

LONDON BOROUGH OF TOWER HAMLETS**MINUTES OF THE LICENSING SUB COMMITTEE****HELD AT 7.30 P.M. ON TUESDAY, 17 MARCH 2020****COMMITTEE ROOM C1, 1ST FLOOR, TOWN HALL, MULBERRY PLACE, 5
CLOVE CRESCENT, LONDON, E14 2BG****Members Present:**

Councillor Peter Golds (Chair)

Councillor Faroque Ahmed

Councillor Shah Ameen

Officers Present:

Luke Wilson	–	(Legal Services)
Mohshin Ali	–	(Senior Licensing Officer)
Nicola Cadzow	–	(Environmental Health Officer)
Corinne Holland	–	(Licensing Officer)
Simmi Yesmin	–	(Democratic Services)

Representing Applicants	Item Number	Role
Niall McCann	4.2	Legal Representative
Ry Jessup	4.2	Applicant

Representing Objectors	Item Number	Role
Mohshin Ali	4.2	Senior Licensing Officer
Nicola Cadzow	4.2	Environmental Health Officer

Apologies

None

1. DECLARATIONS OF DISCLOSABLE PECUNIARY INTEREST

No declarations of disclosable pecuniary interests were declared.

2. RULES OF PROCEDURE

The Rules of Procedure were noted by the Sub Committee.

3. MINUTES OF THE PREVIOUS MEETING(S)

The minutes of the Licensing Sub-Committees held on 4th December 2019 and 28th January 2020 were agreed as a correct record of proceedings.

4. ITEMS FOR CONSIDERATION

4.1 Application for a New Premises Licence for Braithwaite Street Tunnel London E1 6GJ

This application was withdrawn by the Applicant prior to the meeting.

4.2 Application for a New Premise Licence for Rico's 150b Commercial Street, London E1 6BD

At the request of the Chair, Ms Corinne Holland, Licensing Officer, introduced the report which detailed the application for a new premises licence for Rico's 150b Commercial Street, London E1 6BD. It was noted that objections had been received on behalf of the Licensing Authority and Environmental Health.

Mr Niall McCann, Legal Representative on behalf of the Applicant, confirmed that the premises was a Mexican restaurant. He briefly explained the style of operation and the nature of the business. It was noted that there had been no representation from residents and the main concerns from the Responsible Authorities were about the Cumulative Impact Zone Policy rather than the layout of the premises or the operator.

Mr McCann explained the purpose and use of the outside area. The area would have six covers and would be rendered unusable after 10pm. Customers would only be served food and drink whilst seated. He explained that the background noise would not be above the general noise in Commercial Street.

Mr McCann explained the conditions that the Applicant had offered and the additional conditions which had been accepted following a review of the Responsible Authorities' objections. He noted that the premises would not be alcohol led and would operate within the Council's Framework hours. He submitted that the premises would not negatively impact the area or add to the issues already experienced in the cumulative impact zone.

Members then heard from Mr Mohshin Ali, Licensing Officer, who stated that he was pleased that some of the suggested conditions had been accepted, however, he believed the off sale of alcohol would have a negative impact. He also explained that the extra customers and footfall in the area would add to the existing levels of public nuisance experienced in the area and would negatively impact the cumulative impact zone.

Members also heard from Ms Nicola Cadzow, Environmental Health Officer, who echoed the concerns raised by the Licensing Authority. She expressed concern about the use of the outside area which would cause noise nuisance to neighbouring residents.

In response to questions the following was noted:

1. The Applicant was willing to remove off sales from the application and not to have tables and chairs outside the premises.
2. Residents lived directly above the premises, however, there were no objections from the residents.
3. The seating capacity of the premises was 70.
4. The direct telephone number of the manager would be available to residents if there were concerns or complaints.
5. A risk assessment of the premises would be done regularly.

Members adjourned the meeting at 7.20pm for deliberations and reconvened at 7.35pm.

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. Prevention of Public Nuisance; and
4. The Protection of Children from Harm

Consideration

Each application must be considered on its own merit. The Sub-Committee carefully considered all of the evidence before it and considered the written and verbal representation from both the Applicant's Legal Representative and Officers representing the Licensing Authority and Environmental Health who were objecting to the application. Particular regard was given to the licensing objectives of the prevention of public nuisance and the prevention of crime and disorder.

The Sub-Committee noted that the premises in question were situated in the Brick Lane Cumulative Impact Zone and when a representation is received, the licence will be refused, unless the applicant can demonstrate exceptional circumstances whereby the application, if granted, would not add to the cumulative impact in that zone. The Sub-Committee noted that the effect of the Council's Statement of Licensing Policy in relation to a cumulative impact zone, is to create a rebuttable presumption against granting an application relating to premises in a cumulative impact zone.

The Sub-Committee noted the representations made by Responsible Authorities regarding the added cumulative impact which would arise from a grant of the application. The Sub-Committee noted objectors' concerns

relating to the existing levels of noise nuisance in the area and noted particular concerns about the likely increase in noise nuisance when dining and drinking outside the premises, and thereby the likely added impact on the Brick Lane Cumulative Impact Zone. Members welcomed the Applicant's agreement to remove off sales and to remove the outside drinking and eating area, as well as not allowing drinks to be taken or consumed outside the premises.

The Sub-Committee noted the Applicant's representation that the impact of the premises licence, if granted, would be mitigated by the proposed conditions offered by the Applicant in their operating schedule and the proposed conditions suggested by the Licensing Authority.

The Sub-Committee was satisfied that exceptional circumstances were present as the premises were not alcohol led and were operating within the framework hours. The Sub-Committee was also satisfied that the Applicant had successfully rebutted the Cumulative Impact Zone presumption by demonstrating that the granting of the application, on stringent conditions, would not negatively add to the cumulative issues already experienced in the area.

Accordingly, the Sub Committee unanimously

RESOLVED

That the application for a New Premises Licence for Rico's, 150b Commercial Street, London E1 6BD be **GRANTED with conditions**.

Sale of Alcohol (on sales)

Monday – Thursday 11:00 – 23:30 hours
Friday – Saturday 11:00 – 00:00 hours (midnight)
Sunday 11:00 – 22:30 hours

Provision of Late Night Refreshments

Monday – Thursday 23:00 – 23:30 hours
Friday – Saturday 23:00 – 00:00 hours (midnight)

Hours premise is open to the public

Monday – Thursday 09:00 – 00:00 hours (midnight)
Friday – Saturday 09:00 – 00:30 hours
Sunday 09:00 – 23:00 hours

Non-Standard Hours for the Provision of Late Night Refreshment/ Sale of alcohol / Hours open to the public

From the end of permitted hours on New Year's Eve until the start of permitted hours on New Year's Day

Conditions

1. An incident log book will be maintained by the premises that details incidents of note that occur in the premises. This shall include refusal details, disorder and ejections as a minimum. The log book shall be kept on the premises and management shall regularly check the book to ensure all staff are using it.
2. 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 premise 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.
3. 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 is 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 delay when requested.
4. When the designated premises 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.
5. Signs must be displayed in the customer areas to advise that CCTV is in operation.
6. There shall be no “vertical drinking” of alcohol at the premises.
7. There shall be no off sales of alcohol from the premises.
8. There shall be no drinks taken outside onto Commercial Street.
9. There shall be no tables or chairs outside on Commercial Street.
10. The premises shall only operate as a restaurant:
 - Which provides food in the form of substantial table meals that are prepared on the premises.
 - Which do not provide any takeaway service of food or drink for immediate consumption
 - Which do not provide any takeaway service of food or drink after 23:00 hours

- Where alcohol shall not be sold or supplied, otherwise than for consumption by persons who are seated in the premises and bona fide taking substantial table meals there
 - And provided always that the consumption of alcohol by such persons is ancillary to taking such meals.
11. Notices shall be prominently displayed at any area used for smoking requesting patrons to respect the needs of the local residents and to use the area quietly.
12. All external door and windows to the premises shall be kept closed during the provision of regulated entertainment, save during access and egress.
13. A Challenge 25 policy will be enforced, where any person reasonably looking under the age of 25 shall be asked to prove their age when attempting to purchase alcohol and signs to this effect will be displayed at the premises. The only acceptable forms of identity will be those with photographic identification documents recognised in the Home Office guidance; including passports, photo-card driving licence or proof of age card bearing the PASS hologram.
14. Alcohol will only be sold ancillary to a meal.
15. Staff will be given training:
- a. in conflict management in order to give them the knowledge and confidence to deal with difficult situations and reduce crime and disorder at the Premises;
 - b. on the effects of alcohol and how to spot early signs of customers becoming drunk and confidence to deal with early signs of customers becoming drunk and confidence to deal with drunken patrons; and
 - c. on the appropriate 'cut off' points for serving customers who may be drunk so as to reduce the likelihood of fights or aggressive behaviour.
16. A full risk assessment taking into account public safety will be carried out at the Premises to identify potential hazards posed to staff or customers and setting out precautions to manage the hazards. A risk assessment will be regularly reviewed at least every 12 months.
17. Loudspeakers shall not be located near doors and windows, or in the entrance lobby or outside the premises.
18. No music or amplified sound shall be generated on the Premises to give rise to a nuisance to neighbouring residents.
19. 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.

20. No deliveries on the Premises shall take place between 22.00 hours and 08.00 the following day.

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

22. After 22:00 patrons permitted to temporarily leave and then re-enter the Premises, e.g. to smoke, shall be limited to 5 persons at any one time, and will not be allowed to take drinks outside with them.

5. EXTENSION OF DECISION DEADLINE: LICENSING ACT 2003

Nil items.

The meeting ended at 7.45 p.m.

Chair, Councillor Peter Golds
Licensing Sub Committee