

**LONDON BOROUGH OF TOWER HAMLETS****MINUTES OF THE LICENSING SUB COMMITTEE****HELD AT 5.30 P.M. ON TUESDAY, 2 MARCH 2021****ONLINE 'VIRTUAL' MEETING - [HTTPS://TOWERHAMLETS.PUBLIC-I.TV/CORE/PORTAL/HOME](https://towerhamlets.public-i.tv/core/portal/home)****Members Present:**

Councillor David Edgar (Chair)

Councillor Victoria Obaze

Councillor Sufia Alam

**Officers Present:**

Ladi Lapite	–	(Principal Enforcement Lawyer)	
Lavine Miller-Johnson	–	(Licensing Officer)	
Simmi Yesmin	–	(Democratic Services Officer, Committees, Governance)	

<b>Representing applicants</b>	<b>Item Number</b>	<b>Role</b>
Lana Tricker	3.1	(Legal Representative)
James Hopkins	3.1	(Applicant)
Kevin Morris	3.2	(Licensing Agent)

<b>Representing objectors</b>	<b>Item Number</b>	<b>Role</b>
Mohshin Ali	3.1	(Licensing Authority)
Kathy Driver	3.2	(Licensing Authority)
Nicola Cadzow	3.2	(Environmental Health)

**Apologies**

None

**1. DECLARATIONS OF INTEREST**

Councillor Sufia Alam declared a personal interest in items 3.1, Application for a new premises Licence for Jack the Chipper, 74 Whitechapel High Street, London E1 7QX and item 3.2, Application for a Variation of the Premises Licence for London Cocktail Club Commercial Unit 12, 29 Sclater Street London E1 6LB on the basis that they were in the ward she lives in and that she had frequented the premises in relation to item 3.2.

## **2. RULES OF PROCEDURE**

The rules of procedure were noted.

## **3. ITEMS FOR CONSIDERATION**

### **3.1 Application for Variation of a Premises Licence for London Cocktail Club Commercial Unit 12, 29 Sclater Street London E1 6LB**

At the request of the Chair, Ms Lavine Miller-Johnson, Licensing Officer, introduced the report which detailed the application for a variation of the premises licence for Cocktail Club, Commercial Unit 12, 29 Sclater Street, London E1 6LB. It was noted that an objection had been received on behalf of the Licensing Authority.

At the request of the Chair, Ms Lana Tricker, Legal Representative on behalf of the Applicant, explained that the application for variation is seeking for earlier opening hours as opposed to later hours. She explained that the premises already had opening hours from 10am and wanted to vary the licence in line with the opening hours in order to be able to operate flexibly during Covid-19. It was noted that following the recent announcement by the Government on the timetable for the upcoming removal of the restrictions on licensed premises the Applicant was no longer seeking variation for the modification of condition 20 on the premises licence.

Ms Tricker briefly highlighted the nature of the business and its successes to date. She explained that the premises are situated on the ground floor and basement area, are heavily staffed, and operate a pre-booking system.

She explained that its patrons were mainly females, there were good transport links close to the premises and the variation was an exception to the Cumulative Impact Policy (CIZ) as the hours applied for were for earlier hours of the day rather than later hours which would impact on CIZ. She said that the existing conditions would remain on the premises licence and were robust and promoted the licensing objectives.

Ms Tricker stated that the objection relates to the modification of the condition which is withdrawn and as stated in the objection letter from the Licensing Authority 'there is no concern to the additional starting times requested by the licence holder'. Therefore, there was no representation against the variation as amended.

Members then heard from Mr Mohshin Ali, Licensing Officer, he explained that the objection was initially in relation to the modification of the condition which had been withdrawn. However, the premises are still within the CIZ and there is some history of complaints in the past. However, visits had been made to the premises, and there were no major concerns.

Mr Ali said that on balance there were no initial concerns with the early hours applied for.

In response to questions the following was noted;

- That management had a good relationship with the local residents.
- Residents had a direct phone number for the manager to report any issues or concerns.
- That there were no concerns relating to earlier hours of operation as the premises already had earlier opening hours.
- That the hours were within the framework hours and the variation proposed was only to allow the retail sale of alcohol to commence at 10.00am rather than 16:30 hours.

Concluding remarks were made by both 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:

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 merits. The Sub Committee had carefully considered all of the evidence before them, including written and verbal representations from the Applicant and his Legal Representative and from the Officer representing the Licensing Authority with particular regard to the prevention of public nuisance.

Members noted that the application to modify an existing condition on the premises licence had been withdrawn and the only variation to consider was the extension of the earlier start time for the sale of alcohol. It was noted that the original objection was in relation to the modification of a condition and there was no concern to the additional start times that had been requested. With that in mind Members were asked to consider the likely impact of additional hours on a premises licence in the Cumulative Impact Zone (CIZ).

Members of the Sub Committee were of the view that on the balance there were no issues of concern for the earlier starting time, and this would be in line with other licensed premises in the area. Members were also satisfied upon questioning the Applicant and his representative, that granting a variation of the premises licence for the nature of business that the Applicant intends and with the conditions in their existing premises licence would not negatively add to the CIZ.

Accordingly, the Sub Committee unanimously;

**RESOLVED**

That the application for a Variation of the Premises Licence for London Cocktail Club Commercial Unit 12, 29 Sclater Street London E1 6LB be **GRANTED**.

**Sale of Alcohol (on sales)**

Monday to Thursday from 10:00 hours to 00:00 hours (midnight)  
Friday to Saturday from 10:00 hours to 01:00 hours (the following day)  
Sunday from 10:00 hours to 00:00 hours (midnight)

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

Monday to Thursday from 10:00 hours to 00:30 hours (the following day)  
Friday to Saturday from 10:00 hours to 01:30 hours (the following day)  
Sunday from 10:00 hours to 00:30 hours (the following day)

**3.2 Application for a New Premises Licence for Jack the Chipper, 74 Whitechapel High Street, London E1 7QX**

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 Jack the Chipper, 74 Whitechapel High Street, London E1 7QX. It was noted that objections had been received on behalf of the Licensing Authority and Environmental Health.

At the request of the Chair, Mr Kevin Morris, Licensing Agent on behalf of the Applicant explained that the premises was trading as a traditional fish and chips takeaway with a limited seating capacity of 14 covers and any noise breakout from the venue affecting neighbouring residents would be minimal.

He explained that the previous owner had failed to transfer the existing licence and therefore the licence had lapsed. It was also noted the previous owner was no longer involved in the business in any way, shape or form although was an active director of Kin Catering Limited between April 2019-July 2020.

It was noted that Mr Ibrahim Uzan was the sole director of the company and had full responsibility for the operation of the business, and also had a number of other licensed businesses and was very experienced.

He concluded by stating that the premises had 3 members of staff, 14 covers, that no music (background, live, recorded or otherwise) would be played at the premises and therefore disturbance to residents living in the area would be minimal. He also confirmed that that sound proofing had been fitted at the premises.

Lastly it was noted that the applicant would be happy to reduce the hours applied for to be in line with the Council Framework Hours.

Members then heard from Ms Kathy Driver, Licensing Officer, she explained that application had been made for the premises last year but was refused by the Licensing Sub Committee due to breaches and trading without a licence. She explained that the area had a number of licensed premises and the applicant had not addressed how the business would not negatively impact on the CIZ.

Members also heard from Ms Nicola Cadzow, Environmental Health Officer, who explained the issues of public nuisance in the area and how another licenced premises would increase nuisance in the area. She also stated that the hours initially applied for were outside the Council's Framework hours and the impact on the CIZ had not been addressed.

Ms Cadzow stated that there was insufficient information in the operating schedule on how the premises would not negatively add to the CIZ. Ms Cadzow confirmed that she had not yet received a satisfactory report as evidence that the premises had sufficient sound proofing. Ms Cadzow concluded that any granting of licence should reduce the hours to the Council's Framework hours, more conditions should be imposed and evidence submitted that sufficient sound proofing had been fitted at the premises.

In response to questions the following was noted;

- That the applicant would be happy to reduce hours to framework hours.
- That alcohol would only be served on the premises and ancillary to a substantive table meal.
- That a report confirming sound proofing had been fitted at the premises would be sent to the Environmental Health Officer.
- There had been no complaints about the premises
- To include a condition to ensure no deliveries of goods or waste collection shall take place between the hours of 22:00 hours and 08:00 hours.
- That the previous owner was no longer a director of company and had no involvement in the business.
- That there should be a limit on the number of smokers allowed to smoke outside the premises.
- No alcohol to be taken outside the premises.
- That it was a small business with 14 covers.

Concluding remarks were made by all parties.

### **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 licensing 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 Agent 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 are in a Cumulative Impact Zone (CIZ), and so, the effect of a premises subject to a licensing application being in a CIZ is that there is 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 they can demonstrate that their application for a premises licence would not undermine any of the four licensing objectives by not adding to the cumulative impact of licensed premises already in the CIZ.

The Sub-Committee considered that the onus lay upon the applicant to show through their operating schedule, with appropriate supporting evidence that the operation of the premises, if licensed, would not add to the cumulative impact already being experienced.

The Sub-Committee heard from the Applicant's Licensing Agent that the Applicant had offered to reduce the hours originally applied for to be in line with the Council's Framework hours, that the premises had a small capacity of 14 covers and alcohol would only be served ancillary to a meal.

The Sub-Committee considered the Council's Licensing Policy, in particular the Special Cumulative Impact Policy - Section 19.8;

*"This policy will be strictly applied and where relevant representations are received it is the view of the Council that the application will be refused. Applicants will need to demonstrate that there are exceptional circumstances and that granting their application will not negatively add to the cumulative effect on the licensing objectives within the Brick lane and Bethnal Green CIZ if they wish to rebut this presumption".*

Examples of factors the Licensing Authority may consider as exceptional may include;

- Small premises with a capacity of fifty persons or less that only intend to operate during framework hours.
- Premises which are not alcohol led and operate within the framework hours.”

The Sub-Committee considered that this application had exceptional circumstances due to size of the premises, as the customer capacity was less than 50 persons and it was not an alcohol led premises.

The Sub-Committee noted the representations from the Licensing Authority, and Environmental Health regarding the impact of the premises on the Brick Lane CIZ, and the concerns relating to the likely disturbance to residents nearby. However the conditions proposed by the Applicant with the addition of the reduced hours and conditions to restrict the number of smokers outside the premises and for no drinks to be allowed to be taken outside the premises, gave the Sub Committee the assurance that this venue would not negatively impact on the CIZ.

However, the Sub-Committee was still concerned about Council officers not having yet received a satisfactory acoustic report of the premises in relation to sound proofing and therefore Members made a decision that a granting of the application would only be subject to the Environmental Health Officer receiving a satisfactory acoustic report of the premises.

The Sub-Committee was satisfied that the conditions imposed would help alleviate any concerns raised by the responsible authorities and help promote the licensing objectives.

#### Decision

Accordingly, the Sub Committee unanimously;

#### **RESOLVED**

That the application for a new premises Licence for Jack the Chipper, 74 Whitechapel High Street, London E1 7QX be **GRANTED** with conditions – Subject to the following proviso:-

**The application will only be granted subject to the Environmental Health Officer receiving a satisfactory acoustic report.**

#### Sale of Alcohol (on sales only)

- Monday to Thursday, from 10:00 hrs to 23:30 hrs
- Friday and Saturday, from 10:00 hrs to 00:00 hrs (midnight)
- Sunday, from 10:00 hrs to 22:30 hrs

Non-standard timings

- Christmas Eve and New Years' Eve, until 00:30 hrs the following day

The provision of late night refreshment - (Indoors)

- Monday to Thursday, from 23:00 hrs to 23:30 hrs
- Friday to Saturday, from 23:00 hrs to 00:00 hrs (midnight)

Non-standard timings

- Christmas Eve and New Years' Eve, until 01:00 hours the following day

The opening hours of the premises

- Monday to Thursday, from 10:00 hrs to 24:00 hrs (midnight)
- Friday and Saturday, from 10:00 hrs to 00:30 hrs (the following day)
- Sunday, from 10:00 hrs to 23:00 hrs

Non-standard timings

- Christmas Eve and New Years' Eve, until 01:00 hrs the following day

Conditions

1. Alcohol shall only be served on the premises and ancillary to a substantive table meal.
2. Patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke, shall be limited to 2 persons at any one time.
3. No drinks to be consumed outside the premises
4. No deliveries or waste collections will be taken place between the hours of 23:00 hours and 08:00 hours.
4. The Designated Premises Supervisor shall ensure that all existing staff, new staff, supervisors, and managers receive an induction in the legality and procedure of alcohol sales, prior to undertaking the sale of alcohol. This training shall include the contents of the premises licence, times of the operation, licensable activities, and all conditions. Training documents shall be signed and dated, and training records shall be made available to Police or authorised council officers on request. The records shall be retained for at least 18 months.
5. CCTV shall be installed and maintained in a good working condition and cover the entrance of the premises and all external areas.



6. CCTV covering areas inside and outside of the premises shall be installed and maintained to police recommendations with properly log arrangements. All images shall be stored for a minimum of 31 days and all recordings shall show the correct date and time
7. A staff member from the premises that is conversant with the operation of the CCTV system shall be on the premises at all times the premises is open to the public. This staff member shall be able to show Police recent date footage with the minimum of delay when requested. This date or footage reproduction shall be almost instantaneous.
8. Appropriate signage shall be in a prominent position, informing customers they are being recorded on CCTV.
9. Signs shall be placed in a prominent place at all exit points of the premises requesting patrons to respect the neighbours and leave quietly.
10. 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.
11. A refusals book shall be kept at the premises to record details of all refusals to sell alcohol. This book shall contain the date and time of the incident, a description of the customers, the name of the staff who refused the sale and the reason the sale was refused. The book shall be made available to Police or authorised council officers on request.
12. An incident log shall be kept at the premises, and be available on request by an authorised officer or to Police which will include the following:
  - a. all crimes and incidents of disorder reported to the venue;
  - b. all ejections of patrons;
  - c. any complaints received concerning crime and disorder
  - d. seizure of drugs and offensive weapons
  - e. any faults in the CCTV system, searching equipment or scanning equipment;
  - f. any refusal of the sale of alcohol;

**4. EXTENSION OF DECISION DEADLINE: LICENSING ACT 2003**

Nil items.

The meeting ended at 7.15 p.m.

Chair, Councillor David Edgar  
Licensing Sub Committee