

LONDON BOROUGH OF TOWER HAMLETS**RECORD OF THE DECISIONS OF THE LICENSING SUB COMMITTEE****HELD AT 4.05 P.M. ON TUESDAY, 21 NOVEMBER 2023****COUNCIL CHAMBER - TOWN HALL, WHITECHAPEL****Members Present in Person:**

Councillor Suluk Ahmed
Councillor Iqbal Hossain
Councillor Peter Golds

Apologies:

There were no apologies for absence.

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 Milano Express Pizza and Peri Peri, 479 Cambridge Heath Road, London, E2 9BU**

The Sub-Committee adjourned the hearing of this application to 4th December 2023 at 6.30pm. It transpired at this meeting that the applicant did not have sufficient command of English, and that an interpreter had to be arranged. Whilst the applicant had an associate who offered to interpret, the Sub-Committee were not confident that there would be accurate, impartial interpretation of what was said to and by the applicant. The Sub-Committee had regard to the need for fairness to be seen to be done, bearing in mind the Human Rights Act 1997 and the Equality Act 2010.

3.2 Licensing Act 2003 Application for a Premises Licence for Roe Restaurant, Unit A1.1, 5 Park Drive, London E14 9GG

The decision below has been corrected pursuant to Regulation 33 of the Licensing Act 2003 (Hearings) Regulations 2005 which provides that “Clerical mistakes in any document recording a determination of the authority or errors arising in such a document from an accidental slip or omission may be corrected by the authority.” The corrections are to reflect that the terminal hour of 22:00 for alcohol sales applies to the external area only and that off-sales of alcohol are permitted to the extent necessary to allow the external area to be utilised.

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 meeting.

The Sub-Committee noted that the premises had in place, a provisional statement, which was applied for on 8th February 2022 and subsequently granted on 10th May 2022.

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

Sale of Alcohol (on and off sales)

Monday to Thursday from 07:00 hours to 23:30 hours

Friday and Saturday from 07:00 hours to 01:00 hours

Sunday from 09:00 hours to 23:30 hours

The Provision of Late Night Refreshment (indoors):

Sunday to Thursday until 23:30 hours

Friday and Saturday until 01:00 hours

From end of standard hours until 05:00 hours for the delivery of hot food and non-alcohol drinks within the estate (delivery only – no public access)

Hours premises are open to the public:

Sunday to Thursday from 07:00 hours to midnight

Friday and Saturday from 07:00 hours to 01:00 hours

Non-standard Timings:

09:00 hours to 01:00 hours on Sundays prior to a Bank Holiday

The Sub-Committee considered the representations of the objectors at pages 194 to 205 inclusive in the agenda, as well as what objectors said in the meeting.

The Sub-Committee also considered representations in the meeting by the applicant, who said that off-sales were no longer proposed, except to patrons seated within the external area, and presented the business as a high-class establishment, keen to avoid causing public nuisance. In addition, the Sub-Committee noted the applicant's agreement for off-sales of alcohol to cease at 22:00 hours.

Licensing Sub-Committee decisions should be reasonable and proportionate in supporting the above licensing objectives. Therefore, there will be instances where an application with modifications to its scope and conditions may be granted.

In this instance, it is reasonable and proportionate to grant the application with its scope and conditions modified so as to uphold the licensing objectives, in particular, prevention of public nuisance.

Accordingly, the Sub-Committee unanimously

RESOLVED

That the application for a new premises licence in respect of Roe Restaurant, Unit A1.1, 5 Park Drive, London E14 9GG be **GRANTED** with the following modifications: -

The Sub-Committee acknowledged the applicant's own modification at the meeting, removing the off-sales element for alcohol, save for consumption within the external seating area.

The Sub-Committee reduced the terminal hour for the sale of alcohol for consumption in the external seating area to 22:00hrs.

The conditions are: -

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,
- g) any visit by a relevant authority or emergency service.

4. The premises shall join the Canary Wharf Venue Watch.

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

6. Loudspeakers shall not be located in the entrance lobby or outside the premises building.

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

8. There shall be no off-sales of alcohol save for alcohol sold for consumption by patrons sitting at tables in the external seating area marked on the deposited plan. .

9. No alcohol can be sold after 22:00 hours for consumption in the external seating area.

10. From the end of standard hours to 00:00 hours deliveries of food and non-alcoholic beverages will be pre-ordered and will be delivered by the operator and/or its agents.

11. The external area shall not be used after 22:30 hours except for patrons permitted to temporarily leave and re-enter the premises, e.g. to smoke, and shall be limited to no more than 5 persons at any time after 22:30 hours.

12. 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.

13. 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.

4. EXTENSION OF DECISION DEADLINE: LICENSING ACT 2003

Lazy Eight, 125-127 Bethnal Green Road, London, E2 7DG
VNS Poplar Ltd 32-34 Ellsmere Street LononE14 6BA
Forman & Field Stour Road London E3 2NT
The Ragged School Museum, 46-50 Copperfield Road, London E3 4RR
PFC, Watney Market, 273 Commercial Road, London, E1 2PS

To be extended to the **4th December 2023**

The meeting ended at 5.35 p.m.

Chair, Councillor Peter Golds
Licensing Sub Committee