

/Committee: <b>Licensing Sub-Committee</b>	Date 24 September 2024	Classification <b>Unclassified</b>	Report No.	Agenda Item No.
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Report of: <b>Tom Lewis</b> <b>Service Manager of Regulatory Services</b> <b>(Commercial)</b>  Originating Officer: <b>Mohshin Ali</b> <b>Senior Licensing Officer</b>	Title: <b>Licensing Act 2003</b> <b>Application for a Premises Licence for (Taco Taco)</b> <b>141 Commercial Street, London E1 6BJ</b>  Ward affected: <b>Spitalfields and Banglatown</b>
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## 1.0 Summary

Applicant: **Damien Aiudi**

Name and **(Taco Taco)**

Address of Premises: **141 Commercial Street**  
**London**  
**E1 6BJ**

Licence sought: **Licensing Act 2003 – premises licence**

- **The sale by retail of alcohol (on and off sales)**

Representations: **Residents**

## 2.0 Recommendations

2.1 That the Licensing Committee considers the application and representations then adjudicate accordingly.

### LOCAL GOVERNMENT 2000 (Section 97) LIST OF "BACKGROUND PAPERS" USED IN THE DRAFTING OF THIS REPORT

Brief description of "background paper"

Tick if copy supplied for register

If not supplied, name and telephone number of holder

- Guidance Issued under Section 182 of the Licensing Act 2003
- Tower Hamlets Licensing Policy
- File

Mohshin Ali  
020 7364 5498

### 3.0 **Background**

3.1 This is an application for a premises licence for (Taco Taco) 141 Commercial Street, London E1 6BJ.

3.2 The applicant has described the premises as a:

*“A small Grab and Go Taqueria situated on Commercial Street, designed to cater to customers seeking quick, high-quality Mexican cuisine. The premises include a compact seating area with a capacity for 18 guests, complemented by an efficient layout that facilitates both takeout and dine-in services....”*

3.3 A copy of the premises licence application form is enclosed as **Appendix 1**. The licensable activities and timings that have been applied for are as follows:

***The sale by retail of alcohol (On and off sales)***

- *Monday to Sunday, from 12:00 hrs to 21:00 hrs*

***Hours premises are open to the public***

- *Monday to Sunday, from 11:30 hrs to 21:00 hrs*

**LICENSING OFFICER COMMENTS:**

Under non-standard opening timings the applicant has stated: “*Public Holidays closing at 16:00*”, however, there is no mention of licensable activities being also reduced. The applicant will therefore need to clarify what non-standard times are being applied for the opening hours during “public holidays” and confirm which days that will be.

### 4.0 **Location and Nature of the premises**

4.1 Maps of the venue are included as **Appendix 2**.

4.2 Photographs showing the vicinity are included as **Appendix 3**.

4.3 Details of the nearest licensed venues are included as **Appendix 4**.

### 5.0 **Licensing Policy and Government Advice**

5.1 The Council has adopted a licensing policy and this is available from the Licensing Section, and at the hearing. The revised policy came into effect on the 1<sup>st</sup> November 2023.

5.2 Relevant Sections of the policy are brought to the attention of Members within the Licensing Officers report.

5.3 The Home Secretary has issued Guidance under Section 182 of the Licensing Act 2003. This is available on the Government’s website, [www.homeoffice.gov.uk](http://www.homeoffice.gov.uk). It was last revised in December 2023.

5.4 Relevant Sections of this advice are brought to Members attention within the Licensing Officers report. Members should note however, than in some areas Tower Hamlets, after a proper consideration of local circumstances, has not followed the Government's advice, or has developed it further.

## 6.0 Representations

6.1 All representations have to meet basic legal and administrative requirements. If they fail to do so they cannot be accepted. When rejected the person sending in the representation must be written to, and an explanation for rejection given in writing

6.2 A responsible authority or other person can make a representation. There are two tests for other persons and only one for a responsible authority. The two tests are contained in Section 18 of the Act.

6.3 This hearing is required by the Licensing Act 2003, because relevant representations have been made by the following:

- Edie Freeman ----- **Appendix 5**
- Francis Ross----- **Appendix 6**
- Gisele Edwards ----- **Appendix 7**
- John & Avril Marcus - **Appendix 8**
- Jasveen Klair ----- **Appendix 9**
- Keeley Naylor ----- **Appendix 10**
- Mary Harty ----- **Appendix 11**
- Mark Sealey ----- **Appendix 12**
- Simon Pearce ----- **Appendix 13**
- Timothy Spanton ----- **Appendix 14**

6.4 Essentially, the relevant parties oppose the application because the applicant has not explained how within the context of the application, they will meet the following licensing objective(s).

- The prevention of crime and disorder
- The prevention of public nuisance

6.5 All of the responsible authorities have been consulted about this application. In addition the application has been advertised in a local newspaper and by a blue public notice at the premises.

6.6 The applicant has offered measures in the operating schedule of the application that address the promotion of the Licensing Objectives. If there were no representations, the Licensing Authority would grant the licence, with conditions consistent with the operating schedule, which are relevant, proportionate and enforceable. Members are asked to consider the schedule and incorporate any conditions as necessary to address the licensing objectives.

## **7.0 Conditions consistent with Operating Schedule**

- 7.1 *All senior management engaged in licensable activity will undergo personal licence training. They must successfully complete the training, receive the certificate, and obtain a personal licence. Documentation of training, certification, and personal licences must be kept on the premises and be available for inspection by an authorised officer upon request. Training records will be retained for at least 12 months.*
- 7.2 *All staff engaged in licensable activity at shall receive internal training in handling aggressive behaviour and theft prevention. Training will include procedures for refusing service to drunk or underage customers and recognising signs of drunkenness. Training shall be recorded in documentary form and refreshed at least every 12 months. Training records must be available for inspection by an authorised officer upon request and retained for at least 12 months.*
- 7.3 *Outdoor spaces at shall be monitored and maintained to reduce nuisance. This includes regular cleaning and noise control measures.*
- 7.4 *Deliveries shall be scheduled during appropriate hours to reduce disturbance. Deliveries will not take place outside of the hours of 8am to 6pm.*
- 7.5 *Notices advertising that the premises operates a Challenge 25 scheme shall be displayed in a clear and prominent position at the premises entrance(s) and inside at the premises bar serverly area.*
- 7.6 The remaining conditions in the operation schedule have been enhanced in agreement with responsible authorities as detailed below.

## **8.0 Conditions in consultation with the responsible authorities/other person**

### Conditions agreed with Police Licensing (See Appendix 15)

- 8.1 *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.*
- 8.2 *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.*

- 8.3 *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:*
- 8.3..1. all crimes reported to the venue;*
  - 8.3..2. any complaints received concerning crime and disorder*
  - 8.3..3. any incidents of disorder;*
  - 8.3..4. any faults in the CCTV system;*
  - 8.3..5. any refusal of the sale of alcohol;*
  - 8.3..6. any visit by a relevant authority or emergency service.*
- 8.4 *In the event that a serious assault is committed on the premises (or appears to have been committed) the management will immediately ensure that:*
- 8.4..1. the police (and, where appropriate, the London Ambulance Service) are called without delay;*
  - 8.4..2. the crime scene is preserved so as to enable a full forensic investigation to be carried out by the police; and*
  - 8.4..3. such other measures are taken (as appropriate) to fully protect the safety of all persons present on the premises*
- 8.5 *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.*
- 8.6 *A standard age verification check shall be undertaken on entering the website. A signature at the point of delivery must be obtained. No delivery shall be left without a signature. There shall be mechanism either by an APP or on the delivery package to show the delivery rider is aware it is an age restricted product to ensure ID checks are made upon delivery of alcohol.*
- 8.7 *Alcohol shall only be delivered to a residential or business address and not to a public place.*
- Conditions agreed with Licensing Authority (RA) (See Appendix 16)
- 8.8 *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.*
- 8.9 *There shall be no “vertical drinking” of alcohol at the premises.*
- 8.10 *All sales of alcohol for consumption off the premises shall be in sealed containers and ancillary to a food order for delivery only.*

## 9.0 Licensing Officer Comments

- 9.1 The Business & Planning Act 2020 came into force on Wednesday 22nd July 2020 and provides a temporary permission for businesses that have a premises licence that permits them to sell alcohol in regards to the ability to sell alcohol as an off sale, i.e. for consumption off the premises. The permission will end on 31<sup>st</sup> March 2025 unless the legislation is changed by the Secretary of State.

It will only apply to businesses that hold a Premises Licence up to 22nd July 2020 and that in the last 3 years preceding 22 July 2020 those licences have NOT:

- had a premises licence application where permission for off sales was refused;
- had a variation of a premises licence seeking permission for off sales refused
- had a variation seeking to exclude off sales permission granted
- had a premises licence varied or modified by a review hearing to exclude off sales.

The new off-sales permission will permit off-sales to be made at a time when the licensed premises are open for the purposes of selling alcohol for consumption on the premises, subject to a cut off time of 11pm or the cut off time of the current licensed hours stated on the licence, whichever is earlier. Measures also temporarily suspend existing licence conditions in so far as they are inconsistent with the new off-sales permission. Further Guidance on this can be found at <https://www.gov.uk/government/publications/guidance-for-temporary-alcohol-licensing-provisions-in-the-business-and-planning-bill>

- 9.2 In all cases the Members should make their decision on the civil burden of proof, that is “the balance of probability.”
- 9.3 In all cases Members should consider whether or not primary legislation is the appropriate method of regulation and should only consider licence conditions when the circumstances in their view are not already adequately covered elsewhere.
- 9.4 Members must consider all the evidence and then decide from the following alternatives:
- Grant the application as applied for
  - Grant the application with modifications (adjust hours and conditions)
  - Refuse

## 10.0 Licensing Policy and Home Office Advice

- 10.1 The Council’s licensing policy and the Home Office Guidance will be available at the hearing.

## **11.0 Legal Comments**

11.1 The Council's legal officer will give advice at the hearing.

## **12.0 Finance Comments**

12.1 There are no financial implications in this report.

## **13.0 Appendices**

<b>Appendix 1</b>	A copy of the application
<b>Appendix 2</b>	Maps of the venue
<b>Appendix 3</b>	Photographs showing vicinity of the venue
<b>Appendix 4</b>	Details of nearest licensed venues
<b>Appendices 5-14</b>	Representation of residents
<b>Appendix 15</b>	Conditions agreed with Police Licensing
<b>Appendix 16</b>	Conditions agreed with Licensing