

LONDON BOROUGH OF TOWER HAMLETS

RECORD OF THE DECISIONS OF THE LICENSING SUB COMMITTEE

HELD AT 6.35 P.M. ON TUESDAY, 19 DECEMBER 2023

COUNCIL CHAMBER - TOWN HALL, WHITECHAPEL

Members Present in Person:

Councillor Ana Miah
Councillor Ahmodul Kabir
Councillor Rebaka Sultana

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 Forman & field, Stour Road, London, E3 2NT

The Sub-Committee considered an application for a new premises licence to be held in respect of for Forman Field Ltd., Stour Road, London E3 2NT ("the Premises").The application sought authorisation for licensable activity as follows:

Sale by retail of alcohol (on & off sales)

Monday – Sunday 09:00 hours – 01:00 hours

Late Night Refreshment

Monday – Sunday 23:00 hours – 01:00 hours

Opening Hours

Monday – Sunday 09:00 hours – 01:00 hours

A number of representations against the application have been made by local residents, based upon the licensing objective of the prevention of public nuisance.

The Sub-Committee heard from the applicant's solicitor, Jack Spiegler, and Lance Forman on behalf of the applicant. Mr. Spiegler explained that the Premises had previously held a licence. This had lapsed when the licence holder changed its company structure. The application therefore sought to replicate the licence that had been held previously. The Sub-Committee were informed that the proposed alcohol sales would be ancillary to the main business, which was the provision of gourmet food.

Mr. Spiegler explained that off-sales of alcohol were sought because people would often wish to buy a bottle of wine with food which would be taken away from the Premises. The external terrace area, where alcohol and food could be consumed, was subject to an agreed condition that it would not be used after 21:00 hours. He also confirmed that the application extended only to the ground and first floor. The rooftop terrace, which was intended for occasional use, was not included within the plans. A number of conditions proposed by the residents and responsible authorities had been agreed by the applicant.

Members noted that there was no drinking-up time. Mr. Spiegler confirmed that his client would agree to the sale of alcohol ceasing at 00:30 hours.

The Sub-Committee heard from Robert Greene and Martin Wright on behalf of the residents who had made representations. The representations were largely identical. They alleged nuisance from smoke (due to the smoking processes) and noise from extractor fans. It was said that the character of the area had changed. In addition, as the application made reference to the original licence, the residents were concerned that this meant that there would be very few conditions. If the Sub-Committee was minded to grant the application, they asked that various conditions to promote the licensing objectives be imposed on the licence.

In addition, it was suggested that the roof terrace would lead to overlooking.

This application engaged the licensing objective of the prevention of public nuisance. The Sub-Committee noted that the Premises had previously been licensed and that there was no evidence of any issues arising when that licence had been extant. The applicant thus had a track record that could be taken into account. The Sub-Committee also took account of the fact that although the area had become more residential, that development had occurred later. Had the licence not lapsed, there was nothing to suggest that it would have been reviewed.

The Sub-Committee appreciated the objectors' concerns regarding public nuisance, particularly regarding noise disturbance, overlooking and fumes from the chimneys. With respect to noise from extractor fans and smoke from the chimneys, these were not related in any way to the licensable activities proposed and could not be addressed through the mechanism of the Licensing Act 2003. Similarly, if there was a risk of overlooking, this would not be as a result of the licensable activity.

No regulated entertainment was sought and the Premises would benefit from the provisions of deregulation. There was no evidence of noise disturbance

from the Premises to date and the various conditions proposed and agreed to by the applicant would mitigate any such concerns.

The Sub-Committee was satisfied that the amendments proposed by the applicant, which included a reduction in hours for off-sales of alcohol, and the reduction in the terminal hour for on-sales of alcohol would also mitigate any impact on the licensing objectives.

Accordingly, the Sub-Committee unanimously;

RESOLVED

That the application for a new premises licence in respect of Forman Field Ltd., Stour Road, London E3 2NT be **granted with conditions as follows: -**

Sale by retail of alcohol (on sales)

Monday – Sunday 09:00 hours – 00:30 hours

Sale by retail of alcohol (off sales)

Monday – Sunday 09:00 hours – 22:30 hours

Late Night Refreshment (inside the premises)

Monday – Sunday 23:00 hours – 01:00 hours

Opening Hours

Monday – Sunday 09:00 hours – 01:00 hours

Conditions

1. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises, which gives rise to a public nuisance.
2. The external terrace area shall not be used after 21:00hrs., except for patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke, and shall be limited to 10 persons at any one time.
3. No idling of delivery vehicles outside the premises, no drivers shouting or raised voices, nor loud music/radios, during the operation of licensable activities.
4. The premises licence holder will display notices requiring drivers of delivery vehicles not to leave vehicle engines idling outside the premises whilst the premises is in operation.

5. The premises licence holder will display notices within their premises requesting that delivery drivers remain respectful of neighbours by keeping noise to a minimum whilst waiting outside the premises to collect deliveries.

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. 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.

9. 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.

10. 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.

11. 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.

12. Notices shall be prominently displayed at all exits and in the smoking area requesting patrons to respect the needs of local residents and businesses, to keep noise to a minimum and to leave the area quietly, and not to take any glass bottles off the premises.

13. A suitable area shall be set aside for smokers to prevent their smoke causing nuisance to nearby occupiers.

14. No late-night refreshment shall be sold for consumption off the premises on any day.

15. There will be no disposal of refuse including glass bottles between 23:00hrs. and 09:00hrs., and no glass will be moved from one recycling receptacle into another in any external area of the premises during these hours.

16. The area immediately outside the premises will be regularly cleaned to ensure that any litter generated by the premises, or its customers is removed.

17. Telephone contact details of the Designated Premises Supervisor and the Duty Manager shall be provided to the residents upon request.

18. Patrons of the premises shall be encouraged, by signs within the premises visible at all exits points, to disperse from the area of the premises quietly and quickly.

19. Staff shall also supervise persons leaving the premises after closing time and where necessary, request that persons leaving the premises do so in a orderly manner as quickly as possible.

20. Children under the age of 16 shall be accompanied by an adult.

21. Soft and non-alcoholic drinks shall be available.

3.2 Application for a new Premise Licence for PFC 273 Commercial Road, London, E1 2PS

The Sub-Committee considered an application for a new premises licence by Mohammad Afruz Miah to be held in respect of PFC, 273 Commercial Road, London E1 2PS ("the Premises"). The application sought authorisation for the provision of late night refreshment from 23:00 hours to 04:00 hours seven days per week.

The application attracted representations against it from the Metropolitan Police and the Environmental Health Service. The representations were based predominantly on the prevention of crime and disorder and the prevention of public nuisance.

The applicant spoke briefly to his application. In essence, the extension was sought in order to increase the financial viability of the business. The Sub-Committee had been made aware that some conditions had been agreed. However, the main area of contention was the hours. The police sought to have these reduced so as to allow late night refreshment from 23:00 hours to 00:00 hours Sunday to Wednesday and from 23:00 hours to 01:00 hours Thursday to Saturday.

PC Perry spoke briefly to his representation and emphasised the issues that arise within the night-time economy. In particular, the people attending at 03:00 hours are likely going to be those who have been drinking. He was concerned that the applicant did not appreciate the issues that would arise late at night.

Tim Hung spoke briefly to his representation and the potential impact on public nuisance.

During questions from Members, the applicant in fact agreed to the hours proposed by the police.

The application engaged the licensing objectives of the prevention of crime and disorder and the prevention of public nuisance. Whilst the Sub-Committee noted the business rationale behind the application and was able to consider that, the Sub-Committee nonetheless had to make its decision with a view to the promotion of the licensing objectives.

The Sub-Committee noted the police objections based upon the prevention of crime and disorder, and the prevention of public nuisance; and heard from the police that their proposal for the reduction of the hours sought to midnight on Sunday to Wednesday, and 01:00hrs. on Thursdays to Saturdays, was based upon the tendency for alcohol-fuelled crime and disorder and anti-social behaviour to occur in the early hours of the morning. The Sub-Committee noted that the applicant did not dispute this. Indeed, the applicant had agreed to the conditions proposed and, during the course of the hearing, agreed to the reduced hours proposed.

With respect to public nuisance, Members did not consider that Mr. Hung's representation justified a refusal of the application. There was not sufficient evidence before it that the likely impact of grant would undermine the public nuisance licensing objective to such an extent that refusal was the appropriate and proportionate option. The concerns raised could be adequately addressed by the reduction in hours and the imposition of the agreed conditions.

The Sub-Committee was satisfied that it was appropriate and proportionate to grant the application, with amendments and conditions.

Accordingly, the Sub-Committee unanimously;

RESOLVED

That the application for a new premises licence in respect of PFC, 273 Commercial Road, London E1 2PS be **granted with conditions as follows: -**

Provision of Late-Night Refreshment

Sunday – Wednesday 23:00 hours – 00:00 hours

Thursday – Saturday 23:00 hours – 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 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 licence holder shall ensure that any queue to enter the premises which forms outside the premises is orderly and supervised by door staff so as to ensure that there is no public nuisance or obstruction to the public highway.

6. The premises licence holder shall also ensure that customers do not congregate or cause noise nuisance immediately outside the premises.

3.3 Application for a new premises licence The Ragged School Museum, 46-50 Copperfield Road, London E3 4RR

The Sub-Committee considered an application by The Ragged School Museum Trust for a new premises licence to be held in respect of The Ragged School Museum, 46-50 Copperfield Road, London E3 4RR ("the Premises"). The application sought authorisation for licensable activity as follows:

The sale by retail of alcohol (On and off sales)

Monday to Friday, from 11:00 hrs. to 23:00 hrs.

Saturday and Sunday, from 11:00 hrs. to 00:00 hrs.

The provision of late-night refreshment – Indoors

Friday and Saturday, from 23:00 hrs. to 00:00 hrs.

Note: (Sunday to Thursday – no provision of late-night refreshment)

The provision of regulated entertainment – Indoors

(Plays and Films)

Monday to Saturday, from 10:00 hrs. to 22:00 hrs.

Sunday, from 11:00 hrs. to 18:00 hrs.

(Live music, Recorded Music)

Monday to Thursday, from 10:00 hrs. to 22:30 hrs.

Friday and Saturday, from 10:00 hrs. to 23:00 hrs.

Sunday, from 10:00 hrs. to 22:30 hrs.

(Performance of dance)

Monday to Sunday, from 10:00 hrs. to 22:00 hrs.

Hours premises are open to the public

Monday to Thursday, from 09:00 hrs. to 23:00 hrs.

Friday and Saturday, from 09:00 hrs. to 24:00 hrs.

Sunday, from 10:00 hrs. to 23:00 hrs.

Any Sub-Committee decision must be reasonable and proportionate in supporting the licensing objectives.

The Sub-Committee noted the applicant's clarification that they did not anticipate more than 500 people to attend whenever plays, films, or music were presented. The applicant acknowledged that this obviated the application for a licence regarding regulated entertainment, because where such events occur between 08:00hrs. and 23:00hrs. before an audience of no more than 500 people, no licence was required by law.

The Sub-Committee heard from that the applicant was content with a condition requiring two SIA accredited door supervisors to be on duty at large events, defined by the applicant as events where 200 or more people were expected to attend.

The Sub-Committee were grateful to the applicant for clarifying that with regard to conditions which they originally proposed in the operating schedule:

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- Crime prevention notices would be notices stating that CCTV was in operation at the premises.
- The applicant was no longer seeking a condition that food was available during opening hours.
- The applicant was content to substitute for "All measures that are reasonably practicable are taken to apprehend any suspects pending the arrival of the police and the crime scene is preserved so as to enable a full forensic investigation to be carried out by the police; and such other measures are taken (as appropriate) to fully protect the safety of all persons present on the premises", the standard police incident reporting condition which the applicant acknowledged they had heard from sitting in on the previous application, "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."
- The applicant withdrew their proposed condition which said, "Governed by industry best practice", recognising that this was vague and open to enforcement issues, although it would remain part of their corporate policies.
- The applicant no longer proposed the condition "Calibrated noise meter in event space with colour digital warning display and data logging", particularly since it was established that the presentation of plays, dance and music did not require a licence.
- The applicant amended the proposed condition, "After 19.00hrs., children will only be allowed into the cafe area when accompanied by an adult Museum staff are trained to be aware of children wandering around the premises and ensure

they are safe” to “After 19.00hrs., children will only be allowed into the cafe area when accompanied by a responsible adult.”

The Sub-Committee noted the objector’s concerns regarding noise disturbance and risk to children’s safety. Members also noted the applicant’s acceptance that there was no evidence of any risk to children’s safety, and that there was no evidence of anyone else in the neighbourhood having suffered noise disturbance. It was appreciated that the objector mentioned having experienced a couple of instances of very loud music coming from the premises last Summer.

The Sub-Committee was satisfied that the grant of the licence with conditions sufficed to prevent public nuisance.

Accordingly, the Sub-Committee unanimously;

RESOLVED

That the application for a new premises licence in respect of The Ragged School Museum, 46-50 Copperfield Road, London E3 4RR be **granted with conditions as follows: -**

The sale by retail of alcohol (On and off sales)

Monday to Friday, from 11:00 hrs. to 23:00 hrs.
Saturday and Sunday, from 11:00 hrs. to 00:00 hrs.

The provision of late-night refreshment – Indoors

Friday and Saturday, from 23:00 hrs. to 00:00 hrs.

Hours premises are open to the public

Monday to Thursday, from 09:00 hrs. to 23:00 hrs.
Friday and Saturday, from 09:00 hrs. to 24:00 hrs.
Sunday, from 10:00 hrs to 23:00 hrs.

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. Notices shall be displayed at the premises informing visitors that CCTV is in operation at the premises.

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. When the designated premises supervisor is not on the premises, any or all persons authorised to sell alcohol will be authorised by the designated premises supervisor in writing. This authorisation shall be available on request by the police or any authorised officer.

5. 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.

6. 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.

7. 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.

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 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.

9. Loudspeakers shall not be located in the entrance lobby, or outside the premises, or on ceilings; and anti-vibration mounts shall be used for speakers attached to the walls.

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

11. Patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke, shall be limited to 8 persons at any one time.

12. For events where 200 or more people are expected to attend, there shall be two SIA accredited door supervisors on duty at the premises.

13. After 19:00hrs., children will only be allowed into the cafe area when accompanied by a responsible adult.

14. After 22:00hrs., patrons shall only be permitted to exit the premises via Copperfield Road.

4. EXTENSION OF DECISION DEADLINE: LICENSING ACT 2003

Bar 104, 104 Brick Lane, London, E1 6RL

Boat Live 90 White Post Lane, London E9 5EN

Carwash, 1 Quaker Street, London E1 6SZ

Princelyn Grocery & Restaurant 477 Bethnal Green Road London E2 9QH

Bar Ceylon Basement & Ground 57 Commercial Street London E1 6BD

Extended to the 9th January 2024

The meeting ended at 8.35 p.m.

Chair, Councillor Ana Miah
Licensing Sub Committee