

LONDON BOROUGH OF TOWER HAMLETS**MINUTES OF THE LICENSING SUB COMMITTEE****HELD AT 2.00 P.M. ON TUESDAY, 17 NOVEMBER 2020****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

Councillor Zenith Rahman

Officers Present:

Lavine Miller-Johnson

– (Licensing Officer)

Luke Wilson

– (Legal Services)

Simmi Yesmin

– (Democratic Services Officer,
Committees, Governance)**Representing applicants****Item Number****Role**

Arthur Ortega

4.1

(Applicant)

Michelle Mason

4.2

(Applicant)

Anson Read

4.2

(Applicant)

John Moore

4.2

(Supporter)

Jennifer Sheridan

4.2

(Supporter)

Graham Hopkins

4.3

(Licensing Representative)

Berk Oz

4.3

(Applicant)

Representing objectors**Item Number****Role**

Nick Nickson

4.1

(Legal Representative)

William Taylor

4.2

(Resident)

Kristen Perers

4.2

(Resident)

Duncan Campbell

4.2

(Resident)

Nicola Cadzow

4.3

(Environmental Health Officer)

Apologies

None

1. DECLARATIONS OF INTEREST

There were no declarations of interests made.

2. RULES OF PROCEDURE

The rules of procedure were noted.

3. MINUTES OF THE PREVIOUS MEETING(S)

The minutes of the Licensing Sub Committees held on 28th July, 1st, 15th and 29th September and 13th October were agreed and approved as a correct record.

4. ITEMS FOR CONSIDERATION

4.1 Application to Review the Premises Licence for Manjal, 3 Turnberry Quay, London E14 9RD

This item was withdrawn by the Applicant prior to the meeting.

4.2 Application for a New Premises Licence for (Mason & Printer) 67 Columbia Road, London E2 7RG

At the request of the Chair, Ms Lavine Miller-Johnson, Licensing Officer, introduced the report which detailed the application for a new premises licence for Mason and Painter, 67 Columbia Road, London E2 7RG. It was noted that both support and objections had been received by local residents.

Mr Anson Read, on behalf of the Applicant, explained that the Premises would be selling wine from Borough Wines, a well-known wine company offering a selection of quality wines on tap, most of which were organic and vegan. He explained that the pop-up business was extremely sustainable, reducing waste and allowing local customers the option of great quality wines at a reasonable price. He explained that they would not be trading late in the evenings. The Premises had traded since September with temporary events notices and have had no problems; instead positive feedback had been received. It was noted that the Applicant was willing to work with residents and uphold the licensing objectives. The designated premises supervisor will be onsite at all times and lived in the local area.

Members then heard from Michelle Mason, Applicant, who explained that the premises had been operating for the past 7 years as a vintage furniture store. She wanted to allow Borough Wines a space within the store as a pop up in store to sell wines as an addition to the current business. She explained that they had been running the premises with Temporary Event Notices for the last 6 weeks and have had no complaints during this time. She confirmed that there would be no drinking on the premises and no music played. She explained that the wines that would be sold were not the type to appeal to street drinkers and would not encourage street drinking. Ms Mason stated that the addition of Borough Wines would help with the survival of her current business.

John Moore and Jennifer Sheridan, supporting the application, both expressed support of the premises and explained that the addition of Borough

wines would be a positive for the area and community, a premises offering a selection of unique wines not available on the high street. It also helped with job creation and was zero waste and eco-friendly. They stated that the disruption that objectors are referring to was not from the shop but from other licensed drinking establishments in the area.

Members then heard from Corinne Holland, Licensing Officer, who explained that her objection related to the = off licence sales of alcohol in glasses for immediate consumption. that . She therefore suggested a specific condition that all sales of alcohol for consumption off the premises shall be in properly sealed containers only and not in any vessel for immediate consumption.

Members also heard from Kristen Perers, Duncan Campbell and William Taylor, objectors, who expressed similar concerns about the continued anti-social behaviour in the area and public nuisance associated with alcohol led premises. The objectors were concerned about the effect of another licenced premises on the area. It was noted that there were other licensed premises in the area that attracted people to gather outside on the streets and drink. They believed that there was a danger of this getting worse as more premises licences are being granted in the area. There was also concerns about the possibility of the licence being transferred to someone else and turned into a bar.

In response to questions the following was noted:

- The Applicant confirmed that she was happy to accept the conditions suggested by Ms Holland that alcohol would be sold in properly sealed containers (not in any vessel for immediate consumption) and in bottles no less than 75cl
- The premises had been operating for past 6 weeks with temporary event notices without any problems.
- There would only be off sales and no on sales.
- The hours applied for were moderate and customers are unlikely to queue outside due to the nature of the business.
- The premises would be selling premium brands which was unlikely to attract street drinkers.
- Doors and windows would be kept shut at all times and no noise would emanate from the premises.

The Licensing Objectives

In considering the application, the 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 & Disorder;
- Public Safety;
- The Prevention of Public Nuisance; and
- 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 the evidence before it and heard oral representations at the meeting from the Applicant, supporters of the application, the Officer representing the Licensing Authority and local residents objecting to the application, with particular regard to the prevention of public nuisance and crime and disorder.

The Sub-Committee noted that the nature of the business was not alcohol led and that the sale of alcohol would be an ancillary to the antique furniture business that already exists at the premises. It was further noted that the premises would be selling a selection of premium wines which was less likely to attract street drinking.

The Sub-Committee noted the concerns raised by the objectors in relation to is the issues experienced in the area with patrons drinking outside and causing public nuisance and anti-social behaviour. The Sub-Committee welcomed the efforts made by the Applicant in accepting and agreeing to conditions proposed by the Responsible Authorities and the Sub-Committee including conditions limiting off-sales to properly sealed containers (not in any vessel for immediate consumption) and to bottles no less than 75cl. The Applicant also confirmed that it did not wish to pursue on-sales of alcohol.

The Sub-Committee believed that these conditions would alleviate the concerns relating to street drinking as customers were less likely to immediately consume the alcohol purchased. Accordingly, the Sub-Committee was satisfied that the licensing objectives would be promoted and the conditions imposed would minimise the likelihood of public nuisance and anti-social behaviour.

Accordingly, the Sub-Committee unanimously:

RESOLVED

That the application for a new premises licence for Mason and Printer, 67 Columbia Road, London E2 7RG be **GRANTED with conditions**.

The sale by retail of alcohol (off sales only)

Monday to Thursday, from 15:00 hours to 20:00 hours

Friday from 15:00 hours to 21:00 hours

Saturday from 11:00 hours to 21:00 hours

Sunday from 10:00 hours to 19:00 hours

Hours premises are open to the Public

Monday to Thursday, from 15:00 hours to 20:00 hours

Friday from 15:00 hours to 21:00 hours

Saturday from 11:00 hours to 21:00 hours

Sunday from 10:00 hours to 19:00 hours

Conditions

1. No on-sales of alcohol
2. All sales of alcohol for consumption off the premises shall be in properly sealed containers only (not in any vessel for immediate consumption).
3. Wine on tap can only be sold by 75cl bottles as a minimum.
4. All windows and external doors shall be kept closed at any time when regulated entertainment takes place, except for the immediate access and egress of persons.
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. A refusals log detailing all refused sales of alcohol must be kept. 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.
7. All staff will be trained for underage sales prevention regularly.
8. Clear and legible notices will be prominently displayed to remind customers to leave quietly and respect the needs of local residents.
9. 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.
10. 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.

11. 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 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.
12. 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.

4.3 Application for a New Premise Licence for Hulya's Café & Restaurant, 357-359 Cambridge Heath Road, London E2 9RA

At the request of the Chair, Ms Corinne Holland, Licensing Officer, introduced the report which detailed the application for a new premises licence for Hulya's Café and Restaurant, 357-359 Cambridge Heath Road, London E2 9RA. It was noted that objections had been received by officers representing the Licensing Authority and Environmental Health.

Mr Graham Hopkins, Licensing Representative on behalf of the Applicant, explained that the café had been opened since the 1970's and been operated by the Applicant for the past 21 years. He stated that the knowledge and experience of operating the premises for 21 years should give the Sub-Committee assurance that the Applicant was a good operator. The hours applied for were between 10am to 10pm and the premises had a capacity of 56 covers.

Mr Hopkins explained that alcohol would only be served ancillary to a meal and alcohol would only be served to seated customers. There would be no vertical drinking, no regulated entertainment and no drinks would be allowed to be consumed outside the premises. It was also noted that it was a low risk premises and the nature of the business would not change as the conditions offered would ensure that it would remain a restaurant.

Mr Hopkins addressed the issues of the cumulative impact zone and stated that the premises was a small capacity premises which was food led. The hours applied for were within the Council's framework hours and the applicant was a good responsible operator. Any music played would be background music.

Members then heard from Lavine Miller-Johnson, Licensing Officer, and Nicola Cadzow, Environmental Health Officer. Both confirmed that the premises was within the cumulative impact zone (CIZ). However, they both expressed their satisfaction that the Applicant had made efforts to address the concerns of the CIZ and proposed conditions that would help promote the licensing objectives.

In response to questions the following was noted:

- Customers would not be allowed to take drinks outside the premises.
- Notices would be displayed around the premises to leave quietly and respect the needs of local residents.
- Customers would be asked to remain in the premises if waiting for cabs etc.
- The early premises opening hours were applied for to allow its the breakfast trade.
- They would operate a challenge 25 policy.
- Staff would be trained during induction on how to sell alcohol responsibly.

The Licensing Objectives

In considering the application, Members are normally 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 heard oral representations at the meeting made by the Applicant's Licensing Representative and Officers representing the Licensing Authority and Environmental Health with particular regard to the prevention of public nuisance.

The Sub-Committee noted that the premises is in a cumulative impact zone (CIZ). The cumulative impact policy creates a rebuttable presumption that where relevant representations are received by one or more of the responsible authorities and/or other persons objecting to the application, the application will be refused.

The Sub-Committee noted that, under the Council's Statement of Licensing Policy, the Applicant can rebut the above presumption if it can demonstrate exceptional circumstances and that the granting of the application would not negatively add to the cumulative issues already experienced within the CIZ.

The Sub-Committee welcomed the efforts made by the Applicant in offering robust conditions to address concerns that the granting of the licence may result in additional public nuisance. The Sub-Committee noted that alcohol would only be sold ancillary to a meal and to seated patrons. The Premises also had a thorough dispersal policy to address potential egress issues.

The Sub-Committee noted the representations from the Licensing Authority, and Environmental Health regarding the impact of the premises on the Bethnal Green Cumulative Impact Zone (CIZ) and the concerns relating to the likely disturbance to residents nearby. However, the Sub-Committee was satisfied that the robust conditions proposed by the Applicant would alleviate any concerns that the granting of the licence would result in public nuisance.

The Sub-Committee was therefore satisfied that the CIZ presumption had been rebutted as the Appellant had demonstrated that the granting of the licence would not negatively add to the cumulative issues already experienced in the area. The Sub-Committee was satisfied that there were exceptional circumstances to justify a grant of the licence as the premises was not alcohol led and would operate within the framework hours.

The Sub-Committee was satisfied that the licensing objectives would be promoted and the conditions imposed would adequately mitigate the risk of public nuisance.

Decision

Accordingly, the Sub Committee unanimously;

RESOLVED

That the application for a new Premises Licence for Hulya's Café & Restaurant, 357 -359 Cambridge Heath Road, London E2 9RA be **GRANTED**.

Sale of Alcohol (on sales)

Monday to Sunday from 10:00 hours to 22:00 hours

Hours premises are open to the Public

Monday to Saturday from 06:00 hours to 22:30 hours

Sunday from 07:00 hours to 22:30 hours

Conditions

1. Alcohol to be only sold ancillary to a meal.
2. The premises will operate strictly as a cafe/restaurant with the sale of alcohol only being permitted to customers taking or intending to take a substantial table meal, seated at a table and with service by waiting staff only.
3. The Premises Licence Holder shall ensure that a CCTV system is installed in the premises of a standard acceptable to the Metropolitan Police Service. The system shall be maintained in good working order & fully operational covering all internal areas of the premises to which the public have access & also the area immediately outside the premises. All entry & exit points shall be covered enabling frontal identification (full head & shoulders images), of every person entering the premises in any light condition to an evidential standard.
4. All staff will be fully trained in the operation of the CCTV system including the ability to download screenshots and images for Police or Authorised Officers on request. A minimum of one such member of staff fully trained in the operation of the CCTV system shall be on duty at all times the premises are open to the public.
5. The CCTV system will have the capability to either download footage onto a disk or memory stick. The footage of the CCTV system will be retained for a minimum period of 31 days before re-writing itself with the correct date & time showing. Screenshots and CCTV footage will be made available to Police or Authorised Officers.
6. If the CCTV system is broken the Premises Licence Holder shall notify the Licensing Authority and Police Licensing Team as soon as possible and get the fault rectified as soon as practicable.
7. The Premises Licence Holder shall ensure that a log is kept with the details of the dates of all work / repairs carried out on the CCTV system including the name & phone number of the engineer.
8. On a daily basis the Premises Licence Holder / Designated Premises Supervisor will check that the CCTV system is operational and the date & time stamp are correctly set and on a minimum of a weekly basis check that the CCTV system is correctly recording images for a minimum of 31 days and that screenshots and footage can be correctly downloaded. Details of these checks are to be recorded in the appropriate section of the Incident Book.

9. All staff shall receive training on induction and be given refresher training every six months for their role, in operating the CCTV system, in the relevant provisions of the Licensing Act and Premises Licence, in the Dispersal Policy and in operating the Challenge 25 Proof of Age Policy.
10. Challenge 25 training will include identifying persons under 25, making a challenge, acceptable proof of age and checking it, making and recording a refusal, avoiding proxy sales, avoiding conflict, responsible alcohol retailing & safeguarding children.
11. A written training record shall be kept for each member of staff and be produced to Police or Authorised Officers on request.
12. Relevant notices will be prominently displayed by the entry/exit door and servery / counter as appropriate advising customers:
 - That CCTV & the Challenge 25 Proof of Age policy are in operation;
 - Of the relevant provisions of the Licensing Act;
 - To respect residents, leave the restaurant and vicinity quietly, not to loiter outside the premises and to dispose of litter legally;
 - That no alcohol drinks, bottles or glasses may be removed from the premises at any time;
 - That customers and delivery drivers / riders must not rev engines, play loud music, blow their horn or slam car doors while waiting outside the premises;
 - That a maximum of four (4) smokers are permitted outside the front of the premises at any time and that smokers should keep noise to a minimum while outside;
 - That no unaccompanied children or young person under 16 may be permitted in the premises after 20.00.
13. An Incident Book shall be kept at the premises, and made available to the Police or Authorised Officers, which will record the following:
 - a) All crimes reported,
 - b) Lost property,
 - c) All ejections of customers,
 - d) Any complaints received and the outcome,
 - e) Any incidents of disorder,
 - f) Any seizure of drugs or offensive weapons,
 - g) Any faults in and work carried out on the CCTV system,
 - h) Any refusal in the service of alcohol to customers,
 - i) Any visit by a relevant authority or emergency service,
 - j) A CAD number where Police are called.
14. Customers taking or intending to take a table meal may be permitted to drink alcohol before, during or after their meal.

15. Customers buying / collecting a take away meal will not be permitted to buy or consume alcohol.
16. There will be no sale or consumption of alcohol permitted at the servery / bar and no vertical drinking.
17. No alcohol drinks, bottles or glasses may be removed from the premises at any time
18. A Fire Risk Assessment and Emergency Plan will be prepared & regularly reviewed. Staff will be given appropriate fire safety training
19. No deliveries of goods to the premises or removals of rubbish shall take place between 20.00 hours and 07.00 hours.
20. A phone number will be clearly displayed to the front of the premises for residents to call with any concerns. Details of any complaints and the outcome will be recorded by the Premises Licence Holder or duty manager in the appropriate section of the Incident Book.
21. The shop front will be kept tidy at all times and swept at close. A litter bin will be provided for customer use and will be regularly emptied.
22. A maximum of four (4) smokers will be allowed outside the front of the restaurant at any time. A suitable container will be provided for cigarette ends and will be regularly emptied.
23. A written dispersal shall be prepared and reviewed every six (6) months by the Premises Licence Holder with a copy submitted to the Police Licensing Team and the Council's Licensing Team. The Dispersal Policy shall be included in staff training on induction and refresher training and Management and staff will ensure it is implemented at all times.
24. The Challenge 25 proof of age policy will be operated and only a photographic driving licence, a valid passport, a valid UK Armed Forces photographic identity card with the bearer's photograph on it or Home Office approved proof of age card with the bearer's photograph and the PASS logo / hologram on it will be accepted as proof of age.
25. Refusals of the sale of alcohol must be recorded in the relevant section of the Incident Book.
26. No unaccompanied children or young person under 16 may be permitted in the premises after 20.00 except in an emergency to safeguard a child.
27. No young person under 18 may be allowed to consume alcohol at any time.
28. Instruction on Safeguarding Children will be included in staff training.

Informative

Only background music will be played at any time.

5. EXTENSION OF DECISION DEADLINE: LICENSING ACT 2003

Nil items.

The meeting ended at 4.30 p.m.

Chair, Councillor Peter Golds
Licensing Sub Committee