

/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 (the Widow's Son), 75 Devon's Road, London E3 3PJ</b>  Ward affected: <b>Bromley South</b>
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## 1.0 Summary

Applicant: **Selim Balta**

Name and **(The Widows Son)**

Address of Premises: **75 Devons Road**  
**London**  
**E3 3PJ**

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

- **The sale by retail of alcohol (on sales only)**
- **The provision of late night refreshment**

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
<ul style="list-style-type: none"> <li>• Guidance Issued under Section 182 of the Licensing Act 2003</li> <li>• Tower Hamlets Licensing Policy</li> <li>• File</li> </ul>		Mohshin Ali 020 7364 5498

### 3.0 **Background**

- 3.1 This is an application for a premises licence for (The Widow's Son), 75 Devon's Road, London E3 3PJ.
- 3.2 The premises has an existing premises licence (see **Appendix 1.**) with the following licensable activities and timings:

#### ***The sale by retail of alcohol***

- *Monday to Thursday 11.00 hours until midnight*
- *Friday to Sunday 11.00 hours until 01.00 hours next day*

*When hours for sale of alcohol are extended on special days as outlined on page 8 event days and temporary event notice days these hours are extended as well. New Years Eve only music continues to 01.00 hours of New Years Day.*

#### ***The provision of regulated entertainment Indoor Sporting Events & Recorded Music***

- *Sunday to Thursday 11.00 hours until midnight.*
- *Friday and Saturday 11.00 hours until 01.00 hours the next day.*

#### ***Live Music***

- *Friday and Saturday 19.00 hours until 01.00 hours the next day.*
- *Sunday 19.00 hours until midnight.*

#### ***The provision of late night refreshment***

- *Monday to Thursday 23.00 hours until 00.30 hours next day*
- *Friday to Sunday 23.00 hours until 01.30 hours next day*

#### ***The opening hours of the premises***

- *Sunday to Thursday 11.00 hours until 00.30 hours the next day.*
- *Friday and Saturday 11.00 hours until 01.30 hours the next day.*

*However, New Years Eve is subject to the Regulatory Reform (Special Occasion Licensing) Order 2002. Which means that while that order is in effect the premises may remain open for the twelve hours between 11pm on New Years Eve and 11am*

- 3.3 The applicant has described the premises as a:  
*"Public house and restaurant"*
- 3.4 A copy of the premises licence application form is enclosed as **Appendix 2.** The licensable activities and timings that have been applied for are as follows:

#### ***The sale by retail of alcohol (On sales only)***

- *Monday to Thursday, from 12:00 hrs to 22:30 hrs*
- *Friday and Saturday, from 12:00 hrs to 23:30 hrs*
- *Sunday, from 12:00 hrs to 22:30 hrs*

***The provision of late night refreshment - Indoors***

- *Friday and Saturday, from 23:00 hrs to 00:00 hrs*

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

- *Monday to Thursday, from 12:00 hrs to 23:00 hrs*
- *Friday and Saturday, from 12:00 hrs to 00:00 hrs*
- *Sunday, from 12:00 hrs to 23:00 hrs*

**4.0 Location and Nature of the premises**

4.1 Maps of the venue are included as **Appendix 3**.

4.2 Photographs showing the vicinity are included as **Appendix 4**.

4.3 Details of the nearest licensed venues are included as **Appendix 5**.

**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, that 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:

- Josh Oldham ----- **Appendix 6**
- Rebecca Oldham ---- **Appendix 7**

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 *The premises shall install and maintain a closed circuit television surveillance (CCTV) system which at all times complies with the below requirements:*

- CCTV will be provided in the form of a recordable system, capable of providing pictures of evidential quality in all lighting conditions particularly facial recognition;*
- CCTV cameras shall cover *{all public areas including}* all entrances and exits and all areas where the sale of alcohol takes place;*
- Equipment must be maintained in good working order, be correctly time and date stamped, recordings must be kept in good working order and kept for a minimum period of 31 days;*
- At all times, whilst the premises is open for licensable activities, there are members of staff able to immediately provide viewable copies of recordings to the police or licensing authority staff upon reasonable and lawful request;*
- The recording equipment and data storage devices shall be kept in a secure environment and fitted with security functions (such as passwords) to prevent recordings being tampered with an operational daily log report must be maintained endorsed by signature, indicating the system has been checked and is compliant: in the event of any failure this will be recorded immediately.*

7.2 *Any failure of the CCTV system which cannot be rectified within 24 hours of discovery must be reported to the Police Licensing Team by phone or e-mail.*

- 7.3 *An incident log shall be kept at the premises, and made immediately available to police or licensing authority staff upon reasonable request. The log must be completed as soon as is possible and within any case within 4 hours of the occurrence, and shall 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 a CCTV system, searching equipment or scanning equipment mandated as a condition of the licence.*
  - g) *The incident log shall either be electronic or maintained as a bound numerically paginated document and be retained for at least 12 months from the date of the last entry.*
- 7.4 *The premises shall have in place, and operate, a zero tolerance policy with regard to the use/possession of controlled drugs and psychoactive substances and advertise the same within the premises on posters and similar means. This policy shall specifically include but not be limited to:*
- a) *Searching practices upon entry;*
  - b) *Dealing with patrons suspected of using drugs on the premises;*
  - c) *Scrutiny of spaces including toilets or outside areas;*
  - d) *Clear expectations of staff roles (including the DPS, managers/supervisors and door supervisors);*
  - e) *Staff training regarding identification of suspicious activity and what action to take;*
  - f) *The handling of items suspected to be illegal drugs or psychoactive substances*
  - g) *Steps taken to discourage and disrupt drug use on the premises*
  - h) *Steps to be taken to inform patrons of the premises drug policy/practices*
- 7.5 *A copy of this policy document shall be lodged with the police and licensing authority.*
- 7.6 *Public toilets on the premises should be regularly checked i.e. at intervals of no less than an average of 2 hourly while the premises are open to the public.*
- 7.7 *In the event that a serious crime is committed on the premises (or appears to have been committed) the management will immediately ensure that:*
- a) *The police (and, where appropriate, the 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.*
- 7.8 *The Pub Manager shall actively participate in and support the local Pub Watch Scheme where active.*
- 7.9 *A minimum of two members of staff shall be present on the shop floor after 21:00 hours.*
- 7.10 *Personal Licence Holder, Premises Licence Holder, or the DPS shall be present at the premises at all times during licensing hours.*
- 7.11 *All drinking glasses shall be made of toughened glass.*
- 7.12 *There shall be no promotions that encourage illegal, irresponsible or immoderate consumption.*
- 7.13 *The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.*
- 7.14 *Customers, who are already drunk and may cause any problems, will be rejected to buy or to be served alcohol. Any customers or people who cause public disorder will be reported to the Police immediately.*
- 7.15 *Any customers or people who cause public disorder will be reported to the Police. The management shall show zero tolerance to any illegal activity, and seek for Police help in case.*
- 7.16 *No accumulation of combustible rubbish, dirt, surplus material or stored goods shall be permitted to remain in any part of the premises except in an appropriate place and of such quantities so as not to cause a nuisance, obstruction or other safety hazard.*
- 7.17 *The premises licence holder shall ensure that adequate measures are in place to prevent the escape of odours from the premises. This includes odour from food preparation and refuse storage.*
- 7.18 *The licence holder shall ensure that adequate measures are in place to remove litter or waste arising from their customers and to prevent such litter from accumulating in the immediate vicinity of their premises*
- 7.19 *The premises licence holder shall ensure that any patrons smoking outside the premises do so in an orderly manner and are supervised by staff so as to ensure that there is no public nuisance or obstruction of the public highway.*
- 7.20 *No waste or recyclable materials, including bottles, shall be moved, removed from or placed in outside areas between 23:00 hrs and 08:00 hrs the following day.*

- 7.21 *Last orders shall be made 30 minutes before the closing time, and customers shall be notified about closing time. Steps shall be taken to encourage customers to leave the premises quietly.*
- 7.22 *The manager and staff shall be briefed in the importance of their responsibilities in ensuring customers are over 18 years.*
- 7.23 *A Challenge 25 scheme shall be operated, whereby any person who appears to be under the age of 25 years of age is required to produce on request an item which meets the mandatory age verification requirement and is either a:*
- a) Proof of age card bearing the PASS Hologram;*
  - b) Photocard driving licence;*
  - c) Passport; or Ministry of Defence Identity Card*
- 7.24 *A refusals record shall be maintained at the premises which details all refusals to sell alcohol. Each entry shall, as a minimum, record the date and time of the refusal and the name of the staff member refusing the sale.*
- 7.25 *All entries must be made as soon as possible and in any event within 4 hours of the refusal and the record must be made immediately available to police, trading standards or licensing authority staff upon reasonable request. The refusals record shall be maintained either be electronic means or in a bound document and retained for at least 12 months from the date of the last entry.*
- 7.26 *All staff engaged in the sale or supply of alcohol on the premises shall have received training in relation to the protection of children from harm (including under-age sales), how to recognise drunkenness and the duty not to serve drunk persons.*
- 7.27 *Refresher training shall be carried out at least every six months. Training records shall be kept on the premises (or otherwise be accessible on the premises) for a minimum of 12 months and made immediately available to police, trading standards or licensing authority staff upon reasonable request.*
- 7.28 *Children under the age of 16 must be accompanied by an adult.*
- 7.29 *All children under the age of 18 shall vacate the premises by 22:00 hours.*
- 8.0 **Conditions in consultation with the responsible authorities/other person**
- Conditions agreed with Environmental Protection (See Appendix 8)
- 8.1 *No Music or Amplified Sound shall be generated on the premises to give rise to a public nuisance to neighbouring residents.*

- 8.2 *Loudspeakers shall not be located in the entrance lobby, or outside the premise building nor on ceilings, and anti-vibration mounts used for speakers attached to the walls.*
- 8.3 *All windows and external doors shall be kept closed when regulated entertainment takes place, except for the immediate access & egress of persons.*
- 8.4 *No collections of waste or recycling materials (including bottles) from the premises shall take place between 22:00 hours and 08:00 hours on the following day.*
- 8.5 *No deliveries to the premises shall take place between 22:00 hours and 08:00 hours the following day.*
- 8.6 *Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.*
- 8.7 *Patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke etc, shall be limited to 8 persons at any one time.*
- 8.8 *No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises, which gives rise to a public nuisance.*

## 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 existing licence
<b>Appendix 2</b>	A copy of the application
<b>Appendix 3</b>	Maps of the venue
<b>Appendix 4</b>	Photographs showing vicinity of the venue
<b>Appendix 5</b>	Details of nearest licensed venues
<b>Appendix 6</b>	Representation of Josh Oldham
<b>Appendix 7</b>	Representation of Rebecca Oldham
<b>Appendix 8</b>	Conditions agreed with Environmental Protection