

LONDON BOROUGH OF TOWER HAMLETS**MINUTES OF THE LICENSING SUB COMMITTEE****HELD AT 3.00 P.M. ON TUESDAY, 19 NOVEMBER 2019****THE COUNCIL CHAMBER, TOWN HALL, MULBERRY PLACE, 5 CLOVE
CRESCENT, LONDON, E14 2BG****Members Present:**

Councillor Peter Golds (Chair)
Councillor Mohammed Ahabab Hossain
Councillor Rajib Ahmed

Officers Present:

Agnes Adrien – (Head of Litigation, Legal Services)
Kathy Driver – (Principal Licensing Officer)
Corinne Holland – (Licensing Officer)
Simmi Yesmin – (Democratic Services)

Representing applicants	Item Number	Role
Felipe Preece	3.2	(Applicant)

Representing objectors	Item Number	Role
Corinne Holland	3.2	(Licensing Authority)

Apologies

None

1. DECLARATIONS OF DISCLOSABLE PECUNIARY INTEREST

There were no declarations of disclosable pecuniary interests made.

2. RULES OF PROCEDURE

The rules of procedure were noted.

3. ITEMS FOR CONSIDERATION

3.1 Application for a New Premises Licence for The Gate, 27 Commercial Road, London E1 1LD

This item was resolved prior to the hearing.

3.2 Application for a New Premises Licence for Sugoi JPN Ltd, Unit 2, Arch 7 Gales Gardens, London E1 6BG

At the request of the Chair, Ms Kathy Driver, Licensing Officer, introduced the report which detailed the application for a new premises licence for Sugoi JPN Ltd, Unit 2 Arch 7 Gales Garden, London E1 6BG. It was noted that an objection had been received by the Licensing Authority.

At the request of the Chair, Mr Felipe Preece, Applicant explained that he had international business experience and had worked as a consultant in the hospitality industry. He said that this premises would be specialising in Japanese-Latin food. It was noted that Mr Preece had a Personal Licence and was also the proposed Designated Premises Supervisor. He said that there had been no complaints since they had been open.

Mr Preece explained that it was a takeaway delivery service only and there would be no eating facilities on the premises. He further explained that there would be no noise/vibration emanating from the premises. It was noted that there was several kitchens operating from the arches, and the premises approximately had 200 orders a week. It was noted that the Applicant had good relations with the owners with from Old St Brewery and together had made their own beer and therefore it was proposed to only sell the company own branded beer as part of the menu. It was also noted that alcohol would only be sold ancillary to a meal being ordered.

Mr Preece explained that age restricted products would have stickers on and the age restrictions was also on the website. It was also noted that there were CCTV cameras in operation 24 hours a day and there was a security officer on duty during the night.

Members then heard from Ms Corinne Holland, Licensing Officer, representing the Licensing Authority, she gave a brief summary of the Cumulative Impact Policy and explained that there was no explanation in the application on how the applicant would promote the licensing objectives and how the premises would not negatively impact the area. She said that there were 35 kitchens in the arches and therefore there would be a lot of delivery drivers coming in and out. She explained that there was no reference in the application whether the alcohol would be ancillary to a meal or there would be age restrictions/verifications. There had been no mention of the deliveries drivers and what process they would follow. It was noted that it was a residential area and had residents living close by. Ms Holland concluded by raising the general concerns that had been raised in relation to the arches, such as noise, disturbance and dangerous driving by the drivers.

It was noted that regardless of a licence being granted, the applicant could still continue to sell and deliver food up until 11pm. Ms Holland stated that the

Applicant had failed to address any of the concerns and therefore the application should be refused.

In response to questions the following was noted;

- The applicant referred to other units in the arches that had licences.
- It was confirmed by the Licensing Officer that there was no other premises licence in the same unit.
- That the applicant was willing to accept any conditions recommended by the Sub-Committee.
- That it was intended to sell own craft beer made locally at the Old St-Brewery. It would be the one type of beer which had 5% abv.
- That delivery drivers would check identification when delivering the food, they would be trained to ask and verify ID and obtain signatures when selling alcohol.
- That the over ground train passed over the arches every 5 minutes and caused more noise than the kitchen itself.
- That there were approximately 20 deliveries each day.

In summation, Ms Holland stated that the premises was within the CIZ area, although the hours were not excessive, and the alcohol would be ancillary to food, and age restrictions would apply, there was no explanation of how the applicant would uphold the licensing objectives.

Mr Preece explained that there would be no issues of crime, there were 24 hour CCTV cameras in operation and a security officer on duty during the night. There was no machinery that could cause noise nuisance and the business was a takeaway and delivery service and not a sitting in restaurant or pub.

Members adjourned again at 4.00pm for deliberations and reconvened at 4.15pm.

In considering the application, Members were required to consider the same in accordance with the Licensing Act 2003 (as amended), the Licensing Objectives, the Home Office Guidance and the Council's Statement of Licensing Policy and in particular to have regard to the promotion of the four licensing objectives:

1. The Prevention of Crime and Disorder;
2. Public Safety;
3. The Prevention of Public Nuisance; and
4. The Protection of Children from Harm.

Consideration

Each application must be considered on its own merits. The Chair confirmed that the Sub-Committee had carefully considered all of the evidence before them and heard oral representations at the meeting made by the Applicant and the Officers from Responsible Authorities objecting to the application, with

particular regard to the prevention of public nuisance and prevention of crime and disorder.

The Sub-Committee noted that the premises are in the Bethnal Green cumulative impact zone (CIZ), and so, the effect of a application for a new premises licence for the sale of alcohol in a CIZ is that there is a rebuttable presumption that where relevant representations are received by one or more of the responsible authorities and/or other persons objecting to the application, the application will be refused.

The Sub-Committee noted that under the Council's Statement of Licensing Policy, the Applicant can rebut the above presumption if they can demonstrate that their application for a premises licence would not undermine any of the four licensing objectives by not adding to the cumulative impact of licensed premises already in the CIZ.

The Sub-Committee considered that the onus lay upon the applicant to show through their operating schedule, with appropriate supporting evidence that the operation of the premises, if licensed, would not add to the cumulative impact already being experienced.

The Sub-Committee noted the representations from the Licensing Authority, regarding the impact of the premises on the Bethnal Green Cumulative Impact Zone (CIZ) and concerns relating to the previous complaints made in general regarding the Arches at Gales Garden. These included noise from kitchen workers and delivery drivers, abuse, disturbance and dangerous driving from delivery drivers.

The Sub Committee acknowledged the applicant's willingness to accept conditions suggested by the Responsible Authorities. However, the Sub Committee was concerned that this in itself did not address how the grant of a premises licence would not add to the cumulative impact of licensed premises already in the CIZ.

The Sub-Committee therefore considered that it had not heard sufficient evidence to rebut the presumption against granting any further premises licence within the CIZ. The Sub-Committee was not satisfied that the operating schedule as presented at the Sub-Committee meeting rebutted the above presumption.

The Sub Committee was therefore not satisfied that there were exceptional circumstances to justify granting the application, and were of the view that the applicant had failed to rebut the presumption. The applicant failed to demonstrate how the granting of their application would not negatively add to the cumulative impact in the area or undermine any of the four licensing objectives.

Accordingly, the Sub Committee unanimously;

RESOLVED

That the application for a New Premises Licence for Sujoi, JPN Ltd, Unit 2 7 Gales Gardens, London E1 6BG be **REFUSED**.

3.3 Application for a Transfer of a Premises Licence Holder for Queens Head, 8 Flamborough Street, London E14 7LS

This item was adjourned and will be considered at a future Licensing Sub Committee meeting.

4. EXTENSION OF DECISION DEADLINE: LICENSING ACT 2003

There were no decision deadlines that required extension.

The meeting ended at 4.20 p.m.

Chair, Councillor Peter Golds
Licensing Sub Committee