

**LONDON BOROUGH OF TOWER HAMLETS****RECORD OF THE DECISIONS OF THE LICENSING SUB COMMITTEE****HELD AT 6.30 P.M. ON TUESDAY, 24 SEPTEMBER 2024****COUNCIL CHAMBER - TOWN HALL, WHITECHAPEL****Members Present in Person:**

Councillor Musthak Ahmed (Chair)

Councillor Sabina Akhtar

Councillor Abdul Malik

**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 Premises Licence for (Taco Taco) 141 Commercial Street, London E1 6BJ**

This is an application by Mr. Daniel Aiudi for a premises licence in respect of Taco Taco, 141 Commercial Street, London E1 6BJ. The application sought to allow the sale by retail of alcohol (on and off sales) on Monday to Sunday, from 12:00 hrs to 21:00 hrs. Representations were received against the application from residents on the basis of preventing crime and disorder and preventing public nuisance.

In presenting the application, the applicant recognised the importance of the Brick Lane Cumulative Impact Area, and sought to demonstrate how if the application were granted, his business would not add to the cumulative impact of noise and anti-social behaviour in the area. The business is a small, food-led establishment with a seating capacity of 18 people. It is not alcohol-led. He intended selling alcohol to compliment the sale of food. This was reflected in the conditions offered, and conditions agreed with the responsible authorities, such as alcohol being supplied only to persons seated to take a table meal for consumption with the meal, no vertical drinking of alcohol on the premises, and all alcohol sold for off sales consumption being in sealed containers, ancillary to food orders.

The applicant presented such conditions as addressing residents' concerns about behaviour fuelled by customers drinking alcohol in the street. The

impact of noise on residents would be mitigated by controlling the number of patrons on site and operating within the Council's framework hours. The pricing structure would not attract anti-socially behaved people seeking to purchase cheap alcohol. The applicant suggested he sought to take reasonable steps to prevent the premises adding to the cumulative impact in the area, if the application was granted.

The applicant further confirmed that his business had operated for one year so far. The premises had been soundproofed to ensure that background music did not affect local residents.

In relation to paragraph 7.3 on page 22 of the agenda pack, the applicant clarified that the business has no outdoor area, and that immediately outside the front of the premises are benches where patrons might sit after leaving the premises, although they would not be served out there. The applicant proposed that staff would monitor and maintain that area immediately outside the premises every 20 minutes, particularly to ensure that it was free of rubbish left by patrons.

The applicant clarified that paragraph 7.4 on page 22 of the agenda pack was intended to limit deliveries to the premises to the hours of 8am to 6pm. The applicant withdrew that part of his application relating to non-standard timings.

The objectors did not attend, but had submitted written representations expressing concerns about noise, litter, other anti-social behaviour, smells, and the increased potential for crime and disorder, which were considered.

This application engages the licensing objectives of preventing crime and disorder and preventing public nuisance.

The absence of objection by any of the responsible authorities was of neutral weight.

Paragraph 1 of Appendix 5 to the Council's Statement of Licensing Policy sets out the effect of the Special Cumulative Impact Policy for the Brick Lane and Bethnal Green area, "This special policy creates a rebuttable presumption that applications for the grant or variation of premises licences or club premises certificates which are likely to add to the existing cumulative impact will normally be refused following the receipt of representations, unless the applicant can demonstrate in the operation schedule that there will be no negative cumulative impacts with one or more of the licensing objectives."

Paragraph 8 of Appendix 5 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 (Councillors, Members of the Public) within the CIA zones the application will be refused."

Paragraph 9 of Appendix 5 says, "Where representations have been received in respect to applications within the CIA zones the onus is on the applicant to adequately rebut the presumption."

Paragraph 11 of Appendix 5 says, “This special policy is not absolute and the Licensing Authority recognises that it has to balance the needs of businesses with local residents. The circumstances of each application will be considered on its merits and the Licensing Authority shall grant applications, when representations are not received. The applicant should demonstrate that the operation of the premises will not add to the cumulative impact on one or more of the following licensing objectives:

- Prevention of Crime and Disorder;
- Prevention of Public Nuisance.

Therefore, applicants will be expected to comprehensively demonstrate why a new or varied licence will not add to the cumulative impact. They are strongly advised to give consideration to mitigating potential cumulative impact issues when setting out steps they will take to promote the licensing objectives in their operating schedule.”

Paragraph 12 of the same appendix refers to a non-exhaustive list of possible exceptions to the presumption against granting licensing applications for premises in the cumulative impact area, including small premises with a capacity of 50 or fewer persons operating within the Council’s framework hours with no vertical drinking permitted, and applications which are not alcohol led.

The Sub-Committee appreciated the legitimate concerns of residents over the impact of licensed premises in a cumulative impact area. The premises are small with a seating capacity of 18 people. The application is not alcohol led. The premises will operate within the Council’s framework hours with alcohol supplied for on and off sales consumption only ancillary to meals, no vertical drinking permitted, and alcohol supplied with food delivery orders will be in sealed containers. The applicant has proposed measures which will mitigate potential cumulative impact issues in terms of noise, litter, other anti-social behaviour. The capacity of the premises and operating hours should mitigate the increased potential for crime and disorder.

This application forms an exception to the presumption against granting licensing applications for premises in the cumulative impact area. Therefore, the Sub-Committee decided to grant the application.

Accordingly, the Sub Committee unanimously;

### **RESOLVED**

That the application for a new premises licence for **Taco Taco, 141 Commercial Street, London E1 6BJ** be **GRANTED** subject to the following conditions:

#### **Sale of Alcohol**

Monday to Sunday 12:00 hours to 21:00 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) any complaints received concerning crime and disorder
- (c) any incidents of disorder;
- (d) any faults in the CCTV system;
- (e) any refusal of the sale of alcohol;
- (f) 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) the crime scene is preserved so as to enable a full forensic investigation to be carried out by the police; and
- (c) such other measures are taken (as appropriate) to fully protect the safety of all persons present on the premises.

5. 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.

6. A standard age verification check shall be undertaken on entering the website. A signature at the point of delivery must be obtained. No delivery shall be left without a signature. 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.

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

8. The supply 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.

9. There shall be no "vertical drinking" of alcohol at the premises.

10. All sales of alcohol for consumption off the premises shall be in sealed containers and ancillary to a food order for delivery only.

11. All senior management engaged in licensable activity will undergo personal licence training. They must successfully complete the training, receive the certificate, and obtain a personal licence. Documentation of training, certification, and personal licences must be kept on the premises and be available for inspection by an authorised officer upon request. Training records will be retained for at least 12 months.

11. All staff engaged in licensable activity at shall receive internal training in handling aggressive behaviour and theft prevention. Training will include procedures for refusing service to drunk or underage customers and recognising signs of drunkenness. Training shall be recorded in documentary form and refreshed at least every 12 months. Training records must be available for inspection by an authorised officer upon request and retained for at least 12 months.

13. The area immediately outside the premises shall be monitored and maintained every 20 minutes whilst the premises are open, to reduce public nuisance. This includes regular cleaning of that immediate area, and noise control measures.

14. Deliveries to the premises will not take place outside the hours of 8am to 6pm.

15. Notices advertising that the premises operates a Challenge 25 scheme shall be displayed in a clear and prominent position at the premises entrance(s), and inside at the premises bar server area.

### **3.2 Application for a New Premises Licence for (the Widow's Son), 75 Devon's Road, London E3 3PJ**

This is an application by Mr. Selim Balta for a premises licence in respect of The Widows Son, 75 Devons Road, London E3 3PJ.

The application sought the following: -

The sale by retail of alcohol (On sales only): -

Monday to Thursday, from 12:00 hrs to 22:30 hrs

Friday and Saturday, from 12:00 hrs to 23:30 hrs

Sunday, from 12:00 hrs to 22:30 hrs

The provision of late-night refreshment indoors from Friday and Saturday, from 23:00 hrs to 00:00 hrs.

Representations were received against the application from residents on the basis of noise disturbance, particularly from loud music and from patrons in high spirits.

The applicant's licensing agent said that the application was made by a family business seeking to take over operation of the premises from the existing premises licence holder. The applicant had no details of issues arising under the existing premises licence holder. The applicant had no connection with the existing premises licence holder. The applicant had tried engaging with local residents to assure them that things would be better under new management, but there remained objections from residents based on issues arising under the existing premises licence holder. The operating schedule for this application differed significantly from that of the existing premises licence, which the applicant did not seek to take over. In particular, the applicant did not seek to provide live music. The hours sought were fewer than those in the existing premises licence. The applicant sought to run a family friendly restaurant, closing earlier than the premises had under the existing premises licence holder.

The objectors did not attend, but had submitted written representations expressing concerns about disturbance from loud music and patrons in high spirits having arguments, which were considered.

This application engages the licensing objective of preventing public nuisance.

The absence of objection by any of the responsible authorities was of neutral weight.

The Sub-Committee appreciated the legitimate concerns of residents based upon noise disturbance suffered when the premises were run by the existing premises licence holder.

There was no evidence that the applicant was connected with the existing premises licence holder. The applicant had provided assurances that there would be no repeat of the above issues under his management. That allied to the conditions offered, and conditions agreed with Environmental Protection gave the Sub-Committee confidence that the applicant would uphold the licensing objectives, particularly preventing public nuisance.

Accordingly, the Sub Committee unanimously;

### **RESOLVED**

That the application for a new premises licence for **The Widows Son, 75 Devons Road, London E3 3PJ** be **GRANTED** subject to the following conditions:

**Sale by retail of alcohol (On sales only): -**

Monday to Thursday, from 12:00 hrs to 22:30 hrs  
Friday and Saturday, from 12:00 hrs to 23:30 hrs  
Sunday, from 12:00 hrs to 22:30 hrs

**Late-night refreshment (indoors)**

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

**Conditions**

1. The premises shall install and maintain a comprehensive CCTV system. 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 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 refusal of the sale of alcohol;
  - h) any visit by a relevant authority or emergency service.
4. The premises shall have in place, and operate, a zero tolerance policy with regard to the use/possession of controlled drugs and psychoactive substances and advertise the same within the premises on posters and similar means. This policy shall specifically include but not be limited to:
  - a) Searching practices upon entry;
  - b) Dealing with patrons suspected of using drugs on the premises;
  - c) Scrutiny of spaces including toilets or outside areas;
  - d) Clear expectations of staff roles (including the DPS, managers/supervisors and door supervisors);
  - e) Staff training regarding identification of suspicious activity and what action to take;

f) The handling of items suspected to be illegal drugs or psychoactive substances

g) Steps taken to discourage and disrupt drug use on the premises

h) Steps to be taken to inform patrons of the premises drug policy/practices

Any customers or other people on the premises who cause public disorder will be reported to the Police immediately A copy of this policy document shall be lodged with the police and licensing authority.

5. Public toilets on the premises should be regularly checked i.e. at intervals of no less than an average of 2 hourly, while the premises are open to the public.

6. In the event that a serious crime is committed on the premises (or appears to have been committed) the management will immediately ensure that:

a) The police (and, where appropriate, the 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. The Pub Manager shall actively participate in and support the local Pub Watch Scheme where active.

8. A minimum of two members of staff shall be present on the shop floor after 21:00 hours.

9. At least one of the following, a Personal Licence Holder, the Premises Licence Holder, or the Designated Premises Supervisor shall be present at the premises at all times during licensing hours.

10. All drinking glasses shall be made of toughened glass.

11. There shall be no promotions that encourage illegal, irresponsible or immoderate consumption.

12. Free potable water shall be provided on request to customers.

13. Customers showing signs of intoxication shall be refused the sale or supply of alcohol.

14. No accumulation of combustible rubbish, dirt, surplus material or stored goods shall be permitted to remain in any part of the premises except in an appropriate place and of such quantities so as not to cause a nuisance, obstruction or other safety hazard.

15. The premises licence holder shall ensure that adequate measures are in

place to prevent the escape of odours from the premises. This includes odour from food preparation and refuse storage.

16. The licence holder shall ensure that adequate measures are in place to remove litter or waste and to prevent litter from accumulating in the immediate vicinity of their premises.

17. The premises licence holder shall ensure that any patrons smoking outside the premises do so in an orderly manner, and are supervised by staff so as to ensure that there is no public nuisance or obstruction of the public highway.

18. No waste or recyclable materials, including bottles, shall be moved, removed from or placed in outside areas between 23:00 hrs and 08:00 hrs the following day.

19. Last orders shall be made 30 minutes before the closing time, and customers shall be notified about closing time. Steps shall be taken to encourage customers to leave the premises quietly.

20. The manager and staff shall be briefed in the importance of their responsibilities in ensuring customers are over 18 years.

21. A Challenge 25 scheme shall be operated, whereby any person who appears to be under the age of 25 years of age is required to produce on request an item which meets the mandatory age verification requirement and is either a:

- a) Proof of age card bearing the PASS Hologram;
- b) Photocard driving licence;
- c) Passport; or
- d) Ministry of Defence Identity Card

22. A refusals record shall be maintained at the premises which details all refusals to sell alcohol. Each entry shall, as a minimum, record the date and time of the refusal and the name of the staff member refusing the sale. All entries must be made as soon as possible and in any event within 4 hours of the refusal and the record must be made immediately available to police, trading standards or licensing authority staff upon reasonable request. The refusals record shall be maintained either by electronic means or in a bound document, and retained for at least 12 months from the date of the last entry.

23. All staff engaged in the sale or supply of alcohol on the premises shall have received training in relation to the protection of children from harm (including under-age sales), how to recognise drunkenness and the duty not to serve drunk persons. Refresher training shall be carried out at least every six months. Training records shall be kept on the premises (or otherwise be accessible on the premises) for a minimum of 12 months and made immediately available to police, trading standards or licensing authority staff upon reasonable request.

24. Children under the age of 16 must be accompanied by an adult.
25. All children under the age of 18 shall vacate the premises by 22:00 hours.
26. No Music or Amplified Sound shall be generated on the premises to give rise to a public nuisance to neighbouring residents.
27. Loudspeakers shall not be located in the entrance lobby, or outside the premise building nor on ceilings, and anti-vibration mounts used for speakers attached to the walls.
28. All windows and external doors shall be kept closed when regulated entertainment takes place, except for the immediate access & egress of persons.
29. No collections of waste or recycling materials (including bottles) from the premises shall take place between 22:00 hours and 08:00 hours on the following day.
30. No deliveries to the premises shall take place between 22:00 hours and 08:00 hours the following day.
31. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
32. Patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke etc, shall be limited to 8 persons at any one time.
33. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises, which gives rise to a public nuisance.

#### **4. EXTENSION OF DECISION DEADLINE: LICENSING ACT 2003**

Nil items.

The meeting ended at 8.00 p.m.