

LONDON BOROUGH OF TOWER HAMLETS**MINUTES OF THE LICENSING SUB COMMITTEE****HELD AT 2.00 P.M. ON WEDNESDAY, 10 AUGUST 2022****COMMITTEE ROOM 1, TOWN HALL, MULBERRY PLACE, 5 CLOVE CRESCENT,
LONDON, E14 2BG****Members Present:**

Councillor Peter Golds (Chair)

Councillor Faroque Ahmed
Councillor Gulam Kibria Choudhury**Officers Present:**

Kathy Driver	–	(Principal Licensing Officer)	
David Wong	–	(Legal Services)	
Simmi Yesmin	–	(Democratic Services Committees, Governance)	Officer,

Representing applicants	Item Number	Role
Mr Vincenzo Senatore	4.1	(Legal Representative)
Ms Giada Botti	4.1	(Applicant)
Mr Nicola Bodano	4.1	(Legal Representative)

Representing objectors	Item Number	Role
Mr Shaukat	4.1	(Objector)
Ms Celia Willis	4.1	(Objector)

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 Licensing Sub Committee meeting held on 5th July were agreed and approved as a correct record.

4. ITEMS FOR CONSIDERATION

4.1 Application for a new Premise Licence for Flour & Flowers, 408 Hackney Road, London, E2 7AP

At the request of the Chair, Ms Kathy Driver, Licensing Officer, introduced the report which detailed the application for a new premises licence for Flour & Flowers, 408 Hackney Road, London E2 7AP. It was noted that objections had been received from other persons (freeholders of properties nearby) in relation to the prevention of public nuisance and crime and disorder.

The Sub Committee were made aware that late supporting documents had been received from Mr Shakut, Freeholder and Objector. However, they would not be tabled at the meeting as the applicant had not agreed to these documents being added to the agenda at such short notice.

At the request of the Chair, Mr Vincenzo Senatore, Legal Representative for the applicant Ms Giada Botti, explained that they would be unable to respond to the documents at such short notice.

Mr Senatore explained that the premises was a small coffee shop, selling food, cakes and flowers, and wanted a premises licence in order to sell alcohol ancillary to a meal. He then asked the Sub-Committee to refer to the photos of the premises to familiarise themselves with the layout of the premises. It was noted that the premises opening hours were between 8.30am to 5.00pm Monday to Sunday, they were very modest hours and therefore unlikely to give rise to the problems associated with late-night premises.

Mr Senatore then referred the Sub-Committee to the supplemental agenda at pages 25-43, which included statements from customers who were local residents, and families living in the area who frequented the premises and expressed their support. It was noted that the applicant was committed to complying with conditions already agreed with the Responsible Authorities, designed to prevent crime and disorder and public nuisance, such as the maintenance of a CCTV system, and conditions to ensure adequate lighting and address noise emanating from the premises. Mr Senatore stated that the objections made were frivolous and vexatious. Ms Botti explained that the hours applied for were within the Council's framework hours and that alcohol would only be sold ancillary to a meal. She was happy to accept conditions that the Sub-Committee felt to be necessary and proportionate.

Members then heard from Ms Celia Willis and Mr Shaukat, both freeholders of nearby properties, who both shared similar concerns relating to public nuisance which they felt arose from the premises, in particular noise nuisance. They both referred to complaints made directly to them from their

tenants about noise coming from the premises in the early morning before the shop opens. It was noted that the premises had no sound proofing and therefore any noise such as the coffee grinder, coffee machine etc would be heard in nearby premises by residents, affecting their quality of life.

Mr Shaukat shared examples of other kinds of anti-social behaviour and public nuisance occurring generally in the area, but when asked by Members about the link to the applicant's premises, it was noted from his response that there was no evidence linking any of these behaviours to the premises itself.

In response to questions, the following was noted;

- That only background music was played inside the premises from 8.30am onwards.
- That there were two speakers through which music was transmitted, one of which was located on the first floor, the other one on the ground floor.
- That the Environmental Protection Noise Team had been consulted during the application process, that they had already agreed conditions with the applicant, and not made any representations against the application.
- There would be no vertical drinking at the premises, and alcohol would be served ancillary to customers seated and taking a table meal.
- The applicant was happy to reduce the volume of the background music to reduce any concerns of loud music, and was happy for Council officers to set a volume limit.
- That the premises had been trading since November 2021, only 1 complaint had been made so far to the applicant's business, which had been addressed by reducing the speaker level, and since then there had been no further complaints made directly to the applicant.
- That the applicant had a lease for 10 years, and there were no restrictions on the lease apart from the hours of operation.
- Concerns about the deregulation under the Live Music Act were noted, in respect of which the applicant responded offered a condition that there to be no live music at the premises.
- The applicant expressed no objection, if no table and chairs were allowed outside the premises.

It was made clear on behalf of the Sub-Committee during this meeting, that its remit at law was confined to licensing matters, particularly in relation to the licensing objectives, and therefore, landlord and tenant issues and planning issues could not be considered by the Licensing Sub-Committee.

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 licensing objectives:

The Prevention of Crime and Disorder;
Public Safety;
The Prevention of Public Nuisance; and
The Protection of Children from Harm.

Consideration

The Sub-Committee considered an application by Giada Botti, for a new premises licence to be held in respect of Flour & Flowers, 408 Hackney Road, London E2 7AP. The application sought authorisation for the sale by retail of alcohol for consumption on and off the Premises from 11.30 hours to 17:00 hours Monday to Sunday. The Sub-Committee noted two representations against it from other persons.

The Sub-Committee noted that there were no objections from the responsible authorities, in particular the Police and Environmental Health with whom the Applicant had agreed conditions in the event the application were granted by the Sub-Committee.

The Sub-Committee considered what they had heard from Mr Shaukat and Ms Celia Willis, freeholders of properties nearby and the objectors in relation to the potential noise nuisance that may arise in addition to the noise nuisance that currently exists. Examples of public nuisance were referred to, but there was no evidence that they were directly associated with the premises. The Sub-Committee also took into account the fact that they were legally bound to place weight only on evidence directly tied to the premises, the Applicant and patrons of the Applicant's business at those premises. Hence, no weight could attach to incidents of general anti-social behaviour in the area, nor to concerns over potential issues, the latter being matters of speculation, not evidence. The Sub-Committee took into account the impact of noise which could be attributable to the premises, particularly music.

The Sub-Committee took into account what they heard from the Applicant, that she would be amenable to agreeing to conditions to have no live music and that she would accede to any noise conditions deemed necessary and proportionate. The Sub-Committee took into account, the Applicant saying that she agreed to have no tables and chairs outside the premises, as that would cut down on noise emanating from patrons of the business. In relation to the objectors' concerns about anti-social behaviour, the Sub-Committee took into account the Applicant presenting that sale of alcohol would only be ancillary to a seated meal at the premises and that there would be no vertical drinking, which the Sub-Committee considered indication that the premises would not be alcohol led, allaying any concerns of alcohol fuelled anti-social behaviour emanating from patrons of the business at these premises.

The Sub-Committee were satisfied that the grant of the application with the following conditions would uphold the licensing objectives of preventing public

nuisance and preventing crime and disorder. As a matter of law, the Sub-Committee could only consider things which directly related to the licensing objectives, and therefore could not have regard to matters raised relating to any planning issues or any landlord and tenant issues.

The application is therefore granted as sought and with the additional conditions indicated.

Accordingly, the Sub Committee unanimously;

RESOLVED

That the application for a New Premises Licence for Flour & Flowers, 408 Hackney Road, London E2 7AP be **GRANTED with conditions.**

Sale of alcohol (on and off-sales)

Monday to Sunday 11.30 hours to 17:00 hours

Opening times

Monday to Sunday 08:00 hours to 17:30 hours

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 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/finds 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. 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.
5. 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.
6. Loudspeakers shall not be located in the entrance lobby or outside the premise building.
7. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises, which gives rise to a public nuisance.
8. There shall be no live music
9. Alcohol shall only be supplied ancillary to a seated table meal.
10. Table and chairs shall not be placed on the public highway.
11. A noise limiter must be fitted to the musical amplification system set at a level determined by and to the satisfaction of an authorised officer of the Environmental Health Service, so as to ensure that no noise nuisance is caused to local residents or businesses. The operational panel of the noise limiter shall then be secured by key or password to the satisfaction of officers from the Environmental Health Service and access shall only be by persons authorised by the Premises Licence holder. The limiter shall not be altered without prior agreement with the Environmental Health Service. No alteration or modification to any existing sound system(s) should be effected without prior knowledge of an authorised Officer of the Environmental Health Service. No additional sound generating equipment shall be used on the premises without being routed through the sound limiter device.

4.2 Application for a New Premise Licence for Wilde by Staycity Aparthotel, 92 Middlesex Street, London, E1 7EZ

This item was resolved prior to the meeting.

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, it was in the public interest to do so, and did not require representation from parties to the applications.

Premises	Extended to:
Alchemy & Duo, 280 Bishopsgate, London, EC2M 4RB	30/11/22
Vout-O-Reenees, Basement, 30 Prescott Street, London E1 8BB	30/11/22

The meeting ended at 3.50 p.m.

Chair, Councillor Peter Golds
Licensing Sub Committee