
Application for a Premises Licence at

459 Railway Arches, Robeson Street,

Reference tower-hamlets-1092220

Information and Submissions on behalf of the Applicant

Before the Tower Hamlets subcommittee 12th October 2021

1. The Applicant

The applicant wishes to operate an online business to enable the supply of alcohol by delivery to customers at residential or business addresses. The applicant has a similar business structure, selling and delivering e-cigarettes. As such, the applicant has the necessary experience and background in e-commerce within a regulated sector to ensure the successful operation of the business in line with the licensing objectives.

2. The Premises

459 Railway Arches is an industrial unit situated in the railway arches at Mile End. There are similar industrial units in the area. There are local businesses, including a fishmonger and vintage clothing shop. Mile End Skatepark, Revolution Go Karting and football pitches are all within the locality.

459 Railway Arches will be used to fulfill online orders from the applicant's website, www.fridaymoodstore.co.uk. Orders will in the main, be made by post but in time will also be placed through third party platforms such as Deliveroo, Amazon and Uber Eats. Alcohol will be stored, packed and delivered from the premises. There will be no walk-in trade, and all orders will be made online. There will be a challenge 25 policy on delivery and couriers will be trained on the policy.

3. The Application Process

Prior to submitting the application, the applicant submitted a draft to the licensing team in June 2021, as part of an early consultation process.

The licensing team provided feedback in the way of suggested conditions for the operating schedule. They were adopted in full.

During the consultation period, representations were also received from Environmental Protection who proposed conditions which were also adopted in full.

Upon being notified of representations made by local residents, the applicant (through their lawyers) contacted the lead petitioner in an effort to mediate although that was, regrettably unsuccessful.

4. The Representations from Residents

Representations were received by local residents by way of a letter and petition.

5. Submissions

5.1 The representations were not received within the consultation period

Representations must be made within the consultation period. In this case, the consultation period ended on the 28 July 2021. Representations would have to be received before midnight on the 28th July in order to be in time. In this case, the representations were not received by the Licensing authority until the 30th July 2021, after the consultation period had closed.

The applicant had complied with the requirement to advertise the application by way of notice. The applicant downloaded the requisite notice from the London Borough of Tower Hamlet's website and displayed the notice on 1 July 2021. It transpired that the address displayed on the local authority designed notice, was in fact incorrect, as the Licensing team had moved address. This error is not the fault of the applicant who had relied upon using the recommended model notice provided.

It would appear that it was to the incorrect address that the residents' representations were sent – the address on the notice rather than the new address.

Whilst it is accepted that it was of no fault of the residents that the representations went to the wrong address, it is submitted that it does not automatically follow that they can be deemed to have been received within the consultation period when they clearly were not. In our submission, the test that should be applied in the case is:

Would the representations have been received in time had they been marked with the correct address?

On the 30th July 2021, Corrine Holland of the Licensing Authority wrote to us by email and stated on this subject:

'If it can be shown as attempted delivery before the 28th July and it is valid I will need to accept this as a valid representation due to the address published on the notice'

We say that there is no evidence that delivery was attempted before the 28th July. There is no evidence that had the letter been correctly addressed that it would have been received by the 28th July 2021. We submit that neither of the above tests are made out in the case. If the Members find that the representations were received out of time, then they must be discarded.

The Lead petitioner told the licensing team that he sent the letter by first class 'signed for' on the 27th July 2021.

A Royal Mail 'Track and Trace' document provided by the lead petitioner shows that a letter with tracking number BN0844340765GB was accepted by the post office at 16.46 on the 27th July and delivered at 10.06 to 'Bow Delivery Office' on Friday the 30th July. It does not show that a delivery was attempted on the 28th July.

The Members may well know that Royal Mail 'Signed For First Class' *aims* to deliver the next working day but does not guarantee to do so. One would be entitled to conclude that it would be even less likely to have been delivered the following day bearing in mind the late time that it was posted.

5.2 The representations dated 23rd July relate to the Licensing objectives, but do not appear to relate to the application itself.

The representations are very general and do not appear to relate directly to the application made.

All representations must relate to the 'likely effect of the grant of the premises licence on the promotion of the licensing objectives'.

The Representations made, appear to make general statements about the links between alcohol (and drug) abuse and public nuisance. They do not in fact explain how a grant of this particular application might be related those links.

5.3 It would appear that at the time the representations were submitted, its author or authors had not actually read the application.

On the 2nd August the lead petitioner wrote by email to the Licensing team in which he stated:

'Lastly I would like to point out that the resistant letter was drafted with the limited information provided on the notice'

In the same email the lead petitioner referred the licensing officer to anti-social behavior occurring on Robeson Street near the location of 459 Railway Arches. Had the application been properly considered, it is respectfully submitted that this comparison would not have been made, as it is clear that the applicant proposes an online business, with no walk-in trade.

We respectfully suggest that the representations are not relevant in that they appear either based on:

1. A moral objection to the supply of alcohol of any description and in any circumstances.
2. A fundamental misunderstanding of the proposed operation.

5.4 The conditions proposed in the operating schedule adequately protect the Licensing Objectives.

The conditions, many of which were provided by the Licensing team in advance of submission, explain how the application will meet the licensing objective of the prevention of public nuisance and the prevention of crime and disorder.

The members' particular attention is drawn to the following proposed conditions:

- The general public will not be granted access to the premises.
- There will be no walk-in trade.
- The supply of alcohol shall be by way of delivery only.
- All off-sales are to be in sealed containers.
- Alcohol shall only be delivered to a residential or business address and not to a public place.