

LONDON BOROUGH OF TOWER HAMLETS**MINUTES OF THE LICENSING SUB COMMITTEE****HELD AT 5.30 P.M. ON TUESDAY, 24 NOVEMBER 2020****ONLINE 'VIRTUAL' MEETING - [HTTPS://TOWERHAMLETS.PUBLIC-I.TV/CORE/PORTAL/HOME](https://towerhamlets.public-i.tv/core/portal/home)****Members Present:**

Councillor Kahar Chowdhury (Chair)
 Councillor Mohammed Ahabab Hossain
 Councillor Kyrsten Perry

Officers Present:

David Wong	– (Legal Services)	
Mohshin Ali	– (Senior Licensing Officer)	
Simmi Yesmin	– (Democratic Services Officer, Committees, Governance)	

Representing applicants	Item Number	Role
Charlie Borrow	3.1	(Applicant)
Robert Jordan	3.2	(Licensing Representative)
Hakan Buz	3.2	(Applicant)

Representing objectors	Item Number	Role
Susanna Kow	3.1	(Resident)
Jonathan Morblay	3.1	(Resident)
Tonje Petterson	3.1	(Resident)
Stan Everett	3.1	(Resident)
Graham Hopkins	3.2	(Licensing Representative)
Erol Aslan	3.2	(Business Objector)

Apologies

None

1. DECLARATIONS OF 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 Variation of a Premises Licence for (previously known as Virginia Off Licence & Supermarket) 59 Virginia Road, London, London E2 7NF

At the request of the Chair, Mr Mohshin Ali, Licensing Officer, introduced the report which detailed the application for a new premises licence for (previously known as Virginia Off Licence and Supermarket) 59 Virginia Road, London E2 7NF. It was noted that objections had been received by local residents.

At the request of the Chair, Mr Charlie Borrow, Applicant, explained that he had taken over the premises in March 2020 but due to COVID 19, everything had been delayed. He explained the nature of the business, a workspace to hold workshops to teach people how to manufacture small leather goods, such as wallets and other goods, also to showcase art, architecture, wine tasting etc. he explained that alcohol would be part of an unwinding session after the workshop finished in order to allow customers to enjoy a drink before they leave. It was noted that in future, the premises may be used for exhibitions and launch events which would also help fund the running of the premises. It was noted that only background music would be played, and having consulted with the police he had reduced the hours for sale of alcohol to 11.30pm

Members then heard from Susanna Kow, Tonje Petterson, Jonathan Moberly and Stan Everett, local residents, who all expressed similar concerns about the public nuisance suffered by residents in the area, such as cars parking up in the evenings playing loud music, people drinking and smoking inside in cars causing noise nuisance, and people congregating outside causing anti-social behaviour due to the night time economy in the area. It was noted that the premises was in close proximity to residential properties. It was further noted that the previous premises which was an off licence used to close at 10pm, even though they had a licence up till 11pm, and over the years this created a balance especially with residents with young families. There were concerns that the premises was on a 5 year lease and residents were concerned that when the lease expired, the licence might be transferred to new operators who might then turn the premises into a bar with the benefit of what was now sought by the Applicant.

In response to questions the following was noted:-

- The applicant confirmed that he would only play background music, which is not regulated entertainment, and therefore cannot be the subject of the licensing regime.
- That there would be one event per week to start off with and then possibly two, necessitating a premises licence, as temporary event notices would restrict the Applicant to a maximum of 15 events over a one year period.

- That a lot of money had been invested in refurbishing the premises and the Applicant wanted to extend his lease in future to keep the premises for a longer term.
- That each workshop session would be 3-4 hours long and then have drinks to finish off with.
- Only selected premium drinks would be sold.
- That there was no evidence that public nuisance and ASB was related to the premises as the premises was not currently in operation.
- The concerns raised by residents related to issues already being experienced in the area, and therefore there was a concern that another licensed premises in the area could increase public nuisance in particular noise nuisance and ASB.
- The premises was in the process of renovation and therefore there have been no workshops sessions as yet.
- That the premises currently had a licence for off sales of alcohol until 11pm.
- The applicant wanted to work with residents and be part of the community.

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 heard oral representations at the meeting made by the Applicant and the resident objectors, with particular regard to the prevention of public nuisance and the prevention of crime and disorder.

Members welcomed the efforts made by the Applicant in accepting and agreeing to the conditions proposed by the Metropolitan Police and also reducing the hours that had originally been applied for. The Sub-Committee believed that a further reduction in the hours for the sale of alcohol to 10pm would create a balance in a residential area where there are concerns of anti-social behaviour. The Applicant's agreement during the hearing to accept a condition to restrict drinks from being consumed outside the premise also gave Members the assurance that the licensing objectives would be upheld.

Members were satisfied that the reduction in hours would also help alleviate concerns arising from the local resident objectors and reduce the risk of any disturbances.

The Sub Committee was therefore satisfied that the granting of the variation would not negatively impact on the area and the conditions imposed would help promote the licensing conditions.

Accordingly, the Sub Committee unanimously;

RESOLVED

That the application for a Variation of the Premises Licence for (previously known as Virginia Off Licence & Supermarket, 59 Virginia Road, London E2 7NF be **GRANTED in part with conditions**

Sale of Alcohol (on and off sales)

Monday to Sunday from 09:00 hours to 22:00 hours

Hours premises are open to the Public

Monday to Sunday from 09:00 hours to 22:30 hours

New Conditions to be imposed on the premises licence

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) 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. 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.
 5. No guests outside the premises after 21:00 hours.
 6. All windows and doors to remain closed at all times while events are on.
 7. No noise shall emanate from the premises.
 8. No drinks shall be consumed outside the premises.
 9. No more than 5 smokers to be allowed to smoke outside the premises at any one time.
 10. Notices shall be displayed in the premises asking customers to leave quietly and respect the needs of local residents.

3.2 Application for a Premises Licence for (Marco Food Centre) 38 - 40 Commercial Road, London E1 1LN

At the request of the Chair, Mr Mohshin Ali, Licensing Officer, introduced the report which detailed the application for a new premises licence for Marco Food Centre, 38-40 Commercial Road, London E1 1LN. It was noted that objections had been received by residents and local businesses.

At the request of the Chair, Mr Robert Jordan, Licensing Representative on behalf of the Applicant explained that the premises would be selling a range of quality products, from groceries to premium wines, to selected cuts of meats and organic and vegan products. He detailed the applicant's experiences and referred to the tests and qualifications which the applicant had recently passed in relation to licensed premises.

He referred to the petition submitted and questioned the number of repeated signatures on the petition, the fact that some pages on the petition had no headings, so it was not clear what they were petitioning for, hence Mr. Jordan asked Members to place little or no weight on the petition.

Mr Hakan Buz, Applicant, addressed the Sub-Committee and said that he had passed a premises licence holder course and been on a conflict management course to get trained as a responsible operator. He explained that the

premises would provide a unique shopping experience for customers with premium branded foods, selling gourmet meats, organic foods and luxury products. Mr Buz also said that a substantial investment had been made into the premises. He said that the premises was not alcohol led, and would only be selling premium selection of wines, which he also said in relation to a predominantly food led store, would ensure that customers would be able to purchase everything from one store.

Mr Buz stated that he would operate with strict governance and add the four licensing objectives into his everyday working practices, by having CCTV cameras in operation, frequent collection of waste, have notices displayed around the premises asking customers to leave quietly, maintain an incidents logs, keep the front tidy and well lit, operate the Challenge 25 policy and be vigilant inside and outside the premises. Mr Buz also said that training would be offered to all staff during their induction process, and all staff would be kept regularly updated on training.

It was also noted that no Responsible Authorities had objected to the application.

Members then heard from Mr Graham Hopkins, Licensing Representative representing a local business and the petitioners opposing the application. He explained that the premises was close to the cumulative impact zone (CIZ), and was an area which is commonly known for street drinking., He felt that the hours applied for were excessive, and would increase the alcohol related public nuisance and anti-social behaviour in the area. He explained that the residents were concerned that no conditions had been addressed to prevent street drinking, such as no condition to restrict the maximum strength of alcohol sold or restricting single can sales. He explained that the area was also in close proximity to rehabilitation hostels with residents that were alcohol dependant, and asked why residents should suffer another set of licenced premises in an area which already experiences a lot of public nuisance. Mr Hopkins said that the premises are in an area covered by a Public Spaces Protection Order (PSPO). He said that the residents' human rights should be considered.

Mr Erol Aslan, Business Objector, briefly explained the makeup of the area and the public nuisance and crime and disorder which currently exists, as well as how another set of licenced premises would be adding to issues already experienced in the area. He also gave examples of how customers are often intimidated by street drinkers in the area.

In response to questions the following was noted:-

- That the premises would not be alcohol led, but a high quality food store selling a range of products of which alcohol would be a small part.
- Members were reminded that concerns raised by the objectors were speculative and based on assumptions regarding premises which were not currently trading.

- That the Applicant was happy to accept a condition on the strength of alcohol sold.
- The Applicant was willing to work with responsible authorities.
- That robust training would be undertaken by management and staff.
- That a Challenge 25 policy would be operated at the premises.
- During peak times adequate staff would be on duty to supervise the store.
- That the concerns raised on behalf of residents related to the area in general and not to evidence specifically relating to the premises.
- That if another set of licensed premises is allowed in the area, residents were concerned about the likelihood that there would be more alcohol related problems.
- That no responsible authorities had objected to the application and the premises was not in the CIZ.

The Licensing Objectives

In considering the application, Members are normally 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 Sub-Committee carefully considered all of the evidence before them and heard oral representations at the meeting made by the Applicant and his Licensing Representative and from the one of the objectors and the Licensing Representative representing objectors with particular regard to concerns over the prevention of public nuisance and the prevention of crime and disorder.

The Sub-Committee noted the representations on behalf of the residents and from one objector in particular regarding the impact of another premises selling alcohol in the local area and the concerns relating to the likely disturbance to residents nearby. However, Members noted that the business model was clear that the premises would not be alcohol led, and that alcohol would be a small part of the range of products that the premises would be offering.

Whilst the Sub-Committee heard representations made by the Licensing Representative representing objectors, that the premises were close to a cumulative impact zone (CIZ) and would add to the cumulative impact, a CIZ is only relevant if the premises in question are within a CIZ, so the Sub-

Committee could not apply the considerations which would otherwise have featured had the premises been in a CIZ.

The Sub-Committee noted representations made by the Licensing Representative representing objectors, regarding residents' human rights. However, Licensing Sub-Committee decisions are made on the basis of what from the evidence is reasonable and proportionate to support the licensing objectives, which incorporate in themselves, reasonable and proportionate safeguards of the interests of those in the community.

The Sub-Committee noted representations made by the Licensing Representative representing objectors, that the premises are in an area covered by a Public Spaces Protection Order (PSPO). However, as stated, Licensing Sub-Committee decisions are made on the basis of what from the evidence is reasonable and proportionate to support the licensing objectives, and so the existence of a PSPO in the area in itself is irrelevant.

The Sub-Committee considered that on the balance of probabilities, there was insufficient evidence that the granting of the application would give rise to the issues raised by objectors.

The Sub-Committee heard the Applicant's proposal that there be a condition that no beer, larger or cider above 6% abv would be sold at the premises.

The Sub Committee heard from the Applicant's Representative that the premises would be providing a variety of products ranging from organic foods, premium cuts of meat to general groceries and would not be alcohol led. Members were satisfied from answers to questions that granting a premises licence for the reduced hours applied for, together with the Applicant's description of the nature of the business the applicant, the robust management and training regime proposed by the Applicant, and conditions proposed by responsible authorities in the papers would not lead to the licensing objectives being undermined. The Sub-Committee noted that none of the responsible authorities had seen any reason to join in the Sub-Committee proceedings to themselves raise any objections, and had the responsible authorities felt there was any substance to objections, they would like have joined in with making objections.

Decision

Accordingly, the Sub Committee unanimously;

RESOLVED

That the application for a New Premises Licence for Marco Food Centre, 38-40 Commercial Road, London E1 1LN be **GRANTED**.

Sale of Alcohol (off sales only)

Monday to Sunday from 08:00 hours to 00:00 hours (midnight)

Hours premises are open to the Public

Monday to Sunday from 06:00 hours to 00:00 hours (midnight)

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 31day 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. 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.
5. Signage of the 'Challenge 25' policy shall be prominently displayed on the premises.
6. No beer, larger or cider above 6% abv would be sold at the premises.

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. Training shall be given to all staff to ensure compliance with the four licensing objectives. Training records will be kept on the premises, and the training records will show the date of the training. The training record is to be signed by the staff member receiving the training and then countersigned by the Designated Premises Supervisor (DPS). The training on the compliance with the four licensing objectives shall be repeated on an annual basis.
9. The licence holder shall ensure that a refusals register is kept on the premises and that this shall be immediately available upon request of an authorised officer. The register shall record any refused sale of alcohol.
10. The refusal register shall be inspected on a regular basis by the Designated Premises Supervisor (DPS) or nominated person/s and signed by the DPS or nominated person/s that they have checked the register at least 12 months of refusal register details shall be retained and made available upon request by an authorised officer.
11. Signage shall be prominently displayed warning customers of the legal penalties for purchasing alcohol for any person under the age of 18 years

4. EXTENSION OF DECISION DEADLINE: LICENSING ACT 2003

Nil items.

The meeting ended at 8.10 p.m.

Chair, Councillor Kahar Chowdhury
Licensing Sub Committee