

**LONDON BOROUGH OF TOWER HAMLETS**

**RECORD OF THE DECISIONS OF THE LICENSING SUB COMMITTEE**

**HELD AT 2.30 P.M. ON TUESDAY, 14 MAY 2024**

**COMMITTEE ROOM - TOWER HAMLETS TOWN HALL, 160 WHITECHAPEL ROAD, LONDON E1 1BJ**

**Members Present in Person:**

Councillor Ana Miah  
Councillor Suluk Ahmed  
Councillor Kabir Hussain

**Apologies:**

None

**1. DECLARATIONS OF INTEREST**

There were no declarations of interest.

**2. RULES OF PROCEDURE**

The rules of procedure were noted.

**3. MINUTES OF THE PREVIOUS MEETING(S)**

The minutes of the meetings held on 27<sup>th</sup> February and 11<sup>th</sup> April were agreed and approved as a correct record.

**4. ITEMS FOR CONSIDERATION**

**4.1 Application for a New Premises Licence for Lucia's Unit 5007 Queens Yard White Post Lane, London, E9 5EN**

This is an application by Mr. Jomardi Kurdi of Rashdan Group Limited for a premises licence in respect of Lucia's, Unit 5007, Queens Yard, 43 White Post Lane, London E9 5EN.

The application sought the sale by retail of alcohol (on sales only) from Mondays to Sundays from 11:00hrs. to 23:00hrs.

Representations were received against the application from Hatton Garden Properties Limited, a local business on the basis of public nuisance and public

safety. The objector was concerned about increased footfall on an adjacent passageway over which there is a public right of way. In particular, the objector was concerned about patrons drinking and encroaching on that passageway, which is not wide, with the ramifications upon safety and noise disturbance.

The applicant told the Sub-Committee that it was a small restaurant and sought to sell alcohol ancillary to its business. The applicant referred to conditions offered, and also to conditions agreed with the police with regard to the prevention of crime and disorder. The applicant suggested that on sales being sought mitigated concerns about patrons encroaching on the passageway.

The Sub-Committee ascertained from the applicant that no patrons would be allowed outside to consume food and drink after 10pm.

This application engages the licensing objective of the prevention of public nuisance and, to a lesser extent, that of public safety. The representation against the application was largely considered with the potential impact of increased footfall by the applicant's patrons over an adjacent private passageway over which there was a right of way for both pedestrians and vehicles.

The Sub-Committee noted the objector's concerns that granting the licence would lead to more people using that right of way to and from the applicant's business, causing noise disturbance and increased risk to public safety. The objector was particularly concerned about the passageway being crowded with people at a late hour, and that the small size of the applicant's premises would lead to an overspill of people into the narrow passageway.

The Sub-Committee disregarded, however, the representation insofar as it related to the objector's property rights.

The Sub-Committee noted from the applicant that the half hour between the terminal hour and the closing time on each day was intended to enable an orderly dispersal of patrons without risk to public safety or risk of public nuisance being caused.

Whilst no responsible authorities, particularly Environmental Health or the police had made any representations, that in itself was considered by the Sub-Committee not to be conclusive, and to have neutral significance.

The Sub-Committee was concerned to reflect a balanced approach with regard to the legitimate aims of the business, and the legitimate concerns of the objector. Members were satisfied on the balance of probabilities that whilst the objector had genuine concerns about the likely impact of increased footfall on the adjacent passageway, the combination of conditions offered and conditions agreed with the police mitigated the impact of any increased footfall over the adjacent passageway and that granting the licence with conditions was appropriate and proportionate for the promotion of the licensing objectives.

Therefore, the Sub-Committee decided to **grant** the application for the sale of alcohol as follows: -

The sale by retail of alcohol (on sales only) from Mondays to Sundays from 11:00hrs. to 23:00hrs. with the following conditions: -

1. All Staff to be trained in alcohol awareness and made aware of their responsibilities under the Licensing Act 2003.
2. Staff will refuse alcohol to already intoxicated or overly aggressive customers.
3. A comprehensive health and safety risk assessment will be in place.
4. A first aid kit will be available.
5. Signs to ask patrons to respect the neighbours and leave the area quietly will be displayed.
6. Use of the outdoor courtyard will cease at 22:00 hours.
7. Any tables will be removed from the front covered area at 22:00 hours leaving this space as a smoking area.
8. All doors and windows will be kept closed after 22:00 hours apart from access and egress.
9. Children under the age of 16 years will not be allowed on the premises unless they are accompanied by someone 18 years of age or over.
10. 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 are 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.
11. 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.
12. 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 shall be available on request by the Police or any authorised officer.

13. 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.

14. 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.

15. 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.

16. 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.

#### **4.2 Application for a New Premises Licence for Burgers LDN, (Alleyway) 141 Leman Street, London E1 8EY**

This is an application by Burgers LDN Limited for a premises licence in respect of Burgers LDN, 141 Leman Street, London E1 8EY.

The application sought the provision of late-night refreshment for consumption off the premises on: -

Sunday to Thursday, from 23:00 hrs. to 00:00 hrs. (midnight)

Friday and Saturday, from 23:00 hrs. to 02:00 hrs. on the following day

A representations was received against the application from Mr. Montgomery, a resident on the basis of the prevention of public nuisance The applicant had agreed conditions with the police and the Environmental Health Service.

The applicant clarified that whilst the business comprises a restaurant and a separate kitchen, it was only the kitchen which was to be used for the proposed sale of takeaway late-night refreshment. The applicant accepted that they had provided late-night refreshment in September 2023 without a licence. However, they had been unaware that a licence was required for that. When informed about this, the applicant immediately ceased providing late-night refreshment and duly applied for a licence. The applicant could not understand the issue raised by the objector regarding need for late-night refreshment in the area.

The applicant referred to the positive impact of the business upon antisocial behaviour in the vicinity. Before they took over the premises, there had been public urination in the adjacent alleyway. That ceased after the business took over and installed CCTV.

Although Mr. Montgomery did not attend the Sub-Committee meeting, the Sub-Committee carefully considered Mr. Montgomery's written representations on pages 157 and 158 of the agenda. The objection referred to a perceived lack of need for late-night refreshment in the area, given that this was already being provided by other premises, as well as antisocial behaviour such as public urination, noise disturbance, and littering.

Need is not a relevant consideration for the Sub-Committee.

Antisocial behaviour such as public urination, littering and noise engage the licensing objectives of the prevention of crime and disorder and the prevention of public nuisance.

The Sub-Committee ascertained from the Licensing Officer that the applicant had no history of non-compliance with the Licensing Act 2003, except for the instance of unlicensed late-night refreshment in September 2023.

Whilst no responsible authorities, particularly Environmental Health or the police had made any representations, that in itself was considered by the Sub-Committee not to be conclusive, and to have neutral significance.

The Sub-Committee was concerned to reflect a balanced approach with regard to the legitimate aims of the business, and the legitimate concerns of the objector. Notwithstanding that the applicant had carried on the provision of late night refreshment previously, Members were satisfied that this was an error on the applicant's part which was rectified immediately after being informed of the need for a licence. There were no other matters that gave the Sub-Committee reason to consider that the applicant would not uphold the licensing objectives.

The Sub-Committee was satisfied that these considerations allied to the conditions agreed by the applicant with the police and Environmental

Protection, meant that it would be appropriate and proportionate for the promotion of the licensing objectives to grant the application.

Therefore, the Sub-Committee decided to **grant** the application for late-night refreshment on: -

Monday to Thursday, from 23:00 hrs. to 00:00 hrs. (midnight)

Friday and Saturday, from 23:00 hrs. to 02:00 hrs. on the following day

Sunday, from 23:00 hrs to 00:00 hrs (midnight)

with the following conditions: -

1. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses, and to leave the area quietly.
2. No loitering of customers outside the premises having received their takeaway from the premises.
3. 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. 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.
5. 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.
6. 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.

7. 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.

#### **4.3 Application for a New Premises Licence for (Local Café), 84 St Stephen's Road, London, E3 5JL**

This is an application by Sandra Bajraliu for a premises licence in respect of Local Café, 84 St Stephen's Road, London, E3 5JL.

The application sought the sale by retail of alcohol (on sales only) from Monday to Sunday, from 11:00 hrs. to 22:00 hrs.

Representations were received against the application from two residents based on the licensing objectives of preventing public nuisance.

The applicant amended her application in respect of the terminal hour and the closing time, so that both were now 21:00hrs. She made no other amendments to the application.

The applicant presented her business as having traded for 2 years without any issues. The premises were a café selling things like afternoon tea. She was not seeking to operate a wine bar.

Although the objectors did not attend the meeting, the Sub-Committee carefully considered their written representations on pages 231 and 233 of the agenda.

The objections both referred to loud and antisocial behaviour in the locality, additional noise impacting residents living above and around the café as well as more generally, and that the local community was already well served by licensed premises.

This application engages the licensing objective of the prevention of public nuisance. The premises are not in a cumulative impact zone and there was insufficient evidence before the Sub-Committee of cumulative impact. Likewise, the Committee is not concerned with the need for licensed premises.

Whilst no responsible authorities, particularly Environmental Health or the police had made any representations, that in itself was considered by the Sub-Committee not to be conclusive, and to have neutral significance.

The applicant had agreed a number of conditions with Environmental Protection, and had offered a number of other conditions.

The Sub-Committee considered what was reasonable and proportionate for the promotion of the licensing objectives, in particular, preventing public nuisance such as noise disturbance, and preventing crime and disorder which can include antisocial behaviour. The Sub-Committee was satisfied that any risk of noise disturbance or antisocial behaviour being caused by patrons of the business would be offset by a combination of those conditions offered by the applicant, and conditions which the applicant had agreed with Environmental Protection.

The Sub-Committee was concerned to reflect a balanced approach with regard to the legitimate aims of the business, and the legitimate concerns of the objectors. Members were satisfied that there was insufficient evidence that patrons of the business were responsible for noise disturbance or antisocial behaviour or that the operation of the business generally gave rise to concerns. The hours sought were modest and within framework hours. The premises too were small, which therefore also assisted in limiting any impact upon the licensing objectives. The Sub-Committee was satisfied that it was appropriate and proportionate for the promotion of the licensing objectives to grant the application with amendments and conditions.

Therefore, the Sub-Committee decided to **grant** the application to allow the sale by retail of alcohol (on sales only) from Monday to Sunday, from 11:00 hrs. to 21:00 hrs. with the following conditions, although in respect of the conditions offered by the applicant, where there was an equivalent model condition, the Sub-Committee substituted that condition: -

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. The premises licence holder will implement fire safety measures within the premises, including the presence of fire safety equipment, such as foam, H2O,



and CO2 fire extinguishers, a fire blanket, internally illuminated fire exit signs, and multiple smoke detectors.

4. All fire safety appliances will undergo annual inspections to guarantee their effectiveness and compliance with safety standards.

5. All emergency exits will be kept free from any obstructions at all times to ensure swift and unimpeded evacuation in case of an emergency.

6. Clear and legible notices will be prominently displayed, reminding patrons to leave the premises quietly.

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. All members of staff will undergo regular training on the prevention of alcohol sales to persons under the age of 18 years.

9. 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.

10. All external doors and/or windows shall be kept closed after 20:00hrs., except for the immediate access and egress of persons.

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

12. The premises license holder shall ensure that music and/or patrons' sound is not audible at the nearest noise sensitive premises.

13. The external area shall not be used after 20:00hrs., except for patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke, and shall be limited to 3 persons at any one time.

14. No collections of waste or recycling materials (including bottles) from the premises shall take place between 22:00hrs. and 08:00hrs. on the following day.

15. No deliveries to the premises shall take place between 22:00hrs. and 08:00hrs. on the following day.

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

The following applications were extended till 31<sup>st</sup> July 2024.

- Vittoria Wharf Studio 10 Stour Road London E3 2NT
- Slurp (Andina), 60 - 62 Commercial Street, London E1 6LT
- Bethnal Green Working Men's Club, Basement, 42-46 Pollard Row E2
- Uber, 1 Aldgate Tower (1<sup>st</sup> & 2<sup>nd</sup> floor), 2 Leman Street, London, E1
- Xi Home Dumplings, 10 Blossom Street, London, E1 6PL
- House of Music & Entertainment, 20 Commercial Street, London, E1
- 1 Cha, 142 Bethnal Green Road, London, E2 6DG

**6. TEMPORARY EVENT NOTICE FOR FABWICK UNIT 4A QUEENS YARD 43 WHITE POST LANE LONDON E9 5EN**

This is an application by Environmental Health for a counter-notice against a Temporary Event Notice (TEN) given by Mr. Kenan Balli in respect of Fabwick, Unit 4a, Queens Yard, 43 Whitepost Lane, London E9 5EN.

The TEN authorising the sale by retail of alcohol the provision of regulated entertainment, and the provision of late-night refreshment as follows: -

23<sup>rd</sup> May 2024 – 10:00 hours to 24<sup>th</sup> May 2024 01:00 hours

24<sup>th</sup> May 2024 – 10:00 hours to 25<sup>th</sup> May 2024 01:00 hours

25<sup>th</sup> May 2024 – 10:00 hours to 26<sup>th</sup> May 2024 01:00 hours

The applicant had carried on a business for 22 years without problems. He has a pending application for a premises licence, due to be considered by the Licensing Sub-Committee on 18<sup>th</sup> July 2024. The applicant presented the application as a “tidying up” to enable the applicant, in the meantime, to sell alcohol, provide regulated entertainment, and provide late-night refreshment on the above dates. The maximum capacity is 200.

The Environmental Health Officer provided clear and cogent reasons to the Sub-Committee as to why the TEN should not be permitted to proceed. Since the premises are not currently licensed, the Sub-Committee cannot impose conditions upon the TEN. The only options are to issue a counter-notice or to refuse to issue a counter-notice.

The applicant presented no evidence to satisfy the Sub-Committee that the event would not give rise to noise disturbance, particularly at the later hours after up to 200 patrons leave. The Sub-Committee was therefore satisfied that allowing the event to go ahead would inevitably lead to public nuisance.

The Sub-Committee’s decision is therefore to issue a counter-notice.

**7. TEMPORARY EVENT NOTICE FOR (LITTLE LDN) UNIT 3, 39 AUTUMN STREET, LONDON E3 2TT**

This is an application by Environmental Health for a counter-notice to a Temporary Event Notice (TEN) given by Little LDN Limited in respect of (Little LDN) Unit 3, 39 Autumn Street, London E3 2TT.

The TEN given would authorise the sale by retail of alcohol and the provision of regulated entertainment from 21:00 hours on Saturday 25<sup>th</sup> May 2024 to 03:00 hours on Sunday 26<sup>th</sup> May 2024.

Mr. Sutherland who attended on behalf of the premises user, informed the Sub-Committee that his client wished to amend the TEN in respect of the terminal hour, which would be reduced to 23:59 hours. This brought the hours within the Council's framework hours. There were no other amendments.

The Sub-Committee noted the applicant's acknowledgement that a previous application had failed, and now sought to persuade the Sub-Committee that they can operate without undermining the licensing objectives.

The Sub-Committee heard that the applicant's consultant would attend the event to monitor noise levels and set the noise limiter, ensuring that residents would not suffer noise disturbance from the event.

The Sub-Committee heard that the applicant hoped to be able to demonstrate that the reduced hours plus good management would ensure that no public nuisance would arise.

Mr. Nevitt who also appeared for the applicant confirmed that he had assisted the applicant with drawing up the noise management and traffic management plans. He referred in particular to the noise management plan in the second supplement to the agenda pack.

The Sub-Committee ascertained that the hours were reduced because of Environmental Protection's representations.

The Environmental Health Service objected to the TEN because of the combination of noise breakout to local residents, and noise from patrons entering and leaving in high spirits, with a terminal hour beyond the Council's framework hours. Rita Craddock for Environmental Health acknowledged that the reduced hours and the noise management processes set out on pages 44 and 107 of the second supplement to the agenda partly addressed her team's concerns. However, her team needed to know what was proposed regarding patrons smoking outside, access and egress, and people sounding horns.

The Sub-Committee heard the applicant address this by reference to a limited pick-up area, and assurance that the applicant will work with Environmental Health on how the premises user will manage the number of smokers, and people accessing and egressing the premises.

The Sub-Committee considered what would be reasonable and proportionate for the promotion of the licensing objectives, in particular, preventing public nuisance. The Sub-Committee understands that, as a matter of law, it is not possible for a TEN to be amended in the way proposed by Mr. Sutherland.

However, the Sub-Committee was willing to accept this as an undertaking by the premises user that the event would cease at 23:59 hours notwithstanding that the TEN could not be altered to reflect that. This undertaking to cease licensable activity at 23:59 hours would mitigate any impact on the licensing objective of the prevention of public nuisance would not be undermined. The applicant should note, however, that should they fail to adhere to the undertaking to operate to a reduced terminal hour, this may well affect its credibility in the event it comes before the Sub-Committee in the future.

The decision of the Sub-Committee is to refuse the application for a counter-notice.

The meeting ended at 5.05 p.m.

Chair, Councillor Ana Miah  
Licensing Sub Committee