

LONDON BOROUGH OF TOWER HAMLETS

MINUTES OF THE LICENSING SUB COMMITTEE

HELD AT 6.35 P.M. ON TUESDAY, 10 OCTOBER 2023

COUNCIL CHAMBER - TOWN HALL, WHITECHAPEL

Members Present in Person:

Councillor Ana Miah
Councillor Faroque Ahmed
Councillor Iqbal Hossain

Ms Tulloch
PC Mark Perry
Ms Nicola Cadzow Environmental Protection
Mr Ibrahim Hussain Licensing Authority
Mr Thiel Randall SPIRE Chair
Mr Berkpinar

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 Brewdog, Unit 17, 2 Churchill Place, London, E14 5RB

Each application must be considered on its own merits. The Sub-Committee carefully considered all of the evidence before them at meeting, both oral and written in the agenda pack.

The Sub-Committee noted from the report, that this was an application for a new premises licence for Brewdog, Unit 17, 2 Churchill Place, London E14 5RB. The hours applied for were as follows:

Sale of Alcohol (on & off sales) Monday – Sunday 09:00 hours – 00:00 hours (midnight)

Late-Night refreshments (indoors & outdoors) Monday – Sunday 23:00 hours – 00:00 hours (midnight)

Provision of regulated entertainment – (indoors) Films and recorded music: Monday - Sunday from 09:00 hours to 00:00 (midnight).

Non-Standard hours (all of above) From the end of the permitted hours on New Year's Eve to the start of the permitted hours on New Year's Day.

Applicant

The Sub-committee considered the presentation from Ms Tulloch who was the agent representing the applicant. The Sub-Committee noted that Brewdog already trade from this location and have been there since 2008. The Sub-Committee noted that the basis for this application was that the applicant wishes to acquire the vacant unit next door to its existing premises, in order to knock through and trade from both sites, and that the applicant sought that, if this licence was granted, the terms of the new licence would be identical to their existing one.

The Sub-Committee noted that the issue was that the applicant did not agree to one condition put forward by the police, who therefore objected to the licence being granted without that condition. The condition was that on Fridays and Saturdays, the premises have a minimum of 2 SIA accredited security officers from 20:00hrs. until the premises has closed and all customers have dispersed.

The Sub-Committee noted that the applicant's position was that the applicant considered that the licence should be granted without the need for that condition, and then a risk assessment by the designated premises supervisor determine whether such a condition needed adding to the operating schedule.

After the Applicant's submission the Sub-Committee convened to questioning to which they were answered and responded to.

Metropolitan Police

The Sub-Committee noted the position of PC Perry, who was clear that there was no criticism of the applicant's ability to run the premises well, but with Canary Wharf changing to an increasing nighttime economy hotspot, preventative measures like the disputed condition were needed to support the licensing objective of preventing crime and disorder.

The Sub-Committee were concerned that granting the application without condition 8 on page 85 of the agenda would mean a risk that the prevention of crime and disorder would not be upheld, because without that condition as a preventative measure, there was a greater likelihood of an incident at the

premises not being effectively contained or deterred, and by the time it happened, risk assessing the need then for such a condition would be too late. When upholding the licensing objectives, one should never be placed in the position of not being able to close the stable door until the horse has bolted. The application would be granted with that condition in order to uphold the licensing objective of preventing crime and disorder.

The Sub-Committee noted condition 12 on page 85 of the agenda was proposed by the police. It is not reasonable and proportionate to have a licensing condition which duplicates an existing legislative requirement. Paragraph 2 in the schedule to the Licensing Act 2003 (Mandatory Licensing Conditions) (Amendment) Order 2014 says that those responsible for licensed premises “must ensure that free potable water is provided on request to customers where it is reasonably available.” Therefore, the Sub-Committee exercised its discretion not to include that condition in granting the application.

Accordingly, the Sub-Committee unanimously;

Decision

That the application for a new premises licence in respect of Brewdog, Unit 17, 2 Churchill Place, London, E14 5RB be **granted with conditions as follows:**

1. Open containers of alcohol shall not be removed from the premises, save for consumption in any delineated external area.
2. 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.
3. Incident logs (which may be kept electronically) must be kept at the premises for at least 6 months and must be made available on request to the police or an authorised officer of the licensing authority.
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 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 the police or authorised officer throughout the entire 31 day period.
 6. 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.
 7. The premises must have a detailed documented security plan, that must include an ejections policy, search policy, anti-theft policy, and SIA numbers. The security plan will be made available to the police upon request.
 8. On Fridays and Saturdays, the premises shall have a minimum of 2 SIA accredited security officers from 20:00hrs. until the premises have closed and all customers have dispersed.
 9. When employed, all door supervisors on duty at the premises must correctly display their current SIA accreditation and be briefed on their responsibilities and relevant company operating procedures before they commence duty.
 10. When employed, all door supervisors shall wear high visibility armbands.
 11. When employed, a register of door supervisors shall be maintained at the premises and shall include:
 - (i) The SIA registration number of door staff on duty;
 - (ii) the identity of each member of door staff;
 - (iii) the dates and times the door staff are on duty.
 12. A written access and egress policy shall be in place and implemented at the premises.

13. The premises' security, egress, dispersal plans and searching policies and plans shall be written and stored for one year and made available to relevant authorities upon request. All policies as well as searching effectiveness shall be reviewed yearly and the results made available to the MPS Central East Police Licensing Office upon request.
14. The premises shall have a written welfare policy (reviewable annually) that will show how venue staff will manage customers who become vulnerable through intoxication or drugs. The availability of dedicated clearly identifiable welfare officer(s) will be implemented in the policy during peak hours. The policy will be made available to the police upon request.
15. All front of house staff shall complete welfare and vulnerability awareness training as part of their induction process to work at the premises. This training shall be documented and repeated/refreshed at yearly intervals.
16. The Designated Premises Supervisor must have attended a CT Awareness training session delivered by CTPNW-trained personnel as soon as is reasonably practicable. In all cases, within 28 days of a new Designated Premises Supervisor being named on the licence, they must have registered to attend a course and be able to provide evidence of this if requested by a police officer or authorised officer of London Borough of Tower Hamlets.
17. All staff authorised to sell alcohol shall be trained in:
 - (a) Relevant age restrictions in respect of products
 - (b) Prevention of underage sales
 - (c) Prevention of proxy sales
 - (d) Maintenance of the refusals log
 - (e) Recognising signs of drunkenness and vulnerability
 - (f) How overservice of alcohol impacts on the four objectives of the Licensing Act 2003
 - (g) How to refuse service
 - (h) The premises' duty of care policy, understanding and dealing with situations involving vulnerable people, and incidents of harassment; and how to report issues of modern slavery and trafficking
 - (i) Action to be taken in the event of an emergency, including the preservation of a crime scene and reporting an incident to the emergency services
 - (j) The conditions in force under this licence. This training shall be documented and repeated at 6 monthly intervals. Training records shall be made available for inspection upon request by a police officer or an authorised officer of London Borough of Tower Hamlets.
18. The premises licence holder shall ensure that at all times when the public is present there is an appropriate number of competent

person(s) able to administer first aid, that an adequate and appropriate supply of first aid equipment and materials is available on the premises, and that adequate records are maintained in relation to the supply of any first aid treatment.

19. Management shall liaise with the Fire Authority as necessary to ensure compliance with all necessary fire regulations.
20. The premises shall have a documented Duty of Care policy for managing intoxicated and vulnerable customers and dealing with incidents of harassment at the premises. The policy shall also include provision for persons refused entry to the premises who are also considered vulnerable by staff.
21. Noise from amplified music or voices shall not be such as to cause a noise nuisance to occupants of nearby premises.
22. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
23. The exterior of the building shall be cleared of litter at regular intervals.
24. Notices will be positioned at the exits to the building requesting customers to leave in a quiet manner.
25. All external doors and windows must be kept shut at all times when regulated entertainment is being provided, save for normal access and egress.
26. A 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.
27. The premises shall display prominent signage indicating that the Challenge 25 scheme is in operation.
28. 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 must show the outcome of the person who was intoxicated. 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.
29. The premises shall display prominent signage indicating that it is an offence to buy or attempt to buy alcohol for a person who is under 18 and for a person under the age of 18 to buy or attempt to buy alcohol.
30. Staff training will include the Challenge 25 Policy and its operation. In particular, staff shall be trained to take such action as is necessary to prevent the sale of alcohol to persons over the age of 18 where those

customers are engaged in the distribution of alcohol to persons under the age of 18. The training must be given to a new member of staff before they commence employment and all staff must receive refresher training every 6 months.

3.2 Application for a new Premise Licence for Pirate Studios, 13 Rothbury Road, London, E9 5HA - WITHDRAWN

This application was withdrawn.

3.3 Application for a Premises Licence for (Baran Off Licence) 18 Wentworth Street, London E1 7TF

The Sub-Committee noted from the report, that this was an application for a new premises licence for Baran Off Licence 18 Wentworth Street London E1 7TF, located in the Brick Lane Cumulative Impact Zone (CIZ).

The Sub-Committee noted that the applicant applied for the following:

The licensable activities and timings that have been applied for the basement floor and ground floor are as follows:

The sale of by retail of alcohol (off sales only)

- Monday to Sunday, from 07:00 hrs to 23:00 hrs

The opening hours of the premises

- Monday to Sunday, from 07:00 hrs to 23:00 hrs

The Sub-Committee noted that the representations made at the meeting by the Applicant's licensing agent, Mr Berkpinar.

Applicant

The Sub-Committee noted that the applicant had agreed to reduce the hours sought by 1 hour taking the terminal hour for selling alcohol down to 22:00 hours.

The Sub-Committee noted the applicant's representation at the meeting that he would do his utmost to always adhere to the licensing objectives, and his assurance that there were enough measures in place to ensure the licensing objectives were met.

However, the Sub-Committee considered that whilst this might suffice for an application in respect of premises which were not in a CIZ, the premises in this instance were in a CIZ. Therefore, the onus lay upon the applicant to

demonstrate what especial measures would be in place to ensure that, if granted, the application would not lead to an addition to the cumulative impact of crime and disorder, and public nuisance in the area.

Resident

The Sub-Committee noted the representation made by Mr Thiel who was the Chair of SPIRE, a residents' group, was also the ward chair for Spitalfields and Bangla Town who worked closely with the Council. The Sub-Committee noted Mr Thiel mentioning that there were social care providers within this ward who cater for people with alcohol-related issues. The Sub-Committee noted Mr Thiel's concerns expressed about anti-social behaviour, and crime and disorder in the area, as well as his concerns about a vast linkage between alcohol consumption and entertainment specifically within this area.

The Sub-Committee noted that this CIZ was one of the three highest priority spots within the last two years which is surrounded by three social care facilities with very vulnerable people overcoming addiction both alcohol and drugs. Having another set of premises from which these people could obtain alcohol was a concern.

The Sub-Committee were also entitled to note the written objection to the application by Mr Sehriban Moufid, even though the latter was not present at the meeting, since that objection was not invalidated by the objector's absence from the meeting.

Environmental Protection

The Sub-Committee noted the representation made by Ms Cadzow about the addition to the cumulative impact of noise disturbance causing in the area.

The Sub-Committee noted that the only condition offered by the applicant to address noise disturbance was a proposal to have noise reduction measures to address public nuisance objectives, which was vague. It did not specify how the applicant was going to prevent public nuisance resulting from the noise caused by people entering and leaving the premises, and people loitering outside the premises. The applicant had provided insufficient to show how there would be no addition to the cumulative impact of noise disturbance, giving rise to public nuisance in that area.

Licensing Authority

The Sub-Committee noted from the representations of the Licensing Authority made by Mr Hussain, stated that the applicant had not shown what especial provisions he (the applicant) would have in place so as not to add to the cumulative impact in the area.

The Sub-Committee could not ignore the fact that the premises are in a CIZ. The Sub-Committee was concerned that the applicant had overlooked the

need to address the following, which are from the London Borough of Tower Hamlets' Statement of Licensing Policy, freely available for public view on the London Borough of Tower Hamlets' website.

Paragraph 19.6 of the London Borough of Tower Hamlets' Statement of Licensing Policy says, "The Special Cumulative Impact policy creates a rebuttable presumption that where relevant representations are received by one or more of the responsible authorities and/or other persons against applications within the CIZ zones the application will be refused."

Paragraph 19.7 of the same says, "Where representations have been received in respect to applications within the CIZ zones the onus is on applicants to adequately rebut the presumption. Applicants will need to demonstrate in their applications why the granting of their application will not negatively add to the cumulative already experience within the CIZ Zones. Applicants may wish to address the following in their applications:

- Genuinely exceptional circumstances,
- Relevant good practices they employ (for example, this could include details of membership of local Pubwatch/other trade groups,
- Accreditation of Award Schemes (as applicable), and any participation in Police/Council initiatives),
- Other good operational/practice arrangements in respect of any outside drinking and smoking to control potential impact in the area,
- Measures used to promote the licensing objectives (for example, any relevant conditions to control noise, dispersal, litter and other anti-social issues."

Paragraph 19.8 of the same says, "This Policy will be strictly applied and where relevant representations are received it is the view of the Council that the application will be refused. Applicants will need to demonstrate that there are exceptional circumstances and that granting their application will not negatively add to the cumulative effect on the Licensing Objectives within the Brick Lane and Bethnal Green CIZ if they wish to rebut this presumption.

Examples of factors the Licensing Authority may consider as exceptional may include, though are not limited to:

- small premises with a capacity of fifty persons or less who only intend to operate during Framework Hours,
- premises which are not alcohol led and operate only within Framework Hours, such as coffee shops,
- instances where the applicant has recently surrendered a licence for another premises of a similar size and providing similar licensable activities in the same Special Policy Area.

Examples of factors the Licensing Authority will not consider as exceptional include:

- that the premises will be well managed and run,
- that the premises will be constructed to a high standard,
- that the applicant operates similar premises elsewhere without complaint. “

The Sub-Committee felt that where premises are in a CIZ, applicants seeking a licence under the Licensing Act 2003 should be mindful of all the above implications and should address that in their proposed operating schedule. For the avoidance of doubt, an operating schedule which would be sufficiently robust for premises outside a CIZ, would not automatically suffice for premises in such a zone, if it does not address how a grant of the application will not result in an adding to the cumulative impact of crime and disorder, and public nuisance in that zone. The Sub-Committee reflected that it is open to applicants to seek professional advice on this, and yet when asked, the applicant said he had not done so.

The Sub-Committee considered that if they granted the application, they could not be confident that, it would not lead to an addition to the cumulative impact in the area.

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

Accordingly, the Sub-Committee unanimously;

Decision

That the application for a new premises licence in respect of Baran Off Licence 18 Wentworth Street London E1 7TF be **REFUSED**

4. EXTENSION OF DECISION DEADLINE: LICENSING ACT 2003

The Sub Committee may be requested to extend the decision deadline for applications to be considered at forthcoming meetings due to the volume of applications requiring a hearing. Where necessary, details will be provided at the meeting.

- YUN 204 BRICK LANE LONDON E2 9DT
- Lock Studios, Oval Studios, 29-32 The Oval, London E2 9DT
- 54 Commercial Road

To be extended to the 24th October 2023

The meeting ended at 7.50 p.m.

Chair, Councillor Ana Miah
Licensing Sub Committee