

**LONDON BOROUGH OF TOWER HAMLETS****RECORD OF THE DECISIONS OF THE LICENSING SUB COMMITTEE****HELD AT 6.50 P.M. ON TUESDAY, 25 APRIL 2023****COUNCIL CHAMBER - TOWN HALL, WHITECHAPEL****Members Present in Person:**

Councillor Kamrul Hussain

Councillor Peter Golds

Councillor Faroque Ahmed

(Leader of the Conservative Group)

Whitechapel Ward

**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 of the Licensing Sub-Committee held on the 17th and 31st January, 14th, 22nd 28th February and 14th and 29th March 2023, were approved.

**4. ITEMS FOR CONSIDERATION****4.1 Application for a new Premise Licence for YeYe London 58 Wentworth Street E1 7AL**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 was informed by the Licensing Officer that all the representations which were submitted before the Sub-Committee were withdrawn. However as the representations were withdrawn less than twenty four hours before the meeting, it was necessary for the Sub-Committee to hear the oral conditions at the meeting in person from the Applicant, and the written representations which were submitted in the agenda pack by the Local Authority and Environmental Protection.

The Sub-Committee noted that the Applicant and the responsible authorities had agreed a number of conditions, comprising those put forward by the Applicant and those put forward by the responsible authorities. Although the premises lie in a Cumulative Impact Zone, the Sub-Committee were satisfied that the agreed conditions were sufficient to ensure that there would be no addition to the cumulative impact in the area, and that the application could be granted with the agreed conditions. The Sub-Committee felt that insofar as there was an overlap between the wording of conditions put forward by the Applicant and those put forward by the responsible authorities, the wording of the latter would be preferred to the wording if the former for the purposes of consistency and ease of enforcement.

### **RESOLVED**

That the application for a new premises license in respect of **Ye Ye London 58 Wentworth Street E1 7AL**

be **GRANTED with conditions: -**

### **Conditions consistent with the Operating Schedule**

1. The sale and supply of alcohol at the premises shall only be to a person seated taking a table meal and for the consumption by such a person as ancillary to their meal.
2. The supply and sale of alcohol shall only be by waiter or waitress service only.
3. The premises shall remain food led and as a restaurant.

The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Tower Hamlets Police Licensing Team. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. a) The system shall be maintained in good working order and fully operational

covering all internal licensable areas of the premises to which the public have access.

- b) All entry and exit points will be covered enabling frontal identification of every person entering in any light condition.
- c) Management and permanent members of staff will be trained in the operation of the system with at least one member of this CCTV competent staff on duty each day, to be able to provide a police or authorised council officer with copies of the CCTV images or data with minimum delay when requested.
- d) The CCTV system will have the capability to either download footage onto disc or memory stick.
- e) The footage on the CCTV system will be retained for a minimum period of 31 days before rewriting itself with correct date and time showing.
- f) Viewing of the recordings shall be made available immediately upon the request of police or local authority officers throughout the 31 day period.
- g) If the CCTV system is broken the Licence holder get the fault rectified as soon as practicable.
- h) The Licence holder shall ensure that a log is kept with details of the dates of all work/repairs carried out on the CCTV system including the name and phone number of the engineer.
- i) The installation or upgrading of any CCTV system shall comply with current best practice.

4. There shall be "CCTV in Operation" signs prominently displayed at the premises.

5. An incident book shall be kept and maintained at the premises and shall be made available for inspection by police and council officers upon request. 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 disorderly conduct
- e) all seizures of drugs or offensive weapons
- f) any faults in the CCTV system, searching equipment or scanning equipment
- g) any refusal of the sale of alcohol

- h) any visit by a relevant authority or emergency service.
6. A training log is to be kept for all staff members, in which staff sign that they have received the relevant training especially regarding the licensing objectives and Licensing Act 2003.
- a) In particular, the staff training shall include a section in relation to underage sales to ensure all staff is fully briefed.
  - b) Staff shall be briefed on current recognised proof of age schemes and other forms of identification deemed to be acceptable as proof of age.
  - c) Staff training shall emphasise drug awareness and vigilance in monitoring customer activity in and around the premises to minimize possible crime and disorder.
  - d) Staff training includes steps to be taken to ensure the safety of customers in and around the perimeter of the premises, where applicable.
  - e) Any new employee will be trained before starting the sale of alcohol.
  - f) All staff training will be repeated every six months to ensure their knowledge is refreshed and kept up-to-date. All training will be recorded.
7. A log shall be kept detailing all refused sales of alcohol.
- a) The log will include the date and time of the refused sale and the name of the member of staff who refused the sale, and all staff will be trained in the use of the refusal book.
  - b) The refusals book will be examined on a regular basis (at least weekly) by the licensee and date and time of each examination to be endorsed in the book.
  - c) Analysis of staff refusals and data such as the time/day of refusals to be carried out by the licensee on a regular basis in order to predict trends and identify staff training and compliance issues.
  - d) The refusal / incident / training logs are to be kept on the licensed premises and made available for inspection by the Licensing Officer, Trading Standards or the Police.
8. Notice will be put up at the entrance/ exit to remind customers to leave quietly.

9. There will be no deliveries between the hours of 23:00 and 07:00 to the premises.
10. Any waste removed from the premises at close time will be done in consideration of the neighbours, in regard to noise and disturbance.
11. Loudspeakers shall not be located in the entrance lobby or outside the premises.
12. No customer shall be permitted to take alcohol outside and this will be monitored by staff.
13. The licence holder/DPS shall operate a strict Challenge 25 policy at the premises. Posters shall be displayed inside the venue informing customers. Examples of acceptable ID include:
  - a) photo card driving licences
  - b) passports or proof of age cards bearing the PASS hologram
  - c) military ID cards
  - d) other forms of ID which meet the criteria laid out above are also acceptable
14. There shall be no “vertical drinking” of alcohol at the premises
15. 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.
16. The premises shall have a maximum occupancy of 50 persons, excluding staff.
17. Loudspeakers shall not be located in the entrance lobby or outside the premise building.
18. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.

19. 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.

20. 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.

#### **4.2 Application for a new premises licence to consider for Belles Beauty Bar, 105 Burdett Road, London E3 4JN**

##### 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:

- 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.

The Sub-Committee considered an application for a new premises licence by the Applicant, This is an application for a premises licence for (Belles Beauty Bar), 105 Burdett Road, London E3 4JN.

The applicant has described the premises as:

Belles Beauty Bar occupies the ground floor of 105 Burdett Road in Bow and is a beauty salon. Alcohol will only be sold or supplied to those clients and their companions, over the age of 18, who are visiting the premises for the purposes of a beauty treatment services appointment.”.

The licensable activities and timings that have been applied for are as follows:

##### **The sale by retail of alcohol (On sales only)**

Monday to Sunday, from 11:00 hrs to 18:30 hrs the following day

##### **Hours premises are open to the public**

Monday to Sunday, from 10:00 hrs to 19:00 hrs the following day

The Sub-Committee took into account the written and oral representations from the Applicant. The Sub-Committee noted the Applicant representing in particular that there had been a miscommunication amongst local residents and businesses with the vicinity with regard to the nature of the business and the context in which alcohol was to be supplied. The Sub-Committee were satisfied that the premises was a beauty salon offering beauty services with a complimentary drink to be offered ancillary to the services provided, and so this was not to be a bar.

The Sub-Committee noted that one of the conditions offered by the Applicant was that “The premises will operate as a beauty salon with the sale and supply of alcohol being ancillary to that business purpose.”

The Sub-Committee took into consideration the written and oral representations from a resident, Mr Hayder, who outlined the details of the residents’ petition to the Sub-Committee, and was concerned that the Applicant would not adhere to the licensing objectives.

The Sub-Committee took into account the Applicant’s confirmation that a complimentary drink would be offered to clients who have made a booking as part of a package e.g. a bridal party booking, and that the Applicant would not be offering alcohol to walk in clients or clients that have not purchased a package. The Sub-Committee also took into account the Applicant’s confirmation that ID checks would be made to verify age, where necessary to do so.

The Sub-Committee took into account the Applicant’s confirmation that the business would be playing background music in the salon, which would not be a disturbance to the residents in the area

The Sub-Committee took into account the fact that the Applicant had operated without issues or complaints under a TEN between the 15<sup>th</sup> -21<sup>st</sup> April 2023.

Whilst the Sub-Committee considered the issues raised by Mr Hayder, who was concerned about how the Applicant would accommodate 20-30 clients with only 3 chairs in the salon, the Sub-Committee were satisfied on the balance of probability that this establishment was clearly a beauty salon and not going to be a bar, and that the Applicant was an experienced beautician, seeking to offer alcohol complimentary to services provided by her beauty salon. Whilst understanding the objections made, the Sub-Committee considered that those were based upon a misunderstanding of the nature and context in which alcohol was to be offered. The ancillary provision of alcohol by a beauty salon, who had offered conditions including one expressly saying that alcohol would be provided ancillary to that business was not going to be a venue where alcohol would likely fuel crime and disorder or public nuisance, nor was it by nature, the type of business likely to cause public nuisance by way of noise disturbance.

**RESOLVED**

That the application for a new premises license in respect of **Belles Beauty Bar, 105 Burdett Road, London E3 4JN.**

be **GRANTED with conditions: -**

The premises will operate as a beauty salon with the sale and supply of alcohol being ancillary to that business purpose.

1. A written notice of 'authority' record for all staff who sell alcohol shall be available for inspection by the responsible authorities.
2. A comprehensive training for staff in the main requirements of the Licensing Act 2003, the specific measures and conditions in place to promote the Licensing Objectives and the staff roles and responsibilities. Such records shall be available for inspection by the responsible authorities.
3. Contact details of the Designated Premises Supervisor available to staff and to the responsible authorities.
4. The premises will operate as a beauty salon with the sale and supply of alcohol being ancillary to that business purpose.
5. Alcohol may only be sold for consumption on the premises to those clients over the age of 18 who are visiting the premises for a beauty treatment appointment. Alcohol may also be purchased by the friend, companion or guest of a customer who is attending for that purpose.
6. Staff being trained on all security issues including how to identify and refuse service to customers that are drunk or appear to be drunk.
7. Alcohol will not be allowed to be removed from the premises in open vessels or containers.
8. Notices shall be displayed to indicate that any customer not appearing to have reached the age of 25 will be required to produce appropriate identification proving that they have turned 18 before being served with any age restricted product.



9. Staff shall be trained in aspects of responsible alcohol retailing and in particular the Protection of Children including the Challenge 25 policy.

10. Staff training will occur before a staff member is authorised to 'sell' alcohol within the premises.

11. Staff training records will be available for inspection by the police or other responsible authority upon request.

12. 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.

13. A Challenge 25 proof of age scheme shall be operated by the licence holder and any third party courier/delivery agent, 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.

14. 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.

15. 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 refusal of the sale of alcohol;
- (h) any visit by a relevant authority or emergency service.

16. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.

17. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises, which gives rise to a public nuisance.

**5. APPLICATION FOR A TEMPORARY EVENT NOTICE FOR BOAT LIVE, AT 90 WHITE POST LANE E9 5EN**

This application was withdrawn.

**6. EXTENSION OF DECISION DEADLINE: LICENSING ACT 2003**

Deni's New 15 Swaton Road E3	09/05
Noodle & Beer, Unit 6, 31 Bell Lane London E1 7LA (CH)	09/05
Wicked Fish, Queen Yard White Post Lane, London, E9 5EN	09/05
Spitalfields Works Ltd, 69 Commercial Street, London, E1 6SB	09/05
Mannat Supermarket, 493 Roman Road. London E3 5LX	09/05

The meeting ended at 8.05 p.m.

Chair, Councillor Kamrul Hussain  
Licensing Sub Committee