

LONDON BOROUGH OF TOWER HAMLETS
MINUTES OF THE LICENSING SUB COMMITTEE
HELD AT 5.30 P.M. ON TUESDAY, 5 MAY 2020

ONLINE 'VIRTUAL' MEETING - [HTTPS://TOWERHAMLETS.PUBLIC-I.TV/CORE/PORTAL/HOME](https://towerhamlets.public-i.tv/core/portal/home)

Members Present:

Councillor Dan Tomlinson (Chair)
Councillor Eve McQuillan
Councillor Gabriela Salva Macallan

Officers Present:

Luke Wilson	– (Legal Services)
Corinne Holland	– (Licensing Officer)
Simmi Yesmin	– (Democratic Services)

Representing applicants	Item Number	Role
Jack Ma	3.1	(Applicant)
Mohibur Rahman	3.1	(Manager of the Premises)
Abu Mahmood	3.2	(Applicant)

Representing objectors	Item Number	Role
Saddek Ahmed	3.1	(Resident Objector)
Lavine Miller-Johnson	3.2	(Licensing Officer)

Apologies

None

The Chair welcomed everyone to the meeting, explained the procedure of the meeting and made introductions.

1. DECLARATIONS OF DISCLOSABLE PECUNIARY INTEREST

There were no declarations of 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 Tian Tian Market, 48 Lanterns Way, London E14 9JP

At the request of the Chair, Ms Corinne Holland, Licensing Officer, introduced the report which detailed the application for a new premises licence for Tian Tian Market, 48 Lanterns Way, London E14 9JP. It was noted that objections had been received on behalf of local residents.

At the request of the Chair, Mr Mohibur Rahman, representative on behalf of the Applicant and manager of the premises, explained that he had emailed the objector (lead petitioner) with proposed conditions to help alleviate the concerns raised by the residents. He explained that they would proactively train staff, carry out the required age verification checks, check valid IDs and install and maintain a CCTV camera system which would be operational 24 hours. The Applicant would employ a security guard to monitor inside and outside the premises during busy periods.

Mr Rahman referred to the individual representation made by a local resident and wanted to assure the Sub-Committee that food would not be cooked on the premises and only sample tasters would be used for promotional purposes. He confirmed that the premises would not trade beyond 10.00pm.

Members then heard from Mr Saddek Ahmed, Lead Petitioner and Chair of the Residents Association for Hoover Tower Building. He said that the individual objector Mr Abdul Hasan had given his apologies for the meeting. Mr Ahmed confirmed that there were 123 flats in the building and explained the general concerns regarding the sale of alcohol. He briefly described the types of anti-social behaviour in the local area. He was concerned that another premises selling alcohol in the area would lead to further acts of anti-social behaviour. He explained that there were other stores in close proximity which sold alcohol and believed that another premises selling alcohol was not necessary.

Mr Ahmed explained that the residents were not against the supermarket but were against the sale of alcohol. He welcomed the idea of a security guard but questioned whether one security guard would be enough to control and manage potential disturbances. Residents did not object to the sale of oriental food.

In response to questions, the following was noted:

- A security guard would be employed to ensure that there was no disorder in the area or disruption to residents.
- Only foreign oriental alcohol would be sold and not the high street brands that are found in large supermarkets such as Tesco and Asda.

- It is a small premises. With the assistance of staff, security, CCTV cameras and monitoring from back office, the Applicant was confident they would be able to manage and prevent ASB.
- The majority of the customers were oriental and not local customers.
- The residents believed that the area was a hotspot and if there was an increase in number of premises selling alcohol, this would attract more people to the area which would likely cause a public nuisance.
- There had been issues of anti-social behaviour in the area for over five years.
- There was no evidence of drug issues or anti-social behaviour directly related to the premises.
- There were many premises that sold alcohol nearby.
- The premises was in a residential area.
- The store entrance would be moving from the main road to facing opposite the residential flats and as a result concerns were raised in relation to the delivery vehicles coming in and out at different times of the day.
- Deliveries would be taken from Millharbour, the opposite side of the building to residents of Hoover Tower.
- Small supermarkets such as this generally do not have security guards. The Applicant has not yet confirmed the days and hours it intends to have security present.
- There have been no complaints on record about the premises.
- The premises would not be selling hot food. On occasions, it would provide tasters.

Both parties made closing remarks.

The Chair advised all parties that a decision would be made by The Sub-Committee once this meeting was over and a decision notice, including the reasons for the decision, would be sent out to all parties within five working days.

The Licensing Objectives

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 the oral representations made at the meeting by Applicant's representatives and the Objector.

Members noted the objector's general concerns about anti-social behaviour in the area, however, there was no clear evidence that this had been linked to the premises or that the granting of the premises licence would lead to an increase in anti-social behaviour or public nuisance.

Members noted the efforts made by the Applicant in accepting and agreeing to the conditions proposed by the Responsible Authorities. These conditions, together with further conditions imposed by the Sub-Committee, gave Members the assurance that the risk of public nuisance and anti-social behaviour would be adequately mitigated and the Licensing Objectives upheld.

Therefore Members made a decision and the decision was unanimous. Members granted the application with conditions.

Accordingly, the Sub-Committee unanimously

RESOLVED

That the application for a New Premises Licence for Tian Tian Market, 48 Lanterns Way, London E14 9JP be **GRANTED** with conditions.

Sale of Alcohol (off sales only)

Monday to Sunday 10:00 hours – 22:00 hours

Hours premise is open to the public:

Monday to Sunday 10:00 hours – 22:00 hours

Conditions

1. The premises shall ensure that alcohol is not consumed on the premises.
2. Alcohol shall only be sold in sealed containers.
3. The premises shall ensure that customers do not congregate in the immediate vicinity of the premises.
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. 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.
7. Loudspeakers shall not be located in the entrance lobby or outside the premise building.
8. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
9. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises, which gives rise to a nuisance.
10. 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.

3.2 Application for a New Premises Licence for Ranna, Unit 46 Bow Triangle, Eleanor Street, London E3 4UR

At the request of the Chair, Ms Corinne Holland, Licensing Officer, introduced the report which detailed the application for a new premises licence for Ranna Ltd, Unit 46 Bow Triangle, Eleanor Street, London E3 4UR. It was noted that an objection had been received on behalf of the Licensing Authority.

At the request of the Chair, Mr Abu Mahmood, the Applicant, explained that the application was for a one-hour extension for late night refreshments only.

He explained that an application had been made following a positive test purchase made in August 2019 when officers were served after 11pm. He explained that it was a one off sale whilst waiting for delivery drivers to come and collect food orders for delivery.

Mr Mahmood claimed that the second incident in December was a misunderstanding. He initially thought that one of the test purchasers was his friend's younger brother. Mr Mahmood offered not to charge for the food but the officers insisted on paying. As a result, the Premises was cautioned for trading outside hours. Mr Mahmood said that he had previously tried to complete the application form but was unable to complete it. He left it incomplete until he was advised again to make an application for additional hours.

Mr Mahmood confirmed that he had agreed to conditions proposed by the Police and Environmental Health.

Members then heard from Lavine Miller-Johnson, Licensing Officer, who explained that she was objecting to the application on the basis that the premises has been found to be trading without a licence on two occasions. She explained that there was not sufficient evidence in the operating schedule to demonstrate how he would promote licensing objectives.

In response to questions the following was noted:

- The Applicant would ensure that shutters would be closed by midnight. The Premises would have CCTV cameras in operation to prevent any sales after trading hours.
- The premises did not serve alcohol.
- It was a delivery based business and would average 3-4 walk in customers per day. The Premises was in a residential area and did not expect to have gatherings as it was delivery based.
- On the first occasion, he served the officers as a one off as they had walked in whilst he had been waiting for delivery drivers to arrive to pick up food. There were no other customers in the premises at the time.
- There have been no complaints from residents.
- When asked why the business advertised the sale of hot food after 11pm, the Applicant said that he was initially unaware that he needed a licence. When he became aware of the requirement, he decided it was too expensive to reprint the leaflets.
- The reason for an extension to midnight was to allow flexibility for deliveries to be despatched after 11pm.
- The average cost per meal was £10-£12.

Both parties made closing remarks.

The Chair advised all parties that a decision would be made by The Sub-Committee once this meeting was over and a decision notice including the reasons for the decision would be sent out to all parties within five working days.

The Licensing Objectives

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 the oral representation made at the meeting by the Applicant and the Officer representing the Licensing Authority.

Members noted the conditions agreed with the other Responsible Authorities and were satisfied that the premises was mainly a delivery based business. Members were of the view that the robust conditions agreed with the Responsible Authorities, together with a condition ensuring that all orders and deliveries are despatched by midnight, would remove any uncertainty about the late night operation of the premises and the prescribed hours.

The Sub-Committee was satisfied that the licensing objectives would be promoted and the conditions imposed would effectively mitigate the risk of public nuisance and crime and disorder and would help alleviate any concerns arising from the objector.

Therefore Members made a decision and the decision was unanimous. Members granted the application with conditions.

Decision

Accordingly, the Sub-Committee unanimously –

RESOLVED

That the application for a New Premises Licence for, Ranna, Unit 46 Bow Triangle, Eleanor Street, London E3 4UR be **GRANTED** with conditions.

Provision of Late Night Refreshments

Monday to Sunday 23:00 hours to 00:00 hours (midnight)

Hours premises open to the public:

Monday to Sunday 07:00 hours to 00:00 hours (midnight)

Conditions

1. All food orders and deliveries must be despatched by midnight.
2. No more than six customers or drivers shall congregate at the front counter at any one time.
3. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises, which gives rise to a nuisance.
4. No idling of vehicles, being either patrons or delivery vehicles outside the premises whilst premises is in operation.
5. Notices shall be prominently displayed both inside and outside the premises requesting patrons to respect the needs of local residents and leave the area quietly.
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;
 - g) any refusal of the sale of alcohol;

h) any visit by a relevant authority or emergency service.

4. EXTENSION OF DECISION DEADLINE: LICENSING ACT 2003

There were no applications that required extensions to decision deadlines.

The meeting ended at 7.15 p.m.

Chair, Councillor Dan Tomlinson
Licensing Sub Committee