

LONDON BOROUGH OF TOWER HAMLETS**RECORD OF THE DECISIONS OF THE LICENSING SUB COMMITTEE****HELD AT 6.30 P.M. ON TUESDAY, 8 MARCH 2022****THE COUNCIL CHAMBER, TOWN HALL, MULBERRY PLACE, 5 CLOVE
CRESCENT, LONDON, E14 2BG****Members Present:**

Councillor Kevin Brady (Chair)
Councillor Eve McQuillan (Member)
Councillor Zenith Rahman (Member)

1. DECLARATIONS OF INTEREST

There were no declarations of interest made.

2. RULES OF PROCEDURE

The rules of procedure were noted.

3. ITEMS FOR CONSIDERATION**3.1 Application for a New Premises Licence for (The Vaults) Ivory House, St Katherine's Dock, East Smithfield, London E1W 1BP****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 Dockside Vaults Ltd. for a new premises licence to be held in respect of Ivory House, St. Katharine Docks, London, E1W 1BP ("the Premises"). The application originally sought authorisation for licensable activity as follows:

The sale by retail of alcohol (on and off sales)

- Monday to Saturday 10:00 hours to 00:00 hours

- Sunday 12:00 hours to 23:30 hours

Regulated entertainment

- Monday to Sunday 10:00 hours to 00:00 hours

Late night refreshment

- Monday to Saturday 23:00 hours to 00:00 hours
- Sunday 23:00 hours to 23:30

The opening hours were expressed to be 10:00 hours to 00:30 hours every day. Non-standard timings were sought in respect of New Year's Eve.

The application attracted a number of representations against it from local residents as well as from the Friends of St. Katharine Docks (FOSKD). There was one supporting representation on behalf of the landlord of the Premises. The representations engaged all four licensing objectives.

Prior to the hearing the Sub-Committee had been provided with a number of supplemental documents. These included a dispersal policy, a set of conditions that had been agreed with FOSKD, and an acoustic report. The Sub-Committee noted that the vast majority of the representations did not specifically seek refusal; rather, they expressed agreement with the conditions that were being sought by FOSKD. Further, at the outset of the hearing the Sub-Committee was given an indication by the applicant that FOSKD had expressed agreement to a reduction in the hours sought by the applicant and, as a result, FOSKD were no longer seeking refusal of the application. The amended hours for the sale of alcohol and regulated entertainment would be 10:00 hours to 23:30 Monday to Thursday, 10:00 hours to 00:00 Friday and Saturday, and 12:00 hours to 22:30 on Sunday. The terminal hour for late night refreshment would mirror the terminal hour of the other activities, save for Sunday, in respect of which the terminal hour meant that this activity was no longer to be provided. The Premises would close each day thirty minutes after the terminal hour for licensable activity.

The Sub-Committee heard from Mr. Thomas on behalf of the applicant. He explained that the licence application had initially replicated the previous licence which had been held by the Medieval Banquet and had lapsed in 2020. Since the application was submitted there had been a comprehensive raft of conditions agreed with FOSKD including the reduced hours, which brought those within the Council's framework hours. Mr. Thomas drew the Sub-Committee's attention to the fact that no responsible authorities had made representations against the application.

Mr. McCann, on behalf of the landlord, told the Sub-Committee that it was unusual for a landlord to attend a licensing hearing. They considered that the application would bring benefits to the area. They acknowledged that there had been problems with the previous licence holder, but that their powers as a landlord were limited as the tenancy was a protected tenancy. However, the lease granted to the applicant contained a considerable number of tenant's covenants to address matters that may arise within the context of the Licensing Act 2003. If the tenant failed to uphold the licensing objectives, the landlord now had the power to intervene and forfeit the lease.

Mr. Charalambides addressed the Sub-Committee on behalf of FOSKD. He confirmed that they were content with the reduced hours and the agreed conditions. In respect of the agreed conditions, he asked the Sub-Committee to note that condition 7.22 (page 16 of the Supplemental Agenda) had been deleted in error and was to be reinstated, and that condition 7.26 would be deleted (page 17 of the Supplemental Agenda).

Of those making representations against the application, only Michael Wilshire and Heather Corben attended to speak to their representation. They appeared virtually and, despite some technical difficulties, were able to address the Sub-Committee and answer questions and make their points. Ms. Corben referred to other types of venue that Mr. Gamble, a director of the applicant, had operated, including techno events. She considered the hours to be too late, despite the reduction, and suggested that the hours should be further reduced on Friday and Saturday nights. She further suggested that there should be no off-sales and that their concern was about the type of events that would be held and the potential for late-night opening.

Mr. Wilshire stated that the use of the venue was a new use. It was an event space and would include live music. It was a very different business compared to the Medieval Banquet. He also expressed concern about noise levels and the potential for noise to be transmitted through the structure of the building.

The Sub-Committee explored how the noise issues would be addressed. There would be door supervisors along with a number of conditions to deal with those issues. Mr. Gamble explained that the majority of events would be corporate events and that the organisers would be made aware of the importance of noise control.

The Sub-Committee also queried the possible issues of noise from taxis. The main issue appeared to be that gates accessing the area had been broken for some time and that this meant that taxis were free to drive along the length of the driveway. The Sub-Committee was told that this would need to be addressed but that the difficulty was sourcing the parts to repair the gates. However, it was suggested that the majority of patrons will make use of nearby public transport or walk through the estate.

This application predominantly engaged the licensing objectives of the prevention of crime and disorder and the prevention of public nuisance. The Sub-Committee noted that there was no representation from the police, who would normally be expected to be the main source of information in respect of crime and disorder (para 9.12 of the Statutory Guidance). The applicant and the police had agreed several conditions to ensure that the crime and disorder licensing objective would not be undermined. In the absence of any specific detail as to why this application would be likely to increase crime and disorder, the Sub-Committee was satisfied that the imposition of the agreed conditions would suffice to ensure the promotion of the licensing objectives.

In respect of the objective of the prevention of public nuisance, the Sub-Committee noted that robust conditions had been agreed with the Environmental Health Service as well as with FOSKD. There was thus a substantial set of conditions that would be imposed on the licence, many of which addressed this specific objective. The Sub-Committee noted that the acoustic report provided did not envisage that any impact would not be controlled by the conditions, including the use of a sound limiter and the proposed dispersal policy. The reduction in hours to framework hours also gave the Sub-Committee reassurance that the application would not be likely to give rise to a public nuisance.

The Sub-Committee had read and had regard to all of the representations placed before it, most of which expressed agreement to the position put forward by FOSKD. In light of all of the information before it, the Sub-Committee was not satisfied that it would be appropriate or proportionate to refuse the application outright. The Sub-Committee noted that considerable effort had been made by the applicant and FOSKD to ensure that the application struck a reasonable balance between the operator's ability to run the Premises and to ensure that the residents of the area were not unduly affected by the Premises. In light of the agreed conditions and reduction in hours, the Sub-Committee was satisfied that the grant of the licence, as amended and with the agreed conditions, was appropriate and proportionate to ensure that the licensing objectives would be promoted.

Accordingly, the Sub Committee unanimously;

RESOLVED

That the application for a new Premises Licence for The Vault, Ivory House, St Katherine's Dock, East Smithfield, London E1W 1BP be **GRANTED with conditions.**

The sale by retail of alcohol (on and off sales) regulated entertainment

- Monday to Thursday from 10:00 hours to 23:30 hours
- Friday and Saturday from 10:00 hours to 00:00 hours (midnight)
- Sunday from 12:00 hours to 22:30 hours

The provision of regulated entertainment (plays, films, performance of dance, live & recorded music & anything similar)

- Monday to Thursday from 10:00 hours to 23:30 hours
- Friday and Saturday from 10:00 hours to 00:00 hours (midnight)
- Sunday from 10:00 hours to 22:30 hours

The provision of late-night refreshment

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

Non-standard timing

The finish time for licensable activities on New Year's Eve will be extended to the start time for licensable activities on New Year's Day.

The opening hours of the premises

- Monday to Thursday from 10:00 hours to 00:00 hours (midnight)
- Friday and Saturday from 10:00 hours to 00:30 hours (the following day)
- Sunday from 10:00 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 copies of recent CCTV images or data with the absolute minimum of delay when requested.
3. 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.
4. All staff whose responsibilities include the retail sale of alcohol shall receive training about the prevention of underage sales on induction and at intervals during the year.
5. 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 any incidents of disorder;
 - d) all seizures of drugs or offensive weapons;

- e) any faults in the CCTV system, searching equipment or scanning equipment;
 - f) any refusal of the sale of alcohol;
 - g) any visit by a relevant authority or emergency service.
6. 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.
7. In the event that a serious assault is committed on the premises (or appears to have been committed) the management will immediately 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.
8. 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.
9. The premises shall have written Security, Drugs and Dispersal policies, that are reviewed yearly or after any serious incident. Such policies are to be written in consultation with Central East Police Licensing and made available to statutory authorities including the Police upon request.
10. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
11. Patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke, shall be limited to 10 persons at any one time. Smokers will be directed to smoke in a designated area near the Elephant Gates.
12. 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.
13. A Management Plan shall be agreed with the landlord and reviewed at least every six months. It shall be available for inspection at all times by any of the statutory authorities.

14. A minimum of 2 SIA licensed door supervisors shall be on duty at the premises at all times whilst it is open and carrying out licensable activity and they must correctly display their SIA licences when on duty so as to be visible.
15. All sales of alcohol for consumption off the premises shall be in sealed containers only and shall not be consumed on the premises.
16. Substantial food and non-intoxicating beverages, including drinking water, shall be available in all parts of the premises where alcohol is sold or supplied for consumption on the premises.
17. Food will not be sold for takeaway or delivery.
18. 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.
19. The maximum capacity of the premises shall be 450 (excluding staff)..
20. No deliveries to the premises shall take place between 21.00 and 09.00 hours on the following day.
21. A direct telephone number for the manager at the premises shall be publicly available at all times the premises is open. This telephone number and/or is to be made available to residents and businesses in the vicinity.
22. Patrons should be actively discouraged from causing a blockage to the walkways outside and surrounding the premises. The Licensee shall implement an external area supervision policy and a dispersal policy, a record of which shall be kept on the premises and made available for inspection to the licensing authority and the police.
23. All licensable activities and operations are to be restricted to the interior of the premises. The external areas of the premises shall not be used for licensable activities or for any purpose (including tables, chairs, benches, heaters, canopies or any similar structures) save for access and egress and for access to the designated smoking area by the elephant gates.
24. No waste or recyclable materials, including bottles, shall be moved, removed from or placed in outside areas between 21.00 hours and 09.00 hours on the following day.
25. A noise limiter must be fitted to the musical amplification system set at a level determined by and to the satisfaction of an authorised officer of

the Environmental Health Service, so as to ensure that no noise nuisance is caused to local residents or businesses. The operational panel of the noise limiter shall then be secured by key or password to the satisfaction of officers from the Environmental Health Service and access shall only be by persons authorised by the Premises Licence holder. The limiter shall not be altered without prior agreement with the Environmental Health Service. No alteration or modification to any existing sound system(s) should be effected without prior knowledge of an authorised Officer of the Environmental Health Service. No additional sound generating equipment shall be used on the premises without being routed through the sound limiter device.

26. Loudspeakers shall not be located in the entrance lobby or outside the premises building.
27. All windows and external doors shall be kept closed after 21:00 hours, or at any time when regulated entertainment takes place, except for the immediate access and egress of persons.-
28. There shall be no admittance or re-admittance to the premises after 22:30 hours Monday to Saturday and 22:00 hours Sunday except for patrons permitted to temporarily leave the premises to smoke.
29. There shall be no sales of alcohol for consumption off the premises after 23.00.
30. There must be at the premises a lockable drugs box to which no member of staff, save the DPS and/or named designated person, shall have access. All controlled drugs (or items suspected to be controlled drugs or contain controlled drugs) found at the premises must be placed in this box as soon as practicable. Whenever this box is emptied, all of its contents must be given to the Police for appropriate disposal.
31. A risk assessment is conducted regarding upcoming events and depending on the risk(s) identified, appropriate SIA numbers are implemented accordingly.
32. The licence holder shall enter into an agreement with a hackney carriage and/or private carriage firm to provide transport for customers, with contact numbers made readily available to customers.
33. As soon as possible, and in any event within 1 month from the grant of this licence, the premises shall join the local Pub watch or other local crime reduction scheme approved by the police.
34. Patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke, shall not be permitted to take drinks or glass containers with them.
35. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area

quietly. The premises licence holder shall ensure that any patrons leaving the premises to smoke in the “designated area” should do so in an orderly manner and be supervised by staff so as to ensure that there is no public nuisance or obstruction of the walkways.

36. The licence holder shall ensure that any queue to enter the premises which forms outside the premises is orderly and supervised by door staff so as to ensure that there is no public nuisance or obstruction to the walkways and common areas in the Dock. Queuing outside the premises shall be restricted to a designated area to be agreed between the landlord and the applicant.

37. All tills shall automatically prompt staff to ask for age verification identification when presented with an alcohol sale.

38. No person on behalf of the premises or on behalf of a person carrying or attempting to carry on a licensable activity shall cause, permit, employ or allow, directly or indirectly, whether on payment or otherwise, any person(s) to importune, solicit or tout members of the public on any public highway within the specified area outlined below for the purpose of bringing customers to the premises. The distribution of leaflets or similar promotional material is also prohibited within the specified area. For the purpose of this section: ‘Directly’ means - employ, have control of or instruct. ‘Indirectly’ means allowing / permitting the service of or through a third party. ‘Specified’ Area’ means - the area encompassed by the area of the docks.

3.2 Application for a New Premises Licence for (Ona's Bento & Sushi), 486 Roman Road, Bow, London E3 5LU

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 licencing 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 Hikaru Ona Ltd. for a new premises licence to be held in respect of Ona’s Bento and Sushi, 486 Roman Road, London, E3 5LU (“the Premises”). The application sought the sale by retail of alcohol for consumption on and off the Premises from 11:00 hours to 21:00 hours Monday to Saturday. It was proposed to open the Premises to

the public on those days from 09:00 until 21:00 hours. The application also sought some non-standard timings, in respect of which clarification needed to be sought.

The applicant's agent, Mr. Hopkins, confirmed that his client, Ms. Sukhbaatar, had now obtained a personal licence qualification and that an application had been made for a personal licence. In respect of the non-standard timings for summer months he explained that this meant 1st June to 31st August. Conditions had been agreed with the responsible authorities, none of whom had made representations against the application.

Mr. Hopkins referred to the representation from local residents, which suggested that there was a lack of suitable toilet facilities. However, the Premises had only fifteen covers and the toilet facilities were therefore suitable. The hours were modest and there was a Turkish restaurant next door which closed at midnight. In addition to the agreed conditions, Mr. Hopkins confirmed that his client was willing to agree to a condition that alcohol would not be sold to persons aged under eighteen, notwithstanding that s.149(5) of the Licensing Act 2003 provided that this was lawful in certain circumstances.

The residents who had objected did not attend but the Sub-Committee had had regard to their representation. Their concerns seemed to be a devaluation of their properties, that another licence would affect public safety, and that the application would result in additional public nuisance, particularly from noise and public urination.

The application engaged the licensing objectives of the prevention of public nuisance. The Sub-Committee could not have regard to the financial effect, if any, of the grant of a licence on property values as this was not relevant to the promotion of the licensing objectives. The concerns raised by the residents were unlikely to occur in respect of a small restaurant and were the type of issues far more commonly associated with venues that were alcohol-led. The Sub-Committee did not consider that the likely effect of granting the licence would be to undermine the licensing objectives to such an extent as to justify refusal. The hours sought were modest, the Premises themselves were very small, and any impact would be mitigated by the agreed conditions. The Sub-Committee therefore granted the application as sought with amendments and conditions:

Accordingly, the Sub Committee unanimously;

RESOLVED

That the application for a new premises licence for Ona's Bento and Sushi, 486 Roman Road, London E3 5LU be **GRANTED with conditions**.

Sale of alcohol for consumption on and off the premises:

Monday to Saturday 11:00 hours to 21:00 hours

Non-standard timings:

From 1st June to 31st August (Thursdays, Fridays and Saturdays only) the terminal hour for the sale of alcohol is 23:00 hours.

On Christmas Eve, Lunar New Year (Chinese, Japanese, Korean, Vietnamese and Mongolian New Year's) the terminal hour for the sale of alcohol is 23:00 hours.

Conditions

1. Clear and legible notices will be prominently displayed to remind customers to leave quietly and have regard to neighbours.
2. Loudspeakers shall not be located in the entrance lobby or outside the premise building.
3. No deliveries to the premises shall take place between 22:00 hours and 08:00 hours the following day.
4. Patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke, shall be limited to 5 persons at any one time.
5. 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.
6. 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.
7. 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.
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. Notwithstanding the provisions of section 149(5) of the Licensing Act 2003, alcohol shall not be sold to persons aged under 18.

10. 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:

- all crimes reported to the venue;
- all ejections of patrons;
- any complaints received concerning crime and disorder;
- any incidents of disorder;
- all seizures of drugs or offensive weapons;
- any faults in the CCTV system, searching equipment or scanning equipment;
- any refusal of the sale of alcohol;
- any visit by a relevant authority or emergency service.

4. EXTENSION OF DECISION DEADLINE: LICENSING ACT 2003

Members agreed to extend the decision deadlines for the applications below to the dates stated; 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.

Premises	Extended to:
Organic Grocery Store, 284-286 Poplar High Street, London E14 0BB	30/04/22
Parnell Mini Market, 117a Parnell Road, London E3 2RT	30/04/22
St Peter's Church Crypt, St Peter's with St Thomas Church, St Peters Close, London, E2 7AE	30/04/22
Brick Lane Coffee Shop, 47 Brick Lane, London E1 6PU	30/04/22
Yango Deli, 25a Cudworth Street, London E1 5QU	30/04/22
Silver Sockeye, AKA The Terrible Thames) Wapping Pier King Henry's Stairs Wapping High Street E1W 2NR	30/04/22

The meeting ended at 8.15 p.m.