their property and report any suspicious incidents.
- n. Safety checks will be carried out monthly prior to opening and all incidents will be recorded in a log book which will be available for inspection by authorised officers.
- o. Floor staff will be allocated tasks around the venue to be completed every 15 minutes to ensure no trip hazards are present.
- p. All sweeps of the venue will be recorded in a nightly log.
- q. Prominent signs will be displayed to ensure guests are quiet leaving the venue.

- r. Front of house staff will monitor guests entering or leaving the venue to ensure moderate behaviour.
- s. Bottling out from premises will be forbidden between 22:00hrs and the following morning at 09:00hrs
- t. A Challenge 25 policy shall be in operation. A log shall be kept of all challenges made by staff.

4.2 Application for a New Premise Licence for Gopuff, 89 Hemming Street, London, E1 5BW

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 for a new premises licence in respect of Gopuff, 89 Hemming Street, London E1 5BW ("the Premises"). The application sought to permit the sale of alcohol (off sales) Monday to Sunday 24 hours per day. The application attracted objections from some thirty local residents. These were predominantly concerned with the licensing objectives of the prevention of public nuisance and, to a lesser extent, the prevention of crime and disorder.

The Sub-Committee noted the concerns of local residents about increased noise nuisance particularly late at night, issues of additional delivery traffic in the area, and more congestion. The Sub-Committee also noted residents' concerns about the existing levels of noise nuisance and anti-social behaviour in the area impacting the quality of life of local residents, and the additional noise disturbance likely to result from the 24-hour supply of alcohol. The Sub-Committee also noted, however, that some of the issues complained of, such as road traffic contraventions or drug users loitering in the area, were not linked to the Premises and were not within the control of the Premises. The fact that the Premises would not be open to the public would not attract people to the area seeking to buy alcohol from the Premises.

The Sub-Committee welcomed the efforts made by the Applicant in offering robust conditions, and also agreeing to a condition to restrict the timings for

the delivery of goods to the premises. It was also noted that all delivery drivers will be employed directly by the company, which gave Members assurance that the Applicant would have direct control regarding delivery drivers compliance with licence conditions relating to deliveries and the conduct of delivery drivers.

The Sub-Committee appreciated the concerns expressed by residents. However, the Sub-Committee recognised that as the premises were already providing a delivery service in respect of non-alcoholic products, an aspect of the business which is outside the scope of licensing regulation, the Sub-Committee's powers in relation to residents' concerns were limited to the proposed supply of alcohol. A refusal of the application would not prevent the Applicant from operating its existing deliveries of non-alcoholic products and refusal would, in any event, not be proportionate.

The Sub-Committee was particularly concerned with the potential impact of the operation of the Premises outside of framework hours and late into the evening and the early hours. The area itself is mostly residential and there are no other late-night premises in the immediate vicinity. There were only three licensed premises nearby; one was under the railway bridge, which was adjacent to the Premises, and closed at 21:00 hours, and two were in Dunbridge Street, which was on the other side of the railway bridge. Of those, one was a 24-hour petrol station. The impact of those premises upon the residents of Hemming Street was thus limited to an extent.

However, the proximity of these Premises to residential properties did, in the Sub-Committee's view, give rise to a greater risk of noise disturbance late at night. Some of the residents made specific reference to drivers congregating outside the business. Although a condition was offered up in that regard, it would not affect any drivers finishing their shift who then decided to remain in the area. There was also the possibility of drivers and riders playing music on their mobile phones and other devices whilst outside and upon leaving the Premises. The Sub-Committee also noted the concerns regarding traffic congestion and considered that at the later hours there was further risk of noise disturbance to residents such as from drivers sounding their horns. Whilst the Sub-Committee accepted that the Premises carry on non-licensable activity (subject to planning permission) outside of the framework hours, it considered there to be a real risk that orders placed late at night were predominantly going to be for alcohol and that the availability of alcohol risked increasing the number of orders placed later in the evening and thus lead to more delivery driver and rider traffic to and from the Premises late at night with an inevitable impact upon the local residents.

The Sub-Committee had regard to paragraphs 10.13 to 10.15 of the Statutory Guidance, which addresses hours for trading and which notes that "Licensing authorities are best placed to make decisions about appropriate opening hours in their areas based on their local knowledge and in consultation with responsible authorities." Obviously, such decisions must be based on the merits of individual applications. Further, paragraph 10.15 is clear that whilst shops, supermarkets and stores should normally be free to sell alcohol throughout their hours of trading, this can be restricted where there are good

reasons for doing so based on the licensing objectives. The Sub-Committee also had regard to section 14 of the Statement of Licensing Policy, in particular paragraphs 14.8-14.10.

The Sub-Committee considered that as far as its powers would permit, its decision would seek to mitigate the likely impact upon residents of the addition of alcohol to the range of products delivered by the Applicant, with particular regard to the licensing objective of preventing public nuisance, for the reasons set out above. The Sub-Committee therefore felt that whilst it was appropriate to grant the application, it was also appropriate and proportionate to reduce the hours permitted for licensable activity to the Council's framework hours.

Therefore, Members made a decision and the decision was by a majority vote. Members granted the application with amendments and conditions.

Accordingly, the Sub Committee by a majority vote;

RESOLVED

That the application for a New Premises Licence for Gopuff, 89 Hemming Street, London E1 5BW be **GRANTED with amendments and conditions.**

Sale of Alcohol (off sales only)

Monday to Thursday from 06:00 hours to 23:30 hours

Friday and Saturday from 06:00 hours to 00:00 hours (midnight)

Sunday from 06:00 hours to 22:30 hours

Hours premises are open

Monday to Sunday from 00:00 hours – 24:00 hours (24 hours a day)

Conditions

1. All staff will be fully trained in their responsibilities with particular regard to the promotion of the licensing objectives regarding the sale of alcohol, and will be retrained every six months, with recorded training records kept for inspection.
2. Members of the public shall not be allowed on the premises at any time.
3. The licence and premises are to fulfil internet generated sales for delivery and no direct sales shall take place to the general public from the site.
4. A CCTV system is in operation for the warehouse, to provide security and identify any person or persons causing or likely to be causing trouble. All images are stored for a period of 31 days after which they can be erased or saved at the request of the police. All existing security

measures will remain in operation. All staff will be fully trained in the operation of the CCTV system to ensure it is operational during all the hours of trade. Images will be made available to the police or authorised licensing officer from the Council on request.

5. A Challenge 25 age verification scheme will be used. ID will be required for deliveries to customers who do not appear to be at least 25 years old. They will be required to prove that they are at least 18 years of age, by way of photographic ID, either a passport or driving licence. The card used for purchase will also be checked against the ID provided. If there is any doubt by staff as to the age of the person or persons taking delivery, then the delivery of alcohol will not be made, and a full refund will be issued. Postal/ carriage deliveries will only be made once a verified payment method has been established, and the customer has confirmed they are 18 years of age or over when making the purchase.
6. No idling of vehicles that are awaiting access to the premises or waiting to pick up a delivery.
7. Alcohol shall only be delivered to a residential or business address and not to a public place.
8. Only electric or pedal powered vehicles shall be used by delivery drivers/riders delivering products sold from the Premises, to customers.
9. Delivery drivers waiting to collect customers' orders for delivery, shall not be allowed to congregate outside the Premises (save in the event of a fire drill or fire evacuation) and shall be required by the Premises Licence Holder to wait inside the Premises.
10. No deliveries of goods to the premises shall take place between 19:00 hours and 07:00 hours the following day except for fresh bakery delivery.
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 potential customers must verify on the payment page of the website that they are at least 18 years of age. If the applicant is in any doubt as to the age of the customer, they will only deliver the alcohol if the owner of the card that made the payment is present at the delivery address for the purpose of age verification. Orders will only be despatched to bona fide addresses.
13. All sales of alcohol for delivery must be paid for by credit card, debit card (pre-paid or otherwise) or electronic payment.
14. Details of the order (including the type, amount of alcohol, name and

address of the customer and delivery address if different) must be included with the order. The detail shall be shown on the electronic receipt provided to the customer.

15. All delivery drivers and riders must allow any police or authorised local authority officers to inspect any alcohol.

16. Deliveries only made to those over the age of 18 years.

4.3 Application for Temporary Event Notice for Cabbys Rum Bar, Arch 411 St Pauls Way, London E3 4AG

This application was withdrawn by the Applicant prior to the meeting.

5. EXTENSION OF DECISION DEADLINE: LICENSING ACT 2003

Nil items.

The meeting ended at 9.15 p.m.