

LONDON BOROUGH OF TOWER HAMLETS**MINUTES OF THE LICENSING SUB COMMITTEE****HELD AT 5.30 P.M. ON TUESDAY, 30 MARCH 2021****ONLINE 'VIRTUAL' MEETING - [HTTPS://TOWERHAMLETS.PUBLIC-I.TV/CORE/PORTAL/HOME](https://towerhamlets.public-i.tv/core/portal/home)****Members Present:**

Councillor Eve McQuillan (Chair)
 Councillor Mohammed Ahbab Hossain
 Councillor Amina Ali

Officers Present:

Luke Wilson	– (Legal Services)	
Corinne Holland	– (Licensing Officer)	
Simmi Yesmin	– (Democratic Services Officer, Committees, Governance)	

Representing applicants	Item Number	Role
Alexa Moro	3.1	(Applicant)
Alessandro Ferrari	3.1	(Applicant's Friend)
Mark Gawor	3.1	(Landlord)
Robert Botkai	3.2	(Legal Representative)
Joseph Falter	3.2	(Applicant)

Representing objectors	Item Number	Role
Ben Pommer	3.1	(Resident)
Caitlin Spence	3.1	(Resident)
Ed Lawrence	3.1	(Resident)
Deborah Holmes	3.1	(Resident)
Tim Warren	3.1	(Resident)
Kathy Driver	3.2	(Licensing Authority)
Nicola Cadzow	3.2	(Environmental Health)

Apologies

None

1. DECLARATIONS OF INTEREST

There were no declarations of interest made.

2. RULES OF PROCEDURE

The rules of procedure were noted.

3. ITEMS FOR CONSIDERATION

3.1 Application for a New Premise Licence for Da Nonna, Unit 2, New Crane Place, London, E1W 3TS

At the request of the Chair, Ms Corinne Holland, Licensing Officer, introduced the report which detailed the application for a new premises licence for Da Nonna, Unit 2, New Crane Place, London, E1W 3TS. It was noted that objections had been received on behalf of local residents.

The Applicant, Ms Alexa Mora, asked for her friend, Mr Alessandro Ferrari, to speak on her behalf. Mr Ferrari explained that that the Applicant lived and worked in the local area and was excited to bring Italian soul food to local residents. He explained that the premises was not a pub, bar or club, but a restaurant for customers to enjoy food and drink. He explained that alcohol would only be sold ancillary to a meal and customers would not be allowed to take open vessels of alcohol outside the premises. The premises would provide free drinking water, train staff, have notices displayed in the premises and monitor customers to ensure they do not block the entrance to residential buildings.

Members also heard from Mr Mark Gower, landlord of the premises, who confirmed that he owned the building. He explained that the premises had been operating as an Italian restaurant for the past 10 years but the license lapsed when the previous operators had left and therefore a new application had to be made. He said that there were 150 apartments in the local area who will use this facility. He said that the premises next door was a licensed premises which had now been sold and turned into gym, and therefore no licence in place. He said some of the objectors were not local residents; they were buy to let landlords and individuals who no longer live there. He expressed his support for the premises.

Members then heard from Mr Ben Pommer, Ms Caitlin Spence, Mr Ed Lawrence, Ms Deborah Holmes and Mr Tim Warren, objectors, who expressed the following concerns in relation to the premises:

- The hours applied for were excessive, especially in a residential area.
- There had been noise emanating from the premises since the Applicant had taken over the premises.
- Two residents had moved as direct consequence of the noise emanating from the premises.
- Efforts to engage with the Applicant had been unsuccessful.

- It was a quiet residential area with few late night premises.
- There was no sound insulation preventing noise emanating to the upper part of the building.
- Objectors were concerned about noise emanating from the building when the glass front was opened up.
- Customers and staff had been seen smoking and blocking building entrances.
- Building works had been carried out during unsociable hours.
- There had been no problems with the previous operators.

- Residents were unable to keep windows open during the summer months due to noise and impact on sleep and family life.
- Residents felt intimidated by customers who block the building entrance.

In response to questions from Members, the following was noted:

- The restaurant had 24 covers with 9 tables.
- There were 6 members of staff including the chef.
- The Applicant was willing to work with residents.
- The Applicant stated that the noise issues were due to refurbishment works carried out at the premises when the Applicant first moved in.
- Following advice from the Sound Engineer, sound insulation had been installed.
- New insulation panels had been installed and the new ventilation fan reduced the smell of food and vibration.
- A member of staff would be responsible for monitoring customers outside the premises.
- Signage would be displayed around the premises asking customers to leave quietly and respect the needs of residents.
- Residents believed that there was no sound proofing and excessive vibration from the premises.
- The Applicant explained that when the premise was taken, it was empty with no furniture. It believed that this was the main reason why there was noise at the start as there was no furniture to absorb noise.
- The reason for later opening hours was to allow the flexibility to open later hours on occasions.
- The Applicant was agreeable to keep windows and doors shut from 9pm onwards.
- The Applicant was also agreeable to limit the number of smokers outside the premises at any one time and reduce the hours in line with the Council's framework hours.

Concluding remarks were made by all 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 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 made at the meeting by the Applicant, her translator, the landlord of the premises and residents objecting to the application.

Members noted the explanation given by the Applicant in terms of why there had been an increase in noise nuisance over the past months; this had been due to the works being carried out in the premises. Members were concerned about the later hours applied for, especially in a residential area. Members were assured that staff would be trained and there would be monitoring of the outdoor area to ensure their customers did not cause any disturbance to the residents in the immediate vicinity.

Members noted objections from the local residents who shared similar concerns about noise nuisance and disturbance, as well as the later opening hours in a heavily populated residential area. Members noted that the hours applied for were beyond the Council's Framework Hours and were concerned about the likely disturbances that would be caused to residents during noise sensitive hours if the premises were to stay open till late. However, Members noted that it was a small food-led premises.

The Sub Committee was satisfied that a reduction in licensable hours, together with robust conditions, including a restriction in the number of smokers, alcohol being ancillary to a meal, no drinks allowed outside the premises and having the doors and windows kept closed after 9pm, would promote the licensing objectives and alleviate the concerns of residents regarding the risk of disturbance.

Therefore, Members made a decision and the decision was unanimous. Members granted the application in part with conditions.

Accordingly, the Sub Committee unanimously

RESOLVED

That the application for a New Premises Licence for Da Nonna, Unit 2, New Crane Place, London E1W 3TS be **GRANTED** with conditions.

Sale of Alcohol

Monday to Thursday from 13:00 hours to 23:00 hours
Friday and Saturday from 13:00 hours to 23:30 hours
Sunday from 13:00 hours to 22:00 hours

The Provision of Late Night Refreshments

Friday and Saturday from 23:00 hours to 23:30 hours

Hours premises are open to the public:

Monday to Thursday from 10:00 hours to 23:30 hours
Friday and Saturday from 10:00 hours to 00:00 hours
Sunday from 10:00 hours to 22:30 hours

Conditions

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.
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.
3. The premises shall ensure that customers do not take or consume open containers of alcohol or soft drink outside the premises.
4. Alcohol shall only be served on the premises and ancillary to a substantive table meal.
5. Doors and windows shall be kept closed from 21:00 hours until closing.
6. Loudspeakers shall not be located in the entrance lobby or outside the premises building.
7. No noise generated on the premises, or by its associated plant or equipment, shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.

8. Notices shall be displayed in the premises asking customers to leave quietly and respect the needs of local residents.
9. Patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke, shall be limited to 4 persons at any one time.
10. All staff whose responsibilities include the sale of alcohol shall receive training regarding their social and legal obligations regarding the sale of alcohol. Evidence of this training shall be kept at the premises for inspection by police or council authorised staff.
11. Premises staff shall regularly patrol the premises, both indoors and outdoors, to supervise the orderly conduct of patrons. The Premises shall ensure that patrons do not congregate directly outside the premises following their meal.
12. 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.
13. 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) any faults in the CCTV system, searching equipment or scanning equipment;
 - f) any refusal of the sale of alcohol;

3.2 Application for a New Premise Licence for Quick Commerce Limited, 28 Redchurch Street, London, E2 7DP

At the request of the Chair, Ms Corinne Holland, Licensing Officer, introduced the report which detailed the application for a new premises licence for Quick Commerce Limited, 28 Redchurch Street, London, E2 7DP. It was noted that objections had been received on behalf of officers representing the Licensing Authority and Environmental Health.

Mr Robert Botkai, Legal Representative on behalf of the Applicant, explained the new and interesting business concept. He explained that the premises was a dark store operating as an App based company, selling mini supermarket goods, with no external signage and no customer access. He explained the business concept, where an order is made via the app and then delivered to a residential or business address, and not to any open space. He explained that the riders (delivery drivers) would be employed directly by the company, offering them employee incentives, and highlighted that this aspect

was important as it was not like other companies. Mr Botkai explained that riders had a waiting room with toilet facilities, coffee machines and sofas. The riders will be using company e-bikes to deliver goods; these bikes were silent and therefore no idling or noise was caused by the bikes.

The Applicant, Mr Joseph Falter, gave a brief history of his qualifications and experiences in operating a business with e-delivery as a large scale operation. He said the 'ZAP' app would ensure all riders are entitled to sick pay, pension and paid above the London living wage.

It was noted that the Applicant had consulted with the Police who did not object to the application and there were no objections from residents. Mr Botkai addressed the impact on the Cumulative Impact Zone (CIZ) policy. He submitted that the grant of a licence would in fact reduce the impact. With no customer accessing the store, customers would be staying at home and in turn not contributing to cumulative impact in the area. It was noted that the business had been operating 24 hours since March 2021 using Temporary Event Notices. There had been no complaints and the business had very good practices in place. It was noted that the company could in fact deliver goods 24 hours without a licence but a licence was being sought to include the sale of alcohol. In conclusion, Mr Botkai stated that the premises would not add to the CIZ and would be reducing the impact of customers frequenting the area as people would stay at home and stay safe.

Members then heard from Ms Kathy Driver, Licensing Officer, who explained that the area was saturated and any application in the CIZ is to be refused unless the Applicant can demonstrate that their premises would not negatively impact the area. She raised concerns on the potential noise from riders entering and exiting the premises during the noise sensitive hours as the business will be utilising the outside area 24 hours a day which would further impact residents.

Ms Driver asked that there be clarity on deliveries of goods in the proposed conditions and for the Applicant to notify Licensing Services of the platform that will be used for age verification for the sale of alcohol.

Members also heard from Ms Nicola Cadzow, Environmental Health Officer, who referred to her representation on page 166 and stated that there were residents in Redchurch Street who would be affected by a 24-hour licence. She acknowledged that there had been no noise complaints during the TENs, however, she believed the circumstances were different due to lockdown. She was concerned that if a licence was to be granted for a 24-hour licence this would set a precedent for future applications.

In response to questions from Members, the following was noted:

- Riders were trained on highway rules and regulations and could be tracked by GPS.
- E-bikes would be used, which were silent.
- The deliveries would be within a 2 km radius and the company would aim to deliver within 20 minutes.

- The critical part of the operation was a 24 hour service following demand from customers.
- The Applicant believed there was less likely to be crime and disorder as it was delivering to homes. It also believed that public safety was enhanced and noted that age verification checks were in place.
- There was a significant demand for this service, particularly from customers who can't leave their homes.
- Approximately 7-10 riders could be accommodated in the waiting area.
- There would be no gathering allowed outside the premises
- Alcohol would make up approximately 1/3 of the orders.
- The Applicant would check with Environmental Health every 3 months to see if there were any complaints.
- The appropriate age verification checks would be applied on the App and upon delivery.

Concluding remarks were made by all 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. 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, the Applicant's Licensing Representative and from the Responsible Authorities objecting to the application.

The Sub-Committee noted that the premises is in a cumulative impact zone (the 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 noted the representations from the Licensing Authority and Environmental Health regarding the risk of noise nuisance and effect on the CIZ. It also noted their concerns about the existing levels of noise nuisance and anti-social behaviour in the area, the quality of life of local residents in the area and the risk of increased noise nuisance and disturbance which may potentially be caused as a result of a 24 hour business operation.

The Sub-Committee welcomed the efforts made by the Applicant in offering robust conditions, and also agreeing to a condition that all delivery drivers will be employed directly by the licence holder or the company. This gave Members assurance that the licence holder would have sufficient control to ensure riders' compliance with the relevant licence conditions.

The Sub-Committee were satisfied that due to the nature of the business and its operation, with no customers frequenting the premises, together with the other conditions proposed, exceptional circumstances had been demonstrated to justify the grant of the premises licence in the CIZ. The Sub-Committee was of the view that that this premises would not add to the cumulative impact in the area and therefore was satisfied that the Applicant had rebutted the presumption against granting an application for a premises licence in the CIZ.

The Sub-Committee was satisfied that the granting of the licence would promote the licensing objectives and the conditions imposed would adequately mitigate the risk of public nuisance and crime and disorder.

Therefore, Members made a decision and the decision was unanimous. Members granted the application with conditions.

Accordingly, the Sub Committee unanimously

RESOLVED

That the application for a New Premises Licence for Quick Commerce Ltd, 28 Redchurch Street, London E2 7DP be **GRANTED with conditions.**

Sale of Alcohol (off sales only)

Monday to Sunday from 00:00 hours – 24:00 hours (24 hours a day)

Hours premises are open (no access to the public):

Monday to Sunday from 00:00 hours – 24:00 hours (24 hours a day)

Conditions

1. All delivery riders will be employed directly by the licence holder or a holding company of the licence holder.
2. Members of the public will not be allowed to enter the premises.

3. There shall be no signage on the outside of the premises or visible from the outside of the premises indicating the presence of alcohol or other convenience goods inside of the premises.
4. The sale of alcohol from the premises shall be for delivery only by a delivery rider.
5. A digital CCTV system will be installed, or the existing system maintained, such system to be fit for the purpose and to be to the reasonable satisfaction of the police. Any recording will be retained and stored in a suitable and secure manner for a minimum of 31 days and shall be made available, subject to compliance with Data Protection legislation, to the police for inspection within 24 hours of request.
6. The CCTV system shall be capable of producing immediate copies on site. Copies of recordings will either be recorded digitally on to CD/DVD or other equivalent medium.
7. The system will display, on any recording, the correct time and date of the recording. The CCTV system will be maintained and fully operational throughout the hours that the premises are open for any licensable activity.
8. All riders shall be trained to record refusals of sales of alcohol in a refusals log/register. This log/register will be available for inspection by a police officer or other authorised officer on request. The log/register will contain:
 - details of the time and date the refusal was made;
 - the identity of the rider refusing the sale;
 - details of the alcohol the person attempted to purchase.
9. An incident log/register shall be maintained to record all incidents of crime and disorder occurring on delivery of products. This log/register will be available for inspection by a police officer or other authorised officer on request.
10. The premises licence holder shall not sell beer, lager or cider with an alcohol content over 6.5% ABV (alcohol by volume). This restriction shall not apply in respect of the specialist branded, premium priced products – for example craft ales, local or microbrewery specialist products, boxed gifts or national celebratory/commemorative beer, lager or cider.
11. There shall be no sale of spirits in vessels smaller than 35cl.
12. Delivery of alcohol shall be to a residential address or place of work.
13. Riders will be permitted to collect orders and deliver by pedal bike or electric bike only.

14. Riders will not be permitted to congregate or smoke in the immediate vicinity of the premises.
15. 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.
16. No deliveries of goods to the premises shall take place between 22:00 hours and 08:00 hours the following day.
17. No noise generated on the premises, or by its associated plant or equipment, shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
18. The premises licence holder will ensure that an age verification policy will apply whereby all delivery riders will be trained to ask any customer to whom alcohol is delivered, who appears to be under the age of 25 years to produce, before being sold alcohol, identification being a passport or photocard driving licence bearing a holographic mark or other form of identification that complies with any mandatory condition that may apply to this licence.
19. All delivery riders shall receive training in age restricted sales. Induction training must be completed and documented prior to the delivery of alcohol by the rider. Refresher/reinforcement training must be completed and documented at intervals of no more than 6 months.
20. Training records will be available for inspection by a police officer or other authorised officer on request. Training records will be electronically stored by the licence holder for a period of 12 months.
21. A warning shall be displayed on the digital platform on which an order is placed informing customers that they must be aged 18 or over to make a purchase of alcohol and notifying customers that the rider will carry out age verification on delivery. The customer will be required to declare that he or she aged 18 or over. If the rider is not satisfied that the customer is aged 18 or over any alcohol in the order will be withheld.
22. The License Holder shall notify the Licensing Authority of the age verification platform used by the business and any changes in the platform used.

4. EXTENSION OF DECISION DEADLINE: LICENSING ACT 2003

Nil items.

The meeting ended at 7.55 p.m.

Chair, Councillor Eve McQuillan
Licensing Sub Committee