

LONDON BOROUGH OF TOWER HAMLETS
MINUTES OF THE LICENSING SUB COMMITTEE
HELD AT 6.30 P.M. ON TUESDAY, 19 JULY 2022

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

Members Present:

Councillor Shubo Hussain (Chair)

Councillor Peter Golds
Councillor Leelu Ahmed

Officers Present:

David Wong	–	(Legal Services)	
Ibrahim Hussain	–	Licensing Officer	
Lavine Miller-Johnson	–	(Licensing Officer)	
Simmi Yesmin	–	(Democratic Services Committees, Governance)	Officer,

Representing applicants	Item Number	Role
Karim Chowdhury	4.2	(Applicant)
Rofu Khalid	4.2	(Business Partner)

Representing objectors	Item Number	Role
Lavine Miller-Johnson	4.2	(Licensing Officer)

Apologies

None

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 meetings held on 7th & 21st June 2022 were agreed and approved as a correct record.

4. ITEMS FOR CONSIDERATION

4.1 Application for Variation of a Premises Licence for Adventure Bar, Unit 6 Frobisher passage, London E14

This item was resolved prior to the meeting and therefore did not require consideration.

4.2 Application for a New Premises Licence for DZRT, 622 Roman Road, London E3 2RW

At the request of the Chair, Mr Ibrahim Hussain, Licensing Officer, introduced the report which detailed the application for a new premises licence for DZRT, 622 Roman Road, London E3 2RW. It was noted that objections had been received on behalf of the Licensing Authority in relation to the prevention of public nuisance and the prevention of crime and disorder.

At the request of the Chair, Mr Karim Chowdhury, Applicant, explained that the business had first started operating during the pandemic offering a delivery service only. He explained that he only realised that he was in need of a licence for late night refreshments when a positive test purchase was conducted at the premises on 16th April 2022. He said he was not aware of any complaints about the premises as they had not come directly to him. It was noted that he had not received the warning letter from the Council as the shop shutter was faulty which meant that post was not being received. He explained that when he did find out, he had applied for the licence straightaway, Mr Chowdhury highlighted the difficulties he faced during the application process as some parts were unclear.

Mr Chowdhury stated that there was no representation from the Police or residents, and having contacted Environmental Health, an agreement had been reached with Environmental Health regarding a reduction in hours and the inclusion of conditions. This had led to confusion on his part, as he had assumed that the agreement with Ms Cadzow from Environmental Health meant that he had been granted the licence and that he could provide late night refreshment. Mr Chowdhury expressed his regret for his confusion and misunderstanding, and apologised for the resultant provision of late night refreshment without a licence. Mr Chowdhury assured the Sub-Committee that he would abide by the conditions proposed by the responsible authorities.

He said that not all people who hang around on Roman Road are his customers, as there were many licensed premises in the area and it is hard to determine which individuals in the street are customers of his business. It was noted that the premises did have any regulated entertainment and did not sell alcohol, but merely sold desserts with no seating for customers inside the

premises, and was seeking to be licensed to sell its desserts during the hours permitted only under a late night refreshment licence.

Members then heard from Ms Lavine Miller-Johnson, Licensing Officer, she referred to her representation on pages 163-167 of the agenda and explained the reasons for her objections. Firstly the applicant had not provided sufficient information in the application with any details of adequate measures that would be in place whilst licensable activities took place, there were no conditions offered in the operating schedule and the plan had very little detail. She said that although the hours had been reduced, it was not clear what time the premises would be closing.

Ms Miller-Johnson then highlighted what had been witnessed during the test purchase, the premises being found to be providing late night refreshment without a licence despite being sent a warning.

It was noted that the Licensing Authority had little faith that the applicant would uphold the licensing objectives, and expressed their concern about the lack of understanding the applicant had of the licensing objectives. However, Ms Miller-Johnson suggested that if the Sub Committee was minded to grant the licence, then the conditions proposed on page 167 should be imposed save for conditions 7 & 8 which had already been covered by the conditions agreed with Environmental Health.

In response to questions the following was noted;

- That 80% of the orders were takeaways via delivery platforms such as UberEats, Justeats and Deliveroo.
- That drivers only come into the premises when they are notified that the order is ready to collect.
- That delivery vehicles used for deliveries are electric vehicles or bicycles causing no noise nuisance.
- That both the applicant and his business partner were SIA registered and trained to manage crowd control.
- That all staff lived locally and were from the borough.
- That delivery drivers would be requested to wait inside the premises, switch their engines off and not loiter outside the premises whilst waiting for orders.
- Upon discussion the applicant agreed to a closing time in line with the licensable hours agreed – 00:00 hours from Sunday to Thursday and 01:00 hours Friday and Saturday.

Concluding remarks were made by both parties.

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 for a new premises licence to be held in respect of DZRT, 622 Roman Road, London, E3 2RW (“the Premises”). The application sought the provision for late night refreshments, from 23:00 hours to 00:00 hours Sunday to Thursday and from 23:00 hours to 01:00 hours Friday and Saturday. It was proposed to open the Premises to the public on those days from 14:00 until 00:00 hours on Sunday to Thursday and 14:00 hours to 01:00 hours on Friday and Saturday.

The Sub-Committee took into account what they heard from the Applicant, Mr Karim Chowdhury and his business partner Mr Rofu Khalid, who confirmed that they were both working professionals and were operating the dessert bar as an extra business to supply the demand from the local community. The Sub-Committee noted that conditions and timings had been agreed with the Environmental Health Officer, and that both Mr Chowdhury and Mr Khalid were also amenable to conditions proposed by the Licensing Authority, who whilst objecting to the application, had put forward those conditions set out in their representations for imposition if the application were granted.

The Sub-Committee were concerned that in the past, the applicant had been found to be providing late night refreshment without a late night refreshment licence. However, the Sub-Committee noted that the applicant had not the benefit of legal advice, without which he had incorrectly approached the matter of late night refreshment, and he now sought to make things right by applying for a licence to permit late night refreshment.

The Sub-Committee were therefore satisfied that the applicant had learnt from past errors, not least in seeking to legitimately provide late night refreshment, and in the process of applying, was engaging positively in the Sub-Committee hearing.

In particular, the Sub-Committee noted that Mr Chowdhury referred to the conditions proposed by the Licensing Authority in the event of a grant of the application, and assured Members that his business would abide by those. The Sub-Committee also noted that Mr Chowdhury said that his business would employ local people from the borough to work for them, and that 80% of their sales was via delivery platforms such as Deliveroo, UberEats and Just Eat, hence there would not be an increase in footfall in the area, mitigating any public nuisance arising from people travelling to and from the premises over long distances.

The Sub-Committee did not consider that granting the licence would undermine the licensing objectives. Apart from all the above circumstances, the hours sought were modest, the premises themselves were very small, and

any disturbance to local residents would be mitigated by the agreed conditions. The Sub-Committee therefore granted the application as sought with amendments to the hours sought made by the applicant at the hearing, and with the conditions proposed by the Licensing Authority inserted.

Accordingly, the Sub Committee unanimously;

RESOLVED

That the application for a new premises licence for DZRT, 622 Roman Road, London, E3 2RW be **GRANTED with conditions**.

The Provision of Late Night Refreshments:

Sunday to Thursday from 23:00 to 00:00 hours (Midnight)
Friday and Saturday 23:00 hours to 01:00 hours (the following day)

Opening timings:

Sunday to Thursday from 14:00 to 00:00 hours (Midnight)
Friday and Saturday 14:00 hours to 01:00 hours (the following day)

Conditions

1. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly and not to loiter outside whilst the premises whilst operating.
2. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises, which gives rise to a public nuisance.
3. The premises licence holder will display notices requiring drivers of delivery vehicles not to leave vehicle engines idling outside the premises whilst the premises is in operation
4. 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.
5. 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.

6. 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 of drugs or offensive weapons;
 - f) any faults in the CCTV system, searching equipment or scanning equipment;
 - g) any visit by a relevant authority or emergency service.

7. 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.

8. 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.

9. Delivery drivers must wait for orders inside of the premises.

10. All children entering the premises must be accompanied by a suitable adult after 21:00 hours.

5. 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:
Oval Venues Ltd.- Oval Cafe, 11-12 The Oval	31/10/22
Flour & Flowers, 408 Hackney Road, London, E2 7AP	31/10/22
Wilde by Staycity Aparthotel, 92 Middlesex Street, London, E1 7EZ	31/10/22

The Breakhouse Café, Unit 17 Bloc Riverbank, 455 Wick Lane London E3 2TB	31/10/22
Liberty Lounge, 1A Bell Lane, London E1 7LA	31/10/22
Unit 9 Gales Gardens Bethnal Green London E2 0EJ	31/10/22
Taste of Jaipur,74 Brick Lane, London, E1 6RL (CH)	31/10/22
Bakery 4 Limited Unit A 1, 76 Smeed Road London E3 2TF	31/10/22
Limehouse Library Hotel, 638 Commercial Road, London, E14 7HS	31/10/22
DDs London Ltd 119 Bethnal Green Road London E2 7DG	31/10/22
Tower Hamlets Pizza,479 Cambridge Heath Road, London E2 9BU	31/10/22
Zia Lucia, Unit 3 Hamptons Tower, South Quays Plaza, 75 Marsh Wall, London, E14 9WS	31/10/22

The meeting ended at 7.45 p.m.

Chair, Councillor Shubo Hussain
Licensing Sub Committee