

LONDON BOROUGH OF TOWER HAMLETS

MINUTES OF THE LICENSING SUB COMMITTEE

HELD AT 2.35 P.M. ON MONDAY, 4 DECEMBER 2023

COUNCIL CHAMBER - TOWN HALL, WHITECHAPEL

Members Present in Person:

Councillor Suluk Ahmed

Councillor Gulam Kibria
Choudhury

Councillor Shahaveer Shubo
Hussain

Mr Mangrio

Saidajan Hassankheil

Kathy Driver, Licensing Authority

Nicola Cadzow, Environmental Protection

Mr Peter Coinsbee

Mr Jonathan Melnick, Licensing Lawyer

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

The Sub-Committee considered an application by Milano Express Pizza and Peri Peri Ltd. ("the Applicant") for a new licence to be held in respect of 479 Cambridge Heath Road, London, E2 9BU ("the Premises"). The application sought authorisation for the provision of late-night refreshment from 23:00 hours to 01:00 hours Sunday to Thursday and from 23:00 hours to 02:00 hours on Friday and Saturday. The application did not state whether this was for consumption on or off the Premises but given the size of the Premises from the photographs supplied and the description of the Premises as a

takeaway, the Sub-Committee understood the application to be for consumption off the Premises only.

Applicant

The Sub-Committee heard from the Applicant's agent, Mr. Mangrio, and the Applicant's director, Saidajan Hassankheil. Mr. Mangrio stated that the concerns raised by the responsible authorities related to previous operators and that they were nothing to do with the Applicant. It was accepted that he had a connection to the former operator in having previously operated a company at an address in Upton Lane, London, E7. However, they were entirely separate businesses and could not be taken into account.

The allegations of nuisance were not accepted. Mr. Mangrio suggested that the Premises would benefit the local community by providing a safe environment for locals purchasing food at the end of a night out. He drew the Sub-Committee's attention to the lack of any residential objections.

Licensing Authority

The Sub-Committee heard from Kathy Driver on behalf of the Licensing Authority, who accepted that each application needed to be judged on its own merits. However, there had been a number of objections in respect of the Premises since 2021, there had been prosecutions brought against some of the operators, and a previous licence had been revoked.

Ms. Driver said that residents had reported feeling intimidated and may not have objected because of that. The last complaint received in October 2023 alleged that the previous owner was still present and that the Premises were operating after 23:00 hours. Two applications had been made since the previous licence revocation and the Licensing Authority believed the people involved were all linked. She had no confidence in the Applicant's ability to ensure compliance with the law.

Ms. Driver also expressed concerns about the number of businesses apparently operating from this address.

Environmental Protection

Nicola Cadzow addressed the Sub-Committee on behalf of the Environmental Health Service. She referred to complaints received from April 2022 to early 2023 which related to drunkenness, nuisance from delivery drivers, and similar. She opposed the application but had suggested conditions in her representation which she asked the Sub-Committee to impose in the event Members were minded to grant the application.

Members queried with the Applicant about the other websites and businesses allegedly operating from the Premises. Mr. Mangrio explained that those websites were the property of their owners and nothing to do with the Applicant, who could not exercise any control over them. He had asked the previous owners to take them down.

The Applicant denied that he had operated outside of permitted hours and that he had only the one website. Members queried the sale and transfer of the business. The Sub-Committee was told that the Applicant currently had a licence to occupy from the freeholder and was seeking a fresh lease. If that was not possible, however, then the Applicant would look to have the lease assigned. The Sub-Committee was told that there had been contracts for the sale of the business although it seemed that there was very little sell beyond some equipment.

Ms. Driver clarified that the last complaint had been received around 22nd October 2023 and this had alleged late opening most days. There was a more general complaint around August 2023 in which a resident had confirmed that the Premises were closing at 23:00 hours and that they did not want the Premises to be permitted to operate beyond that. They had been advised to make a representation but had not done so due to fear of intimidation as they lived close to the Premises.

The Legal Adviser asked the Applicant whether he would be willing to agree to a condition, if the licence were granted, that Haroon Hamidi, Islam Hamidi, Feradoon Hamidi, Umid Hussain Khel and Mohammed Mangal Jillani not be permitted to have any involvement in the day-to-day running of the business or be permitted to be on the Premises when licensable activity was taking place. Mr. Mangrio did not object to the first part but suggested that the Applicant could not stop them being on the Premises.

This application engages the licensing objectives of the prevention of crime and disorder and the prevention of public nuisance. The Sub-Committee did consider the possibility of adjourning so that more documentation could be provided in respect of the sale of the business and the lease or occupation arrangements, but ultimately decided it was able to deal with the application without that information.

The Sub-Committee noted that each application must be considered on its own merits. It accepted that there had been prosecutions of previous operators. However, neither the Applicant nor its director had not been prosecuted for any offences nor was it suggested that they were involved in any such offences. The Police had not made any representation in respect of crime and disorder and whilst that did not prevent anyone else from doing so, it did not suggest any wider crime and disorder concerns.

The Sub-Committee noted in particular the lack of representations from residents. Whilst it was said that residents felt intimidated, there was no evidence of this before the Sub-Committee. Residents could have asked for personal information to have been withheld or could have made representations regardless and not attended or asked for someone else to speak on their behalf. The Sub-Committee noted in particular that the last complaint produced in the representations was dated in January 2023, some ten months ago. The Sub-Committee was told of a comment or complaint in August that the Premises were closing at 23:00 hours, which post-dated the Applicant taking over the business. There was an allegation in October of opening late almost every week but, again, this was not directly before the

Sub-Committee and there was nothing to substantiate this in any way. It is for those making representations to ensure that they can withstand scrutiny and the Sub-Committee considered the benefit of any doubt here needed to be given to the Applicant. If the Premises were opening beyond 23:00 hours since late July 2023, the Sub-Committee would have expected clear and cogent evidence to have been produced in support.

The Sub-Committee took account of the concern over the websites. However, this was explained by the Applicant and there was no reason to consider the explanation to be untrue. The Sub-Committee noted the connection between the applicant and prior operators but did not consider that it had been given sufficient evidence to show that this was a sham and that it was a front for the previous operators. The mere fact that the Applicant knew at least one of the previous operators did not justify a conclusion that this operator could not be trusted or that the change of business was in any way a sham. The Sub-Committee considered that this was a genuine sale or transfer of the business and that the Applicant had demonstrated that he was able to comply with a licence and its conditions and promote the licensing objectives. There was no evidence that this Applicant had or was likely to undermine the licensing objective of the prevention of public nuisance.

Decision

The Sub-Committee therefore granted the application as sought and with the conditions proposed in the operating schedule, those sought by Ms. Cadzow, and those discussed with our Legal Adviser in respect of the previous operators. The Sub-Committee did not accept Mr. Mangrio's assertion that the people named could not be "conditioned off" the Premises; the Applicant was in control of the Premises and ultimately had the right to refuse entry to anybody. Given the concerns raised in respect of those previous operators, the Sub-Committee was satisfied that it was entirely reasonable and proportionate for the promotion of the licensing objectives to ensure not only that they were not involved in the business but also that they could not be present when licensable activity was taking place.

Provision of late night refreshment (off the premises)

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

Friday and Saturday 23:00 hours to 02:00 hours

Conditions

1. One SIA registered member of staff will be on duty after 23:00 hours on Sunday to Saturday.
2. The Licence Holder shall ensure that an incident report book is kept, in which full details of all incidents are recorded. This shall be completed as soon as possible, and in any case no later than the close of business on the day of the incident. The time and date when the report was completed, and by whom, is to form part of the entry with details of the following:
 - a) Any incidents of crime & disorder or anti-social behaviour inside or immediately outside the

- premises;
 - b) Any ejections of customers;
 - c) any refusals to serve customers
 - d) any faults in the CCTV system,
 - e) any visits by the police or an officer of the Local Authority;
 - f) any call to an emergency service.
3. The incident book is to be kept on the premises at all times and shall be produced to a police officer or authorised officer from the Local Authority upon request.
4. No person shall be permitted to bring alcohol into the premises.
5. The Licence Holder shall install a CCTV system at the premises and ensure that it is maintained in working order. The system shall conform to the following points:
- a) The CCTV shall monitor all the internal areas of the premises to which the public have access and immediately outside the entrance;
 - b) Cameras on the entrance shall capture full frame, head and shoulders, images of all people entering the premises i.e capable of identification of evidential standard in any light conditions.
 - c) Cameras overlooking the floor areas shall be wide angled to give an overview of the premises.
 - d) The recording device shall be located in a secure area or locked cabinet:
 - e) CCTV will have a monitor to review images and recorded picture quality.
 - f) Digital images shall be kept for 31 days (with date and time stamping) and made available to police or authorised officer from the Local Authority upon request.
 - g) The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises.
 - h) The CCTV equipment shall have a suitable export method e.g CD/DVD writer so that the police can make an evidential copy of the data they require. Copies shall be made available to Police and authorised officers from the Local Authority upon request or within 48 hours at the latest.
 - i) To ensure that no image quality is lost when making a copy. If this format is non-standard then the manufacturer shall supply the replay software to ensure the video on the CD can be replayed on a standard computer
 - j) Should the CCTV become non-functional this shall be reported as soon as possible to the Licensing Authority. Repairs shall commence the next working day or at the availability of the CCTV technician and the Local Authority will be informed when it is complete or if there are any significant delays.

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 Licence Holder shall ensure staff undertake conflict awareness training.
8. A written record will be kept of all staff who receive such training and a written record will be kept at the premises and made available to a police officer or authorised officer from the Local Authority upon request.
9. No unaccompanied children under 18 years of age shall be allowed in the premises after 23:00 hours.
10. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a public nuisance.
11. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
12. Notices shall be displayed within the premises requesting that delivery drivers remain respectful of neighbours by keeping noise to a minimum by waiting inside the premises to collect deliveries.
13. Notices shall be displayed within the premises requiring delivery drivers not to leave vehicle engines idling outside the premises whilst the premises are operating.
14. Patrons shall not be permitted to loiter outside the premises having ordered and received their takeaway.
15. There shall be no idling of delivery vehicle engines outside the premises nor drivers hooting, shouting or raised voices, or loud music or radios whilst the premises are operating.
16. Feradoon Hamidi, Islam Hamidi, Haroon Hamid, Umid Hussain Khel and Mohammed Mangal Jillani shall not be permitted to have any involvement in the day-to-day management or operation of the premises nor shall they be permitted to enter onto or remain on the premises when the premises are open for licensable activity.

3.2 Application for a new Premise Licence for 125-127 Bethnal Green Road Ground Floor & Basement London E2 7D

The Sub-Committee considered an application by Detination9Ltd. for a new premises licence to be held in respect of 125-127 Bethnal Green Road,

London, E2 ("the Premises"). The application originally sought authorisation for the sale by retail of alcohol for consumption on the Premises from 08:00 hours to 23:30 hours Monday to Sunday and for the provision of regulated entertainment, namely the exhibition of films, from 12:00 hours to 23:30 hours Monday to Sunday. The Premises would be open to the public from 12:00 hours to 00:00 hours.

Applicant

The Sub-Committee heard from the applicant's agent, Peter Conisbee, who spoke briefly to the application. He told the Sub-Committee that the Licensing Authority had withdrawn their representation upon the agreement of a condition. They were willing to agree those requested by the Noise Service. They had reduced the total capacity to fifty patrons and confirmed that the Premises would not operate as a bar.

Mr. Conisbee confirmed that the Premises would not be a late-night venue. Numerous conditions had been offered up in order to address the licensing objectives. He also informed the Sub-Committee that there was no premises of a similar nature in the vicinity and that they were welcomed by residents. The supplemental agenda contained four emails to that effect.

Environmental Protection

The Sub-Committee heard from Ms. Cadzow on behalf of the Noise Service. She told the Sub-Committee she was concerned about the impact of the Premises on the licensing objective of the prevention of public nuisance and that when she had looked at the operating schedule, there were insufficient conditions proposed to address that objective.

The Sub-Committee noted the amendments made by the applicant to the operating schedule and licensable hours and to mitigate any impact upon the licensing objectives. The Sub-Committee welcomed those and the reduction in capacity and the agreement to the Noise Service's proposed conditions.

The CIZ places the onus on the applicant to show that they will not add negatively to an already stressed area. The Statement of Licensing Policy provides a non-exhaustive list of possible exceptions. These include small premises with a capacity of fifty persons or less, operating to framework hours, and that have alcohol for on-sales only and where there are arrangements to restrict vertical drinking. The Premises falls within that exception. The Sub-Committee was satisfied that the operating schedule and proposed amendments were sufficiently robust to promote the licensing objectives and that the applicant had demonstrated that it would not adversely impact upon the CIZ. The Sub-Committee made some minor amendments that it considered appropriate and proportionate to promote the licensing objectives and to give clarity to the proposed conditions. These were:

1. An amendment to the opening times on Sunday so that the Premises close thirty minutes after licensable activity ceases;
2. Condition 3 is amended as it referred to a vessel;
3. Conditions 10 and 11 are amended with reference to the basement

area in order to reflect the changes offered up by the applicant and the condition agreed with the Licensing Authority;

4. Condition 16 is amended to provide greater clarity.

Decision

The applicant is therefore granted subject to amendments and additional conditions:

Sale by retail of alcohol (on-sales only)

Monday to Saturday 12:00 hours to 23:30 hours

Sunday 12:00 hours to 22:30 hours

Exhibition of films

Monday to Saturday 12:00 hours to 23:30 hours

Sunday 12:00 hours to 22:30 hours

Hours the premises are open to the public

Monday to Saturday 12:00 hours to 00:00 hours

Sunday 12:00 hours to 23:00 hours

Conditions

1. An incident log shall be kept at the premises, and made available on request to an authorised officer of the Council or the Police, which 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) any faults in the CCTV system;
 - f) any visits by a relevant authority or emergency service.
2. The premises licence holder or nominated representative shall keep and maintain all right to work documents for all staff members. Right to work documents shall be kept at the premises and produced to an authorised officer of the council or the police upon request. Right to work documents must be retained at the premises for a minimum of twelve months after employment has ceased.
3. There shall be at least 1 personal licence holder on duty at all times the premises are open and carrying on licensable activity.
4. A recognised member of the premises management must attend a police council licensing forums meetings when invited.
5. Licensable activity in the event space will only be permitted in the following circumstances:
 - a) on receipt of pre booking. A pre booking system shall be employed whereby the full name address email and phone number for the lead booker shall be recorded and kept;
 - b) for an event advertised by the licensee/management

6. 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.
7. 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.
8. Signage stating that CCTV is in operation at the premises will be clearly displayed.
9. In the event that a serious assault is committed on the premises 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 to enable a full forensic investigation to be carried out by the police;
 - d) such other measures are taken (as appropriate) to fully protect the safety of all persons present on the premises.
10. The supply of alcohol will be by table service only whereby alcohol will only be served to persons seated and ancillary to the consumption of food (complimentary or otherwise).
11. There will be no vertical drinking.
12. There will be no beer, cider or ale available on tap. All beer, cider and ales shall be served in bottles only.
13. No alcoholic goods or tobacco products will be purchased or taken from persons calling at the premises. All alcohol products shall be purchased from outlets registered with HMRC's Alcohol Wholesale Registration Scheme. Invoices for all purchases of tobacco and alcohol products shall be retained on the premises for twelve months and produced to authorised officers of the council or the police upon request. The premises licence holder will immediately report to Trading Standards any instance of a caller to the shop attempting to sell alcohol or tobacco products.

14. Ultraviolet light will be available at the premises and will be used for the purpose of checking the UK duty stamps on spirits as soon as practicable after purchase. The premises licence holder shall notify the council's Trading Standards team and HMRC of any spirits that do not fluoresce under ultraviolet light and the bottles shall be removed from display and stored separately for collection by officers of the council or HMRC.
15. 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.
16. Food will be available at all times that licensable activity takes place.
17. A minimum of 1 SIA licensed door supervisors shall be on duty at the premises Thursday to Saturday (and any day preceding a bank holiday) between 21:00 hours to 15 minutes after close.
18. The licensee/management shall record the full name, home address and contact telephone number, SIA registration number, and the time/date of employment of any door supervisor(s) employed at the premises, Where door supervisors are provided by an agency, the name business address and contact telephone number will also be recorded. These records are to be maintained for no less than 12 months.
19. The maximum number of persons permitted in the premises will not exceed 50 persons at any one time (not including staff and performers)
20. The premises shall prominently display signage informing customers to leave the premises and area quietly.
21. The removal of rubbish to outside the premises, will not take place between the hours of 21:00 hours and 07:00 hours.
22. The licensee shall instruct members of staff to make regular checks of the area immediately outside the premises and remove any bottles and glasses emanating from the premises. A final check should be made at close of business.
23. A dispersal policy will be in existence which shall so far as in possible, ensure that minimum disturbance or nuisance is caused to our neighbours and to ensure that the operation of the premises makes the minimum impact upon the neighbourhood in relation to potential nuisance and anti-social behaviour.
24. No more than 6 patrons will be permitted to smoke outside the premises at any one time.
25. Patrons will not be permitted to take drinks outside of the premises.

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. All staff members engaged, or to be engaged in selling alcohol on the premises shall receive full training pertinent to the Licensing Act, specifically in regard to age – restricted sales, and the refusal of sales to persons believed to be under the influence of alcohol or drugs.
28. All such training is to be fully documented and signed by both the employee and the person delivering the training. Training records shall be kept at the premises and made available upon request to either an authorised officer of the council or the police on request / staff employed to sell alcohol shall undergo training upon induction. This shall include but not be limited to:
 - a) The premise age verification policy;
 - b) Dealing with refusal of sales;
 - c) Proxy purchasing;
 - d) Identifying attempts by intoxicated persons to purchase alcohol;
 - e) Identifying signs of intoxication.
29. Such training sessions are to be documented and refreshed every twelve months.
30. All training sessions are to be documented in English, Records of training shall be kept for a minimum of one year and be made available to an authorised officer of the council or the police upon request.
31. Loudspeakers shall not be located in the entrance lobby or outside the premises building nor on the ceilings. Anti-vibration mounts must be used to attach speakers to the walls.
32. All windows and external doors shall be kept closed after 22:00 hours or at any time that regulated entertainment takes place, except to allow for the immediate ingress or egress of people.
33. 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 nuisance.

3.3 Application for a variation Premise Licence for 32-34 Ellesmere Street London E14 6BA (WITHDRAWN)

This application was withdrawn.

4. CONSIDERATION OF REVOCATION OR SUSPENSION OF PERSONAL LICENCE

The decision is not published as this was a restricted Item, and considered exempt from publication under the provisions of Part VA of and Paragraphs 1,2 and 7 of schedule 12A to the Local Government Act 1972.

5. EXTENSION OF DECISION DEADLINE: LICENSING ACT 2003

**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 19th December 2023

The meeting ended at 3.35 p.m.

Chair, Councillor Ana Miah
Licensing Sub Committee