

LONDON BOROUGH OF TOWER HAMLETS
MINUTES OF THE LICENSING SUB COMMITTEE
HELD AT 6.35 P.M. ON TUESDAY, 25 JULY 2023

ONLINE 'VIRTUAL' MEETING - [HTTPS://TOWERHAMLETS.PUBLIC-I.TV/CORE/PORTAL/HOME](https://towerhamlets.public-i.tv/core/portal/home)

Members Present in Person:

Councillor Suluk Ahmed
Councillor Shahaveer Shubo
Hussain
Councillor Iqbal Hossain

Apologies: There were no apologies for absence

Officers In Attendance Virtually:

Jonathan Melnick – Committee Lawyer
Nicola Cadzow – Environmental Protection
Corrine Holland – Licensing Officer
Ibrahim Hussain – Licensing Officer
Farzana Chowdhury – Democratic Services

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 Perfetto Pizza, Ground Floor and Basement, 391 Cambridge Heath road, London, E2 9RA

The Sub-Committee considered an application by Qari Azimi for a new premises licence to be held in respect of Perfetto Pizza, 391 Cambridge Heath Road, London, E2 9RA (“the Premises”). The application originally sought authorisation for the provision of late night refreshment from 23:00

hours to 05:00 hours seven days per week. Following discussions with the Police and Environmental Health, however, the applicant reduced scope of the application so that authorisation was sought only for Thursday to Sunday and from 23:00 hours to 01:00 hours. Conditions had been agreed with those authorities.

The application attracted one representation opposing it. This was from the Licensing Authority and based on the licensing objectives of the prevention of crime and disorder and the prevention of public nuisance and the fact that the Premises were located in the Bethnal Green Cumulative Impact Zone (CIZ).

Applicant

The Sub-Committee heard from Abdul Azimi on behalf of the applicant. His brother was the applicant but was presently out of the country. He spoke briefly to the application. In large part he referred to the financial difficulties faced by businesses in the area and the need for later hours to survive. There were often events such as boxing matches, which finished at around 23:00 hours, and without a licence they would not be able to serve those patrons.

It was not clear that Mr. Azimi fully understood the CIZ during questions although once explained to him he was able to set out some measures to be taken to ensure that they did not add to the impact. These included conditions such as CCTV. He also told the Sub-Committee that the Premises used its own delivery drivers because they could exercise more control over them, which they could not do with third-party drivers.

It was also unclear whether he understood the hours sought. When these were clarified by the Legal Adviser, however, it did seem clear that he understood them. He was asked if he could explain why the Premises appeared to have been providing late night refreshment on 6th May 2023. He told the Sub-Committee that they did not know about the need for a licence and that this happened to be the King's Coronation weekend. As soon as they had been made aware of the need for a licence, they had ceased to trade without an authorisation. The Legal Adviser confirmed to the Sub-Committee that the extension to licensing hours for the Coronation weekend did not apply to the provision of late night refreshment.

Licensing Authority

The Sub-Committee heard from Corinne Holland on behalf of the Licensing Authority. She referred to the sale on 6th May 2023 and allegations of noise nuisance (from the same resident) on that evening and on 30th May, when the Premises had been operating under a Temporary Event Notice (TEN). It was alleged that there had been a large fight on 30th May around 01:30 hours. Warning letters were sent to the Premises on 30th May warning that online advertising showed several businesses operating for delivery from the Premises and that this may constitute an offence. A further warning was sent the following day advising of the failed test purchase on 6th May.

Ms. Holland submitted that the Premises did not fall within an exception to the CIZ. Food was not supplied for consumption on the Premises nor was the business delivery-only.

During questions, Ms. Holland confirmed that only the one resident had complained. She was asked by our Legal Adviser to clarify the allegation of the fight on 30th May, which had not appeared in her original representation, which had only referred to the Premises being noisy. She read the allegation out to the Sub-Committee. It did not make any specific reference to this being linked to the Premises although Ms. Holland suggested it was clearly implied.

Mr. Azimi knew nothing of the alleged altercation. He denied that there had been any fights at the Premises and also denied, as suggested in the complaint, that they had operated until 06:00 or 07:00 hours. When they had operated under TENs, they had closed around midnight or 00:30 and delivered until 02:00 hours

The application engaged the licensing objectives of the prevention of crime and disorder and the prevention of public nuisance. There was little evidence of either. The Sub-Committee is aware that its function is not to determine guilt or innocence and that although the failed test purchase on 6th May 2023 might have amounted to an offence, it could not conclude that it was.

The Sub-Committee noted, however, that as soon as the issue was communicated to the Premises' management, they ceased operating, gave TENs, and applied for a premises licence. The Sub-Committee therefore considered that it could accept that this was a genuine error on the part of the applicant and that they would be capable of upholding the licensing objectives.

The Sub-Committee could not rely upon the allegation of a fight outside the Premises on 30th May 2023. The initial account given by Ms. Holland in her representation was different. Whilst the Sub-Committee accepted that this was simply a mistake, having heard the complaint read out it could not be considered reliable. There was no detail which linked it in any way to the Premises. It made no specific mention of the Premises. It appeared to have not been reported to the Police. Such an incident may well have occurred; however, it could not be linked to the Premises.

Decision

The Sub-Committee noted further that neither the police nor Environmental Health had made a representation; they had been content with the agreed conditions and the reduction in hours. No residents had objected. The one resident who had complained to the Licensing Authority had clearly not done so. Whilst the Premises were in the CIZ and the onus was on the applicant to rebut the presumption in favour of a refusal, these were matters the Sub-Committee considered to be relevant. The applicant had agreed a number of conditions and a reduction in hours with the responsible authorities, which would mitigate any impact on the CIZ. Further, the fact that the Premises had operated under a small number of TENs without problem (save for the

unsubstantiated allegation) indicated that the Premises could operate within the CIZ without adding to the impact.

The Sub-Committee noted Ms. Holland's point that the applicant had not brought themselves within one of the exceptions to the CIZ described in the Statement of Licensing Policy. However, the Policy indicates possible exceptions rather than providing an exhaustive list. The Sub-Committee was satisfied that the applicant had rebutted the presumption against granting the application.

The application is therefore granted:

Provision of late night refreshment (off the premises)

Thursday to Sunday 23:00 hours to 01:00 hours

Conditions

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 refusal of the sale of alcohol;
 - h) any visit by a relevant authority or emergency service.
4. In the event that a serious assault is committed on the premises (or appears to have been committed) the management will immediately ensure that:

- a) the police (and, where appropriate, the London Ambulance Service) are called without delay;
 - b) all measures that are reasonably practicable are taken to apprehend any suspects pending the arrival of the police;
 - c) the crime scene is preserved so as to enable a full forensic investigation to be carried out by the police; and
 - d) such other measures are taken (as appropriate) to fully protect the safety of all persons present on the premises.
5. The premises will have a dispersal plan to ensure customers do not cause noise nuisance when queuing for food or leaving the premises.
 6. No collections of waste or recycling materials (including bottles) from the premises shall take place between 22:00 hours and 08:00 hours on the following day.
 7. No deliveries to the premises shall take place between 22:00 hours and 08:00 hours the following day.
 8. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
 9. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises, which gives rise to a public nuisance.
 10. No loitering of patrons outside the premises, no shouting or raised voices, nor loud music/radios, whilst premise is in operation.

4. APPLICATION FOR A TEMPORARY EVENT NOTICE FOR BOAT LIVE, 90 WHITE POST LANE HACKNEY WICK LONDON E9 5EN

The Sub-Committee has decided not to issue a counter-notice.

The Sub-Committee has familiarity with the premises, having dealt with a number of objections to TENs in the last few months. The objections here centred on crime and disorder, public nuisance and public safety. The concerns related to noise breakout from the boat, noise from patrons in the yard, and the potential to cause noise nuisance in nearby properties. The crime and disorder concerns related predominantly to the risk of drug-taking. Although public safety was said to be in issue, nothing was in fact said about that.

Other Party

We heard from Mr. Rose, who had provided a number of documents in advance of the hearing, which included a noise management plan, risk assessment, security plan, acoustic report, and an electrical certificate.

The hours sought in this particular instance were modest, especially compared to previous TENs. The maximum capacity too was reduced. Whilst some patrons would be in the yard, not all would be. The Sub-Committee heard that the capacity of the boat was around fifty or so. There would be no ticket sales so numbers would be easily controlled.

There was no evidence to suggest that the premises were unsafe. Mr. Rose had provided an up-to-date electrical installation certificate. As far as crime and disorder was concerned, whilst there may have been issues with drugs previously, this was not connected with Mr. Rose's management. The Sub-Committee heard that security would search patrons, patrol the premises and eject people using drugs and, where necessary, confiscate them and notify the police.

Responsible Authority

Ms. Cadzow had expressed concerns about the sound-proofing. However, there was a report which post-dated her last visit and which indicated that there would not be problems with noise from music. The Sub-Committee accepted that sound-proofing work had been carried out both before and after Ms. Cadzow's visit. Given the modest hours sought and the maximum number of patrons, the Sub-Committee was satisfied that allowing the event to proceed would not give rise to public nuisance.

The Sub-Committee also took account of Mr. Rose's previous experience and qualifications and was satisfied that he would be able to run this event without problem.

Decision

The Sub-Committee noted that Mr. Rose appeared to have taken on board comments and concerns mentioned previously and that in consequence this TEN was for earlier hours and with fewer patrons, which allayed the Sub-Committee's concerns.

Having regard to the documentation provided, which is more than would normally be expected to be seen in respect of a TEN, and Mr. Rose's assurances as to how he would ensure that the premises were properly managed, the Sub-Committee is not satisfied that it is appropriate and proportionate to issue a counter-notice in respect of this TEN.

5. EXTENSION OF DECISION DEADLINE: LICENSING ACT 2003

Denni's Off- Licence 103 Brabazon Street London E14 6BL	31 st August
Cafe Brera, 31 Westferry Circus London E14 8RR	31 st August
Wicked Fish, Queen Yard White Post Lane, London, E9 5EN	31 st August
Wicked Fish, Queen Yard White Post Lane, London, E9 5EN	31 st August

(Boat Live), 90 White Post Lane, London E9 5EN	31 st August
Pasta Evangelists, 148 Bethnal Green Road, London, E2 6DG	31 st August

Point A Hotels 13-15 Folgate Street London E1 6BX

31st August

The meeting ended at 9.35 p.m.

Chair, Councillor Ana Miah
Licensing Sub Committee