

LONDON BOROUGH OF TOWER HAMLETS**RECORD OF THE DECISIONS OF THE LICENSING SUB COMMITTEE****HELD AT 6.35 P.M. ON THURSDAY, 25 JANUARY 2024****COUNCIL CHAMBER - TOWN HALL, WHITECHAPEL****Members Present in Person:**

Councillor Suluk Ahmed
Councillor Ahmodul Kabir
Councillor Faroque Ahmed

1. DECLARATIONS OF INTEREST

There were no declarations interest.

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There were no declarations interest.

2. RULES OF PROCEDURE

The rules of procedure were noted.

3. MINUTES OF THE PREVIOUS MEETING(S)

The minutes of the meeting were approved.

4. ITEMS FOR CONSIDERATION**4.1 Application for a Premises Licence for (Carwash), 1 Quaker Street, London E1 6SZ**

The Sub-Committee considered an application by Damon Borley for a new premises licence to be held in respect of Carwash, 1 Quaker Street, London, E1 6SZ ("the Premises"). The application sought authorisation for the sale by retail of alcohol for consumption on the Premises only. The hours sought were 11:00 hours to 23:00 hours Monday to Sunday, with drinking-up time of thirty minutes each day.

The application received representations against it. These were from the Licensing Authority, Environmental Health, and a number of residents. A representation had also been made by SPIRE, a local residents' group. These were based predominantly on the licensing objectives of the prevention of public nuisance and the prevention of

crime and disorder and because of the Premises' location within the Brick Lane Cumulative Impact Zone.

The Sub-Committee heard from Mr. Borley and his agent, Mr. Denny. The Premises were to be used as an event hire space. It was not intended to be open to the public at all times, were a licence to be granted. They would be trading only when a formal booking had been made and the alcohol offering was intended to be limited. It was not intended to operate as a bar or club.

Mr. Denny stated that a terminal hour of 23:00 hours was not necessary and that the applicant was amenable to reducing this to 22:30 hours. Most events would finish earlier than this. The concerns of the residents and responsible authorities were understood, but there was no intention for the Premises to be a venue at which large quantities of alcohol would be drunk. Mr. Denny also confirmed that there would be no regulated entertainment as the venue would be closing by 23:00 hours.

Mr. Denny also stated that noise levels could be monitored, risk assessments carried out to determine when SIA-staff would be needed.

Randall Thiel addressed the Sub-Committee on behalf of SPIRE and also as spokesperson for the other residents who had made representations. He was concerned that the applicant did not fully appreciate the difficulties of operating within the CIZ. There was no specific reference to the CIZ although a number of conditions had been offered up in the operating schedule. The area was also challenging with respect to crime and disorder. The Premises could operate by way of Temporary Event Notices (TENs) and he queried why the venue would need to have drinking until 23:00 hours.

Nicola Cadzow spoke briefly to her objection on behalf of the Environmental Health Service, which was concerned with the prevention of public nuisance. She commented on the fact that music was not regulated at the times that the venue was intended to operate, which meant that no enforceable conditions could be imposed to address such issues. This would allow, for example, the Premises to make use of DJs.

Ms. Driver spoke to her representation on behalf of the Licensing Authority, which was predominantly concerned with the impact on the CIZ. She was particularly concerned with how the applicant could guarantee that there would be no impact on the CIZ.

During questions from Members, Mr Borley explained that that vertical drinking was inappropriate to the Premises' style of operation;

alcohol was ancillary to the event. With respect to toilets, there was a toilet and a urinal on site. Mr. Borley noted and understood the concerns regarding public urination in a nearby tunnel and commented that they experienced similar issues when they were closed. Short of providing toilets for patrons, he could not suggest how that could be stopped. The hours sought were in order to cater for all different types of events.

Members also queried the venue itself and the structure and Mr. Borley explained that the building on site had been modified to accommodate a “stretch-style tent” roof. Members were told that it was likely that there would be only one event per week, which usually tended to last for one to three days. The nature of the events, which required set-up time, meant that it was not feasible to have events on a daily basis.

Members also raised queries about how noise nuisance could be controlled. Mr. Borley did offer suggestions such as the use of decibel meters and setting maximum noise levels.

This application engages the licensing objectives of the prevention of public nuisance and the prevention of crime and disorder. The location of the Premises within the CIZ mean that the applicant has the burden of proving that they will not add to the problems already existing in the CIZ if the application is granted.

The Council’s Policy sets out non-exhaustive examples of venues which might be considered to be exceptions. These include, for example, premises with a capacity of fifty persons or fewer, only have alcohol for consumption on the premises, or only provide off sales, and have arrangements to prevent vertical drinking. The Sub-Committee was told that the capacity was around 120 patrons. The Premises do not fall within a stated exception.

It is of note also that the Policy does not consider that the venue will be well-run to be exceptional.

The Sub-Committee noted the suggestion by those making representations that the applicant had made no mention of the CIZ in the application and thus had not considered the CIZ. However, the Sub-Committee considered that the number and extent of the conditions offered up demonstrated that they had taken the CIZ into consideration. Nonetheless, offering up numerous conditions, no matter how robust, will not necessarily suffice to rebut the presumption in favour of refusal.

The Sub-Committee noted the applicant’s intentions. However, the difficulty was that the licence, if granted, would allow them to operate

every day, whether as a bar or as some other type of venue. Whilst it might have been possible to impose conditions to reflect that, it still placed the Sub-Committee in some difficulty as to what would have been appropriate. Moreover, even if that were possible, the Premises would still be adding to the CIZ when it did operate.

The applicant was willing to carry out sound level monitoring and have a sound limiter. However, such conditions would be unenforceable due to the deregulation of regulated entertainment. The Sub-Committee considered, however, that the greater noise

impact would be noise from the patrons rather than from music. This would likely be exacerbated if music and alcohol were thrown into the mix. That noise would be impossible to control. However, the Premises being effectively open to the air meant that noise nuisance, from various sources, was likely.

Members took account of the fact that the area was heavily residential in nature and that the likelihood of public nuisance was therefore high. The impacts on the CIZ would not be mitigated by conditions. The Sub-Committee also noted the risk of greater numbers of people leaving the Premises and then remaining in the CIZ afterward as a result of the over-saturation of other venues rather than dispersing. There was also a risk of those patrons coming into conflict with others in the area and becoming victims or perpetrators of crime. As many as 120 people in the Premises and leaving the Premises at closing time was, in the view of the Sub-Committee, going to impact adversely on the CIZ. The Sub-Committee was therefore satisfied that the only appropriate and proportionate decision was to refuse the application.

4.2 Application for a new Premise Licence for Bar Ceylon, Basement & Ground Floor 57 Commercial Street London E1 6BD - WITHDRAWN

This application was withdrawn.

4.3 Application for a new Premise Licence for Princelyn Grocery & Restaurant 477 Bethnal Green London E2 9QH

The Sub-Committee considered an application by Princelyn Garden Ltd. for a new premises licence to be held in respect of Princelyn Grocery & Restaurant Ltd., 477 Bethnal Green Road, London, E2 9QH ("the Premises"). The application originally sought authorisation for the sale by retail of alcohol, the provision of regulated entertainment, and the provision of late-night refreshment. Recorded music and the provision of late night refreshment were sought on Fridays and Saturdays only from 23:00 hours to 00:30 hours. The sale of alcohol was sought from 10:00 hours to 23:30 hours Sunday to

Thursday and from 10:00 hours to 00:30 hours on Fridays and Saturdays. Non-standard timings were also sought.

The application attracted objections from the Environmental Health Service and the Licensing Authority. These were based on the licensing objectives of the prevention of public nuisance and that the Premises were located within the Bethnal Green Cumulative Impact Zone (CIZ) and that the applicant had not rebutted the presumption in favour of refusal.

The Sub-Committee heard briefly from Ms. Abara on behalf of the company and the agent, Mr. Olusola. The Sub-Committee was told that non-standard timings had been withdrawn, as confirmed in correspondence in the Supplemental Agenda. The applicant was aware of the CIZ. He drew the Sub-Committee's attention to the fact that there were no other representations.

Ms. Cadzow addressed the Sub-Committee briefly with respect to her representation. She was concerned that the application had not fully addressed the implications of the CIZ and that there was insufficient information in the operating schedule to address this. She'd reviewed the Supplemental Agenda and noted that the applicant had offered a number of proposals which could be translated into conditions and she asked that those be imposed if the Sub-Committee was minded to grant the application. She also suggested further conditions, relating to the pre-booking of taxis, notices reminding patrons to leave quietly, and a limit of five smokers outside the premises. She was content with the removal of non-standard timings. Ms. Driver made similar observations with respect to the lack of reference to the CIZ. The application was not an exception because some factors fell within possible exceptions e.g. the numbers, whilst others were outside e.g. the times were outside of framework hours. The information in the Supplemental Agenda such as table service and no vertical drinking addressed some concerns. She also suggested conditions may be needed in respect of deliveries. She also sought clarity on the suggestion that the Premises would be used for parties and precisely what that would entail. Members asked about the nature of parties and were told that the venue would be available for hire for small gatherings such as birthday parties and family-oriented events. The target audience for such parties was the local African community. People would be encouraged to leave by the side door, which opened on to a quiet, no through road rather than via the front door. They indicated that they would be content with any conditions that the Sub-Committee saw fit to impose.

Ms. Abara also explained that she was already operating the Premises as a grocery and restaurant and closing at 23:30 hours without problems. The grocery part of the business had been operating for about a year; the restaurant for about two months. They had applied for hours to 00:30 "just in case" but indicated that there would be no objection should the Sub-Committee consider framework hours to be more appropriate. This application engages the licensing objectives of the prevention of public nuisance. The Premises are within a CIZ and the applicant must therefore rebut the presumption that the grant of the application will negatively impact upon the CIZ. The Council's Policy gives non-exhaustive examples of what

might be considered to be exceptions, although each case is to be decided on its own merits.

The application is a modest one. The willingness of the applicant to modify the application in order to address the concerns raised meant that the Sub-Committee could be satisfied that they would not impact upon an already stressed area. The reduction in hours and willingness to accept appropriate conditions to mitigate any impact, combined with the nature of the Premises itself, allowed the Sub-Committee to be satisfied that the application could be granted as an exception to the CIZ.

The application is therefore granted with amendments and conditions:

Sale by retail of alcohol (on and off-sales)

Monday to Thursday 10:00 hours to 23:30 hours

Friday and Saturday 10:00 hours to 00:00 hours

Sunday 10:00 hours to 22:30 hours

Late-night refreshment and recorded music

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

Times the premises are open to the public

Monday to Thursday 10:00 hours to 00:00 hours

Friday and Saturday 10:00 hours to 00:30 hours

Sunday 10:00 hours to 23:00 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. The CCTV system serving the premises shall:
 - a. be maintained fully operational and in good working order at all times;
 - b. make and retain clear images that include the points of sale of alcohol and facial images of the purchasers of the alcohol; and
 - c. show an accurate date and time that the images were made.
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. All sales of alcohol for consumption off the premises shall be in sealed containers only.

5. All windows and external doors shall be kept closed at any time when regulated entertainment takes place, except for the immediate access and egress of persons.

6. The licence holder shall enter into an agreement with a hackney carriage and/or private carriage firm to provide transport for customers, with contact numbers made readily available to customers who will be encouraged to use such services.

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

8. Patrons permitted to temporarily leave and then re-enter the premises e.g. to smoke, shall be limited to five persons after 21:00 hours.

9. 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.

10. 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.

11. All staff whose duties include the serving of alcohol must be trained in the requirements of this scheme including the importance of recording any refusals.

12. All staff whose responsibilities include the retail sale of alcohol shall receive training about the prevention of underage sales on induction and then every twelve months thereafter. This training shall be recorded and the records to be available on request to the Police or any authorised officer. The training is to include:

- a. the operation of the challenge XX scheme;
- b. types of acceptable ID;
- c. the method of recording challenges;
- d. the likely consequences of making an underage sale;
- e. refusing sales to persons who appear to be drunk;
- f. proxy sales.

13. Every third-party courier delivery box shall be labelled with the words "Age Restricted Product".

14. There shall be mechanism either by an App or on the delivery package to show the delivery rider is aware it is an age restricted product to ensure ID checks are made upon delivery of alcohol.

15. The premises licence holder will ensure that an age verification policy will apply whereby all delivery drivers/riders will be trained to ask any customer to whom alcohol is delivered, who appears to be under the age of 25 years to produce, before being sold alcohol, identification being a passport or photocard driving licence bearing a holographic mark or other form of identification that complies with any mandatory condition that may apply to this licence.

16. Alcohol shall only be delivered to a residential or business address and not to a public place or vehicle.

17. All off sales deliveries to be in sealed containers.

18. A warning shall be displayed on the digital platform on which an order is placed informing customers that they must be aged 18 or over to make a purchase of alcohol and notifying customers that the rider will carry out age verification on delivery. The customer will be required to declare that he or she aged 18 or over. If the rider is not satisfied that the customer is aged 18 or over any alcohol in the order will be withheld

19. The Licence holder shall notify the Licensing Authority of the digital platform(s) used for the sales of alcohol and any changes to those platforms.

20. The sale of alcohol for consumption on the premises shall only be to a person seated taking a table meal there, and for consumption by such a person as ancillary to their meal.

21. Sales of alcohol for consumption off the premises shall only be supplied with, and ancillary to, a take-away meal.

22. There shall be no vertical drinking on the premises.

5. EXTENSION OF DECISION DEADLINE: LICENSING ACT 2003

Code Floor 3-4, 34 Westferry Circus Canary Wharf London E14 8RR
Wang Wang 4a Commercial Street E1 6LP
All Points East Victoria Park Grove Road Bow E3 5TB
Shop 47 Goulston Street, London E1 7TP

To be extended to the 13th February2024

The meeting ended at 8.25 p.m.

Chair, Councillor Suluk Ahmed
Licensing Sub Committee