

LONDON BOROUGH OF TOWER HAMLETS
MINUTES OF THE LICENSING SUB COMMITTEE
HELD AT 6.45 P.M. ON TUESDAY, 9 MAY 2023
COUNCIL CHAMBER - TOWN HALL, WHITECHAPEL

Members Present in Person:

Councillor Suluk Ahmed
Councillor Sabina Akhtar
Councillor Shahaveer Shubo
Hussain

Apologies: There were no apologies for absence.

Others In Attendance Virtually:

Ms Sarah Le Fevre
Mr Sookun

Officers Present in Person:

Mr Onuha Olere, Environmental Protection
Ms Lavine Miller-Johnson, Licensing Authority
Mr Alex Brander, Trading Standards
Ms Corrine Holland, Licensing Authority
Mr Jonathan Melnick, Principal Enforcement Lawyer

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 Noodle & Beer, 31 Bell Lane, London, E1 7LA

The Sub-Committee considered an application by Noodle & Beer Ltd. for a new premises licence to be held in respect of 31 Bell Lane, London, E1 7LA (“the Premises”). The application sought authorisation for the sale by retail of alcohol for consumption on the Premises from 11:30 hours to 22:30 hours. The closing time of the Premises is 23:00 hours.

Representations against the application were received from the Licensing Authority and from the Environmental Health Service. Their representations were based on the licensing objectives of the prevention of crime and disorder and the prevention of public nuisance as well as the Premises’ location within the Brick Lane CIZ.

Applicant

The Sub-Committee heard from Ms. Le Fevre on behalf of the applicant. She briefly explained the nature of the business, which was a specialist noodle restaurant rated as 25th best in London. They had opened just before the pandemic, in late 2019. The Premises fell within possible exceptions to the CIZ in the Council’s policy, namely less than 50 covers, within framework hours, and was a restaurant. It was also not alcohol-led. There was also evidence that the Premises would not negatively impact on the CIZ as it had been operating already and therefore had a track record of operating in that way. The Premises currently operated a “Bring Your Own” (BYO) policy and that had not given rise to any concerns. There was no evidence that the Premises would have an impact if the licence were to be granted.

The operating schedule conditions were consistent with the Premises being a restaurant. One condition had been agreed with the police, which strengthened the applicant’s original “table meal” condition. The police had not made a representation against the application. There were no representations from residents.

As far as the allegation of previous unlicensed sales was concerned, Ms. Le Fevre told the Sub-Committee her client had explained that he had previously been advised by his solicitors that once the application was made the Premises could sell alcohol. She told the Sub-Committee she had seen that advice in writing, which was clearly wrong. Her client had addressed that issue immediately upon being made aware of it. In relation to the later visit in March 2023, it was accepted that the menu should, ideally, have been covered over so that it was clear that no alcohol was being offered for sale.

Environmental Protection/Licensing Authority

Mr. Olere addressed the Sub-Committee on behalf of the Environmental Health Service. He stated that they were concerned about possible noise break-out and disturbance to residential properties due to increased footfall.

Ms. Miller-Johnson spoke to the Authority’s representation. She accepted the explanation put forward by Ms. Le Fevre in respect of the alleged sale of alcohol previously. She explained that the Authority had been concerned as to the ability of the applicant to uphold the licensing objectives within the CIZ,

given that history, and that it was considered to be appropriate for Members to make a decision on the application.

The application engages the licensing objectives of the prevention of crime and disorder and the prevention of public nuisance. The Premises' location within the CIZ creates a rebuttable presumption that the grant of a further licence will negatively impact upon an area saturated with licensed premises.

The Sub-Committee accepted that the applicant had been wrongly and poorly advised by his former solicitors as to the law. The Sub-Committee noted that there was no evidence that this had had any impact upon the area. Further, the applicant had addressed the problem immediately and thereafter operated a BYO policy.

The Sub-Committee also noted that the Premises had been operating already for over two years. There was no evidence that it was having any impact upon the licensing objectives. If it were, the Sub-Committee would have expected there to have been some evidence of that. Similarly, if patrons were already permitted to consume their own alcohol in the Premises, then it was expected that there would be evidence of problems associated with that, such as additional noise from intoxicated patrons or groups gathering outside. There was no such evidence.

In addition, the Sub-Committee noted that the Premises could be an exception to the CIZ under the Policy, given its size, the hours, and the fact that it was a restaurant. The agreed conditions, particularly those relating to the sale of alcohol as ancillary to food, supplemented that and would ensure that the CIZ would not be negatively impacted. Finally, the authorisation gave both the applicant and the Authority a greater degree of control over patrons and the Premises than the BYO policy.

Decision

The decision of the Sub-Committee is therefore to **grant** the application as sought, with the conditions consistent with the operating schedule and the further condition agreed with the police:

1. The premises shall operate as a restaurant, the supply of alcohol at the premises shall only be to a person seated taking a table meal there and for consumption by such a person as ancillary to their meal.
2. The premises shall install and maintain a comprehensive CCTV system. 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.

3. 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.
4. 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.
5. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises, which gives rise to a public nuisance.
6. Signage shall be clearly displayed in the premises requesting customers to leave quietly and with respect to the neighbours.
7. 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.
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. Staff to have regular training in the prevention of underage sales.

3.2 Application to Review the Premises Licence for (Denni's News) 15 Swaton Road, London E3 4ES

Applicant

The Sub-Committee heard from Mr. Sookun seeking an adjournment on behalf of the premises licence holder as he was out of the country and had

only recently received the notice of hearing. There was no question that the notice had been sent out on time.

Mr. Kanzaria contacted Democratic Services last week to seek an adjournment but was told that the application needed to be made to the Sub-Committee.

Mr. Brander and Ms. Holland both expressed a preference to proceed. However, both recognised the potential unfairness by proceeding in the absence of the licence holder. Neither of them vigorously opposed the application to adjourn.

Given what is at stake, the Sub-Committee is satisfied that it is necessary to adjourn pursuant to Regulations 12 and 20 of the Licensing Act 2003 (Hearings) Regulations 2005.

The licence holder must be under no illusion that if he fails to attend, personally or through a representative, on the next occasion, the hearing is likely to proceed in his absence.

4. APPLICATION FOR A TEMPORARY EVENT NOTICE FOR 90 WHITE POST LANE HACKNEY WICK LONDON E9 5EN - WITHDRAWN

This application was withdrawn.

5. EXTENSION OF DECISION DEADLINE: LICENSING ACT 2003

Wicked Fish, Queen Yard White Post Lane, London, E9 5EN	6 th June
Spitalfields Works Ltd, 69 Commercial Street, London, E1 6SB	6 th June
Mannat Supermarket, 493 Roman Road. London E3 5LX	6 th June

The meeting ended at 7.50 p.m.

Chair, Councillor Suluk Ahmed
Licensing Sub Committee