

LONDON BOROUGH OF TOWER HAMLETS

MINUTES OF THE LICENSING SUB COMMITTEE

HELD AT 6.35 P.M. ON TUESDAY, 28 FEBRUARY 2023

COUNCIL CHAMBER - TOWN HALL, WHITECHAPEL

Members Present in Person:

Councillor Saied Ahmed
Councillor Rebaka Sultana
Councillor Abdul Wahid

Farzana Chowdhury

Democratic Services Officer (Committees)

1. DECLARATIONS OF INTEREST

There were no declarations of interest.

2. RULES OF PROCEDURE

The rules of procedure were noted.

3. ITEMS FOR CONSIDERATION

3.1 Application for a new Premise Licence for Sainsbury's, 70 Wapping Lane, London E1W 2RD

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

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 the oral representations at the meeting in person from the

Applicant, and the written representations which were submitted in the agenda pack by residents.

Applicant

The Sub-Committee considered an application for a new premises licence by the Applicant, made through its agent, Robert Botkai, in respect of Sainsbury's 70 Wapping Lane London E1W 2RD. The Applicant has described this a convenience store The Applicant was seeking the following:

Sale of Alcohol (off sales only)

Monday – Sunday 07:00 hours – 23:00 hours

Opening times

Monday – Sunday - 24 hours/unrestricted

Mr Botkai presented to the Sub-Committee that the Applicant's staff training would focus on implementing Challenge 25, and there would be a tills prompt system. The Sub-Committee noted that there would be no parking on the high street and that there would be an allocated delivery bay.

The Sub-Committee noted that there were no objections by any of the responsible authorities, and that conditions proposed by Environmental Protection were agreed with the Applicant. Although residents had expressed concern over increased footfall leading to crime and disorder, the Applicant was aware that this was a special area with a real sense of community, Mr Botkai expressed to the Sub-Committee that a Sainsburys would be beneficial and positive alongside the other existing businesses. The Sub-Committee noted that there was no objection from the police. The Sub-Committee noted the representation which was read out by Mr Botkai in support of the application and a national chain.

Resident and Business Representation

Mr Milton who spoke on behalf of the residents addressed the Sub-Committee that there were concerns with the hours, and the square footage was so small that it accumulates disruption to the local community. The building itself was surrounded by double yellow lines, and there was a reduction on parking. The Community have lost four business in the area, there was a small green where people congregated and caused anti-social behaviour which was a concern. If existing businesses were forced to close the footfall would lessen. Existing businesses are already struggling, and there are two busy bus routes which would cause noise nuisance The Sub-Committee thanked Mr Milton for addressing the hearing and noted their concerns.

Mr Patel who has a local business in the area addressed the Sub-Committee with concerns that this particular area was saturated, having a national chain present would introduce more alcohol to the area, there were already four public houses and a restaurant. The demographic in this area were of a younger generation with young children, which would potentially cause public nuisance with the sale of alcohol. Mr Patel explained that a petition had been submitted with a hundred and fifty signatures which included businesses and residents, Wapping operated a bus gate which local businesses have had to comply with. If this application were to be granted a known big chain would be able to pay the rent and rates whilst local businesses shall suffer with the cost-

of-living crisis. The Sub-Committee thanked Mr Patel for his contribution and noted the concerns.

Decision

The Sub-Committee took into account the fact that the premises are not in a cumulative impact zone, and that therefore, they need only be satisfied that there was no evidence that the application, if granted, would not undermine any of the above licensing objectives. Therefore, representations that granting the application would saturate the area could not be considered relevant, with regard to the Council's Statement of Licensing Policy and the Secretary of State's guidance. On the same basis, the Licensing Sub-Committee does not have the legal remit to factor into its decisions, matters like the impact on the character of the area and the effect on other businesses, which do not directly relate to any of the above four licensing objectives.

Paragraph 4.6 of the Council's Statement of Licensing Policy says that implementation of that policy must be consistent with those four licensing objectives. Paragraph 9.38 of the Secretary of State's statutory guidance points the Licensing Sub-Committee to determining applications with reference to the licensing objectives and the local authority's Statement of Licensing Policy.

The Sub-Committee found that on the balance of probabilities, there was no evidence that the application, if granted, would undermine any of the licensing objectives.

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

Accordingly, the Sub-Committee unanimously;

RESOLVED

That the application for a new premises license in respect of **Sainsbury's 70 Wapping Lane, London E1W 2RD**

be **GRANTED with conditions: -**

Conditions consistent with the Operating Schedule

1. The licence holder will ensure that the premises benefit from a CCTV system that operates at all times when licensable activities are taking place.
2. The system will incorporate a camera covering each of the entrance doors and the main alcohol display area and will be capable of providing an image which is regarded as identification standard. The precise positions of the cameras may be agreed, subject to compliance with Data Protection legislation, with the police from time to time.
3. The system will incorporate a recording facility and any recording will be retained and stored in a suitable and secure manner for a minimum of 30 days and will be made available, subject to compliance with Data Protection legislation, to the police for

inspection on request.

4. The system must be able to export recorded images to a removable means e.g. CD/DVD and have its own software enabled to allow playback/review.

5. A member of staff trained in the use of the CCTV system must be available at the premises at all times that the premises are open to the public.

6. The system will display, on any recording, the correct time and date of the recording.

7. The applicant will at all times maintain adequate levels of staff and security. Such staff and security levels will be disclosed, on request, to the licensing authority and police.

8. Signage will be displayed at the exit of the premises requesting customers leaving the premises late at night to do so quietly and with consideration so as not to disturb nearby residents.

9. The premises licence holder will ensure that an age verification policy will apply to the premises whereby all cashiers will be trained to ask any customer attempting to purchase alcohol, who appears to be under the age of 25 years (or older if the licence holder so elects) to produce, before being sold alcohol, identification being a passport or photocard driving licence bearing a holographic mark or other form or method of identification that complies with any mandatory condition that may apply to this licence.

Conditions agreed with Environmental Protection

1. No collections of waste or recycling materials (including bottles) from the premises shall take place between 22:00 hours and 07:00 hours on the following day.
2. No deliveries to the premises shall take place between 22:00 hours and 07:00 hours the following day.

3.2 Application for a new Premise Licence for Suvlaki, 161 Brick Lane, London E1 6SB

This is an application for a new Premise Licence for Suvlaki, 161 Brick Lane, London, E1 6SB. This premises falls within the Brick Lane Cumulative Impact Area. The applicant has described the premises as: A restaurant/take-away. The hours applied for are as follows:

Late-Night Refreshments (indoors & outdoors)

Monday – Wednesday 23:00 – 03:00 hours

Thursday – Saturday 23:00 – 04:00 hours

Sunday 23:00 – 00:00 hours (midnight)

Opening times

Monday – Wednesday 11:00 – 03:00 hours

Thursday – Saturday 11:00 – 04:00 hours

Sunday 11:00 – 00:00 hours (midnight)

Applicant

Mr Kilic who was the agent representing the Applicant Mr Yalgi explained to the Sub-Committee that there were exemptions if the business were to operate as a registered charity supplying food and that the Applicant has been operating under the authorisation of a charity. Mr Wong Legal Advisor to the Sub-Committee advised that as this was new evidence this information cannot be considered. Mr Kilic insisted that this new information needed to be considered by the Sub-Committee therefore sought an adjournment. The Chair agreed to adjourn the hearing as this new evidence was not submitted in adequate time for the Sub-Committee to consider as part of the application.

This was adjourned for reasons which appear in the minutes, and therefore, no decision was made regarding this application on this date.

3.3 Application for a new Premise Licence for Chicos London Ltd, 28 Osborn Street London E1 6TD

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

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 the oral representations at the meeting in person from the Applicant, and virtually from Ms Cadzow Environmental Protection.

The Sub-Committee considered an application for a new premises licence by the Applicant, Chicos London Ltd., in respect of premises at 28 Osborn Street London E11 6TD. These premises fall within the Brick Lane Cumulative Impact Area.

The hours applied for were as follows:

Provision of Late Night Refreshments (indoors)

Monday – Sunday from 12:00 – 00:00 hours

Non-Standard Timings

During the month of Ramadan, we may wish to stay open past 00:00 hours for those fasting

Opening times

Monday – Sunday from 12:00 – 00:00 hours

Non-Standard Timings

The month of Ramadan we intend to open from 6pm- 1am

The Sub-Committee noted that the premises are in a cumulative impact zone (CIZ), and so, the effect of premises subject to a licensing application being in a CIZ is that there is 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 according to paragraphs 19.7 and 19.8 of the Council's Statement of Licensing Policy, an Applicant can rebut the above presumption if they can demonstrate that their application for a premises licence would not undermine any of the four licensing objectives by not adding to the cumulative impact of licensed premises already in the CIZ.

Applicant

The Sub-Committee took into account clarification by the Applicant that the application erroneously sought a licence to provide late night refreshment from 12 noon, and that the Applicant accepted that late night refreshment only applied from 23:00hrs., so clarifying that late night refreshment was sought for one hour up to 0:00hrs., the premises was situated in a popular street, it was straightforward were the premises was situated.

The Sub-Committee noted the Applicant's clarification that the proposed extended opening hours during the month of Ramadan be for two hours from 23:00hrs.

The Sub-Committee noted that the Applicant described the premises as a restaurant serving hot and cold food for consumption off and on the premises with a capacity of up to 50 people, that the application was food-led with food to be sold via delivery apps. such as UberEats, and that the proposed hours did not extend much beyond framework hours.

Decision

The Sub-Committee were satisfied in light of all the above that there were exceptional circumstances, and that granting the application would not add to the cumulative impact of existing licensed premises within the CIZ.

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

Accordingly, the Sub-Committee unanimously;

RESOLVED

That the application for a late night refreshment licence in respect of **Chicos Ltd 28 OSBORN Street London E1 6TD**, with the stipulation that during the month of Ramadan, the non-standard opening hours be until 01:00hrs.,

be **GRANTED with conditions:** -

Conditions agreed with the Police

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. 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.
4. The premises shall have a dispersal plan to ensure customers leave the premises quickly and do not cause nuisance to residents. This policy is to be written down and reviewed annually, and made available to Police or the local authority upon request.

Conditions requested by Environmental Protection

1. Loudspeakers shall not be located in the entrance lobby or outside the premise building.
2. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
3. 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.
4. 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.

5. No idling of delivery vehicles outside the premises, no drivers shouting or raised voices, nor loud music/radios, whilst the premises are in operation.

6. The premises licence holder will display notices within their premises requesting that delivery drivers remain respectful of neighbours by keeping noise to a minimum whilst waiting outside the premises to collect deliveries.

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: |
|--|---------------------|
| Oval Venues Ltd Oval Café 11-12 The Oval London E2 9DU | 14/03/23 |
| Eastern Kula 3 rd Floor 7-9 Fashion Street London E1 6PX | 14/03/23 |
| Bow Supermarket 163-167 Devons Road, London, E3 3QX | 14/03/23 |
| Hamlet Pizza 479 Cambridge Heath Road, E2 9BU | 14/02/23 |
| Chaiwala 55 Brick Lane E1 6PU | 14/02/23 |
| | |

The meeting ended at 8.26 p.m.

Chair, Councillor Kamrul Hussain
Licensing Sub Committee