

LONDON BOROUGH OF TOWER HAMLETS

RECORD OF THE DECISIONS OF THE LICENSING SUB COMMITTEE

HELD AT 2.00 P.M. ON TUESDAY, 5 APRIL 2022

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

Members Present:

Councillor Shah Ameen (Chair)

Councillor Mohammed Ahabab Hossain (Member)

Councillor Zenith Rahman (Member)

1. DECLARATIONS OF INTEREST

There were no declarations of interests made.

2. RULES OF PROCEDURE

The rules of procedure were noted.

3. MINUTES OF THE PREVIOUS MEETING(S)

The minutes of the Licensing Sub Committee held on 8th March 2022 was agreed a correct record of proceedings.

4. ITEMS FOR CONSIDERATION

**4.1 Application for variation of a Premises Licence for Yango Deli, Arch 25a
Cudworth Street, London E1 5QU**

This application was resolved prior to the meeting.

**4.2 Application for variation of a Premises Licence for Brick Lane Coffee
Shop, 47 Brick Lane, London E1 6PU**

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

Each application must be considered on its own merits. The Chair confirmed that the Sub-Committee had carefully considered all of the evidence before them and heard oral representations at the meeting made by the Applicant, the Applicant's Licensing Representative and from the officers representing the Licensing Authority and Environmental Health objecting to the application.

The Sub-Committee noted that the premises are in a cumulative impact zone (the CIZ). The cumulative impact policy creates a rebuttable presumption that where relevant representations are received by one or more of the responsible authorities and/or other persons objecting to the application, the application will be refused.

The Sub-Committee noted that, under the Council's Statement of Licensing Policy, the Applicant can rebut the above presumption if it can demonstrate exceptional circumstances and that the granting of the application would not add to the cumulative issues already experienced within the CIZ.

The Sub-Committee noted the representations made by Environmental Health regarding the risk of noise nuisance and effects on the CIZ. It also noted concerns about the existing levels of noise nuisance and anti-social behaviour in the area, and what Environmental Health said about the quality of life of other local residents in the area and the risk of increased noise nuisance and disturbance, if the variation licence was to be granted.

Members also noted the serious concerns raised by the Licensing Authority in relation to the business' track record of carrying out licensable activities, namely providing late night refreshment and selling alcohol, beyond the hours permitted in the premises licence. It was noted that of the Applicant's own admission reflected on pages 132 and 133 of the agenda papers, the business had been providing late night refreshments beyond the hours permitted in the premises licence since December 2020, and that Licensing Services had given warnings in January 2022 and again in March 2022 about the carrying out licensable activities beyond the hours permitted in the premises licence. The Sub-Committee heard from the Licensing Authority that they believed this continued despite those warnings.

The Sub-Committee appreciated that the Applicant was offering to put up a notice to delivery drivers to enter the shop one at a time, but the Sub-Committee noted that this did not address the issues raised above, particularly that over a long period, late night refreshment had been provided beyond the hours permitted for that in the premises licence. This allied to the apparent casual tone of the Applicant's admission on page 133 of the agenda papers, regarding that having been carrying on since December 2020, demonstrated to the Sub-Committee, a lack of understanding and blatant disregard as to what it meant to the Applicant to uphold the licensing objectives. Members were concerned that the Applicant did not seem to

appreciate the gravity of keeping to the basic licensing hours of the premises licence.

Carrying out licensable activities other than within the terms of a premises licence permitting the carrying out of those activities is a criminal offence within the Licensing Act 2003. Therefore, in addition to the Environmental Health concerns over preventing public nuisance, one of the other licensing objectives was engaged in this instance, namely preventing crime and disorder.

The Sub-Committee was concerned that the Applicant had a lack of knowledge and understanding of the Licensing Objectives and had inadequate and poor understanding of his responsibility as a premises licence holder. When questioned about his knowledge and understanding of the Licensing Objectives, the Applicant failed to explain how he would promote the licensing objectives and prevent adding to the cumulative impact in the area.

Aside from the Applicant being required to satisfy the Sub-Committee as to why the presumption against grant of an application relating to premises in a CIZ should be rebutted, the Sub-Committee were not satisfied that the Applicant could be trusted to uphold the licensing objectives, if the application were granted.

Any premises licence or variation of one, if granted, is something which is given on the basis that the Applicant has satisfied a Licensing Sub-Committee of the local authority that he (the Applicant) can be trusted to uphold the licensing objectives, part of which is keeping to the terms of the premises licence. If having already had a premises licence for some time, an Applicant has not kept to the terms of that licence, particularly as in this case, over a period of time, and of his own admission since December 2020, the Applicant cannot then be trusted with more being added onto the premises licence by way of extra hours to extend the times for any licensable activity.

Whilst it is appreciated that it could be said that a grant of the application would regularise previous practice of providing late night refreshments beyond the hours permitted for that in the premises licence as it stands, that is not good reason for granting the application for a variation, because it would then in effect legitimise a blatant and longstanding breach of licensing law.

Therefore, the Sub-Committee were not satisfied that the Applicant, who had shown himself untrustworthy with keeping to the hours of the existing premises licence from their own admission, could be trusted with the grant of additional hours, especially bearing in mind the premises are in the CIZ, an area with high levels of public nuisance and anti-social behaviour.

Therefore, Members made a unanimous decision to refuse the application.

Accordingly, the Sub Committee unanimously

RESOLVED

That the application for a Variation of the Premises Licence for Brick Lane Coffee Shop, 47 Brick Lane, London E1 6PU be **REFUSED**.

4.3 Application for a New Premise Licence for Brussels Wharf Market, Wapping Wall, London, E1W 3SG

The hearing for the application was adjourned at the request of the Applicant.

5. EXTENSION OF DECISION DEADLINE: LICENSING ACT 2003

Nil items.

The meeting ended at 3.00 p.m.