

LONDON BOROUGH OF TOWER HAMLETS
MINUTES OF THE LICENSING SUB COMMITTEE
HELD AT 2.00 P.M. ON TUESDAY, 13 APRIL 2021

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

Members Present:

Councillor Peter Golds (Chair)
 Councillor Shad Chowdhury (Vice-Chair)
 Councillor Zenith Rahman

Other Councillors Present:

Councillor Rachel Blake (Non-Committee Member)

Officers Present:

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

Representing applicants

	Item Number	Role
Craig Baylis	4.1	(Legal Representative)
Chole Bailey-Williams	4.1	(Applicant)
Nick Harman	4.1	(Director)
Giuseppe Catalano	4.2	(Business Partner)
Kaysor Ambia	4.2	(Applicant)

Representing objectors

	Item Number	Role
Wayne Lloyd	4.1	(Resident)
Mark Smith	4.1	(Business Objector)
Corinne Holland	4.2	(Licensing Officer)
Nicola Cadzow	4.2	(Environmental Health Officer)
PC Mark Perry	4.2	(Metropolitan Police)

Apologies

None

1. DECLARATIONS OF INTEREST

There were no declarations of interest made.

2. RULES OF PROCEDURE

The rules of procedure were noted.

3. MINUTES OF THE PREVIOUS MEETING(S)

The minutes of the Licensing Sub Committee meetings held on 26th January, 2nd and 16th March 2021 were agreed and approved as a correct record.

4. ITEMS FOR CONSIDERATION**4.1 Application for a Premises Licence for (The Breakouse Café) Unit 17, Bloc Riverbank, London E3 2BT**

At the request of the Chair, Mr Mohshin Ali, Licensing Officer, introduced the report which detailed the application for a new premises licence for The Breakhouse Café, Unit 17, Bloc Riverbank, London E3 2BT. It was noted that objections had been received on behalf of local residents and a local business.

Mr Craig Baylis, Legal Representative on behalf of the Applicant, explained that the restaurant was away from residential properties and in a business estate. He said that alcohol would only be sold ancillary to a meal. It was noted that there were no objections from Responsible Authorities and conditions had been agreed following consultation.

Mr Baylis explained that the premises had a small capacity 50 people, including 10 covers for the external area. It was a small outdoor area and tables would be cleared by 9pm.

Members then heard from Councillor Rachel Blake, who spoke on behalf of Mr Michael Dover, resident objector. She acknowledged that drinks would be served with meals only but raised concerns regarding the entrance to and exit from the premises. She stated that the premises did not have the relevant planning permission, there was no pavement on route to the premises and it was not a safe walkway for customers to get to and leave from the premises. Cllr Blake raised further concerns that the area had no lighting and was a private road not designed for public access and egress.

Mr Luke Wilson, Legal Advisor, at this point, advised Members that planning permission was not a relevant consideration for the Licensing Sub Committee when considering a premises licence application. Any submissions regarding this ought to be disregarded by the Sub-Committee.

Members then heard from Mr Wayne Llyod, resident, who briefly explained his concerns about the safety of customers, who may be frequenting the premises and leaving inebriated, as there was no pavement and no lighting. He also expressed concern that a licensed premise would encourage people to congregate outside the premises and cause public nuisance.

Members lastly heard from Mr Mark Smith, representing JB Riney & Co Ltd, who briefly explained the safety risks of not having a footpath for customers to use to get to and from the premises. He said that it was a private road and was mainly used by his company for the use of HGV fleet vehicles to access the business site. Mr Smith stated that with no lights and no footpath it would be dangerous for people to access the premises. Customers consuming alcohol at the premises would add further risk.

In response to questions from Members, the following was noted:

- The Café has been trading for 30 years.
- The Applicant submitted that the Responsible Authorities would have objected had there been issues of public safety.
- The hours applied for were within the council's framework hours, the premises was not a bar or club, and alcohol would only be served with food.
- There was support for the premises from local people in the area and those working in the business site.
- The Applicant had offered to meet with the objectors but the objectors did not engage.
- A premises licence with conditions would help regulate the premises and ensure accountability.
- There would be approximately 40 covers inside the premises and approximately 10 covers in the external area.
- The Applicant agreed to remove off sales from the application.
- The objectors maintained their concerns in relation to the entrance and exit to and from the premises, with no pavement or street lighting.

Concluding remarks were made by all parties.

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 licencing 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 it and the oral representations at the meeting from the Applicant's Legal Representative, the local Ward Councillor and residents objecting to the application.

The Sub-Committee noted the objectors' concerns in relation to public safety. However, the Sub-Committee was not satisfied that there was sufficient evidence to reject the premises licence application, noting the absence of objections from the relevant responsible authorities. The Sub-Committee was satisfied that the removal of off-sales from the application and the imposition of an additional condition that drinks not be taken or consumed off the premises would be appropriate and proportionate measures to alleviate the concerns relating to public safety and noise nuisance. The Sub-Committee noted that the Applicant was agreeable to these measures.

The Sub Committee was satisfied that the robust set of conditions agreed with the Metropolitan Police, Environmental Health and The Licensing Authority, together with the removal of off-sales and the prohibition of drinks being taken or consumed off the premises, would promote the licensing objectives.

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 a The Breakhouse Café, Unit 17, Bloc Riverbank, London E3 2BT be **GRANTED** with conditions.

Sale of Alcohol

Monday to Sunday from 12:00 hours to 23:00 hours

Hours premises are open to the public:

Monday to Sunday from 08:00 hours to 23:30 hours

Conditions

1. There shall be no off sales of alcohol.
2. The premises shall ensure that customers do not take or consume open containers of alcohol off the premises.
3. The supply of alcohol at 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.

4. Loudspeakers shall not be located in the entrance lobby or outside the premise building.
5. All windows and external doors shall be kept closed after 21:00 hours, or at any time when regulated entertainment takes place, except for the immediate access & egress of persons.
6. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
7. No idling of vehicles, being either patron or delivery vehicles outside the premise whilst premise is in operation.
8. The external area shall not be used after 21:00 hours, except for patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke, and shall be limited to 10 persons at any one time. Any person temporarily leaving the premises shall not be permitted to take drinks outside.
9. No noise generated on the premises, or by its associated plant or equipment, shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
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 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.
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. There shall be a personal licence holder on duty on the premises at all times when the premises are authorised to sell alcohol.
13. When the designated premise 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.

14. 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) any faults in the CCTV system, searching equipment or scanning equipment;
 - f) any refusal of the sale of alcohol;
 - g) any visit by a relevant authority or emergency service.

15. 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.

16. The licence holder shall enter into an agreement with a hackney carriage and/or private carriage firm to provide transport for customers, with contact numbers made readily available to customers who will be encouraged to use such services.

17. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.

18. 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 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 Premises Licence for Railway Arches, 296-297 Cambridge Heath Road, London E2 9HA

At the request of the Chair, Mr Mohshin Ali, Licensing Officer, introduced the report which detailed the application for a new premises licence for Railway Arches, 296-297 Cambridge Heath Road, London E2 9HA. It was noted that objections had been received from officers representing the Licensing Authority, Metropolitan Police and Environmental Health.

Mr Giuseppe Catalano, Business Partner of the Applicant, spoke on behalf of the Applicant and briefly explained that they would like to stay open longer at night to attract more business. He said that they would follow the rules and

regulations and any conditions set by the Licensing Sub Committee. It was noted that they would only sell hot food and drinks, and no alcohol. Mr Catalano said that they would be offering a service to the general public, and his clientele would be young people and people who worked late/night shifts. He said it was a small takeaway premises with a small garden area with tables and chairs. He did not envisage any noise emanating from the premises.

Members then heard from Ms Corinne Holland, Licensing Officer, who explained that a 24 hour licence exceeded the council's framework hours. She noted that although it was a busy road, there were residents who lived in close proximity. She said the application did not address any of the licensing objectives and if a licence was to be granted then it was likely to attract customers who would congregate outside the premises. Ms Holland stated that she heard nothing from the Applicant or his business partner at the meeting to alleviate her concerns regarding the licensing objectives.

PC Mark Perry, Metropolitan Police, stated that a 24 hours licence was excessive. There were a number of venues in the local area and this premises was likely to attract customers leaving after a late night from one of the premises, or on the way to the overground. Customers were likely to be in high spirits which was likely to cause public nuisance during noise sensitive hours. PC Perry said that he had suggested conditions and reduced hours but there was no engagement from the applicant. He noted that the Applicant had demonstrated a lack of understanding of the licensing process and the licensing objectives. It was also noted that the premises was close to a Dependency Unit and could attract beggars leading to potential crime and disorder.

Members also heard from Ms Nicola Cadzow, Environmental Health Officer. She objected on the basis of public nuisance; she said the hours applied for were excessive and beyond Council's framework hours. She expressed concern about the Applicant's lack of understanding of the licensing objectives. She believed that there was no evidence provided by the Applicant to justify the granting of a premises licence, and therefore, she urged the Sub-Committee to refuse the application.

In response to questions from Members, the following was noted:

- The Applicant was confident that he could control any issues that may arise and would follow rules and regulations.
- CCTV cameras would be installed and the Applicant would employ door staff if required.
- The Applicant expressed his willingness to work with the Council and improve the area.
- There was no seating area in the plans submitted with the application.
- The Applicant had experience operating a late night premises in Italy.

Concluding remarks were made by all parties.

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 licencing 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 at the meeting from the Applicant's business partner and officers representing the Licensing Authority, Metropolitan Police and Environmental Health objecting to the application.

The Sub Committee noted the Applicant's representation that he had operated a late night venue in Italy and would follow any rules and regulations suggested by the Sub Committee. However, the Sub Committee was concerned that the Applicant had failed to explain how the premises would address the risks of public nuisance and anti-social behaviour at the late hours sought. The Sub-Committee was also concerned that the Applicant had failed to engage with the Responsible Authorities and had demonstrated a lack of understanding of the licensing objectives and the specific issues present in the area.

The Sub-Committee was not satisfied that the Applicant would uphold the licensing objectives. The Sub-Committee was particularly concerned about the risk of noise nuisance and anti-social behaviour issues if a licence was to be granted. It was not satisfied that the imposition of conditions would satisfactorily mitigate these risks.

Accordingly, the Sub Committee unanimously

RESOLVED

That the application for a New Premises Licence for Railway Arches, 296-297 Cambridge Health Road, London E2 9HA be **REFUSED**.

5. EXTENSION OF DECISION DEADLINE: LICENSING ACT 2003

Members agreed to extend the decision deadlines for the applications below to the dates stated; Licensing applications were extended due to the impact of the pandemic, and were adjourned under regulation 11 of the Licensing Act

2003 (Hearings) Regulations 2005, and was in the public interest to do so and did not require representation from parties of the application.

Premises	Extended to:
LAKE, 204 Brick Lane, London, E1 6SA	31/07
Coffee Shop, 47 Brick Lane, London E1	31/07
Tuck Shop Ltd, Unit D1, 2 Casings Way, London E3 2PS	31/07

6. APPLICATION FOR A TEMPORARY EVENT NOTICE FOR CAR PARK, 90-98 SCLATER STREET, LONDON E1

This application was withdrawn by the Applicant prior to the meeting.

The meeting ended at 4.30 p.m.

Chair, Councillor Peter Golds
Licensing Sub Committee