

**LONDON BOROUGH OF TOWER HAMLETS****MINUTES OF THE LICENSING SUB COMMITTEE****HELD AT 6.30 P.M. ON TUESDAY, 12 OCTOBER 2021****COUNCIL CHAMBER, TOWN HALL, MULBERRY PLACE, 5 CLOVE CRESCENT,  
LONDON, E14 2BG****Members Present:**

Councillor Amina Ali (Chair)

Councillor Victoria Obaze

Councillor Rajib Ahmed

**Officers Present:**

David Wong	–	(Legal Services)	
Nicola Cadzow*	–	(Environmental Health Officer)	
Kathy Driver*	–	(Principal Licensing Officer)	
Corinne Holland	–	(Licensing Officer)	
Farhana Zia	–	(Democratic Services Officer, Committees, Governance)	

<b>Representing applicants</b>	<b>Item Number</b>	<b>Role</b>
Mr Adam Shaw	4.1	Applicant's Solicitor
Mr Sviatoslav Seliviorstov - Caligan Limited	4.1	Applicant
Mr Girolamo Piccione* – Vov Limited	4.2	Applicant
Mr Andrea Soriente*	4.2	Applicant's friend

<b>Representing objectors</b>	<b>Item Number</b>	<b>Role</b>
Mr Abid Rahman	4.1	Lead Petitioner – Objector
Mr A Saboundji	4.1	Objector
Mr Skandar	4.1	Objector
Mr R Miah	4.1	Objector
Mr K Mubarok	4.1	Objector
Ms Nicola Cadzow*	4.2	Environmental Health
Ms Kathy Driver*	4.2	Licensing Authority

\*Attended Virtually -Online

**1. DECLARATIONS OF INTEREST**

There were no declarations of interest.

**2. RULES OF PROCEDURE**

The rule of procedure were noted.

**3. MINUTES OF THE PREVIOUS MEETING(S)**

The minutes of the meetings held on 2<sup>nd</sup> and 14<sup>th</sup> September were agreed and approved as a correct record.

**4. ITEMS FOR CONSIDERATION****4.1 Licensing Act 2003 Application for a new Premises Licence for Caligan Limited. 459 Railway Arch, Robeson Street, London, E3 4JA**

At the request of the Chair, Ms Corinne Holland, Licensing Officer, introduced the report which detailed the application for a new premises licence for Caligan Limited, 459 Railway Arch, Robeson Street, London E3 4JA. It was noted that objections had been received on behalf of local residents in a form of a petition.

At the request of the Chair, the Applicant's Solicitor, Mr Adam Shaw stated that Caligan Limited was an e-commerce business who was seeking a sale of alcohol licence to supply and deliver alcohol directly to customers at residential or businesses addresses. He referred members to the supplemental agenda which set out their additional submissions. Mr Shaw said the objection lodged by the residents was out of time, regardless of which council office address the petition was sent to, and therefore should not be allowed as evidence and the objectors' representations were therefore out of time. However, if Members were minded to accept the objectors' representations as being made in time then Mr Shaw submitted that the objectors had misunderstood the nature of the application. This was an e-commerce business which would not be selling alcohol directly to members of the public. The sales would be strictly off-sales, with no member of the public able to gain access to the premises. Mr Shaw stated his client had agreed to all the conditions put forward by the responsible authorities and did not believe the business would not attract crime or disorder or give rise to public nuisance.

The Sub-Committee then heard from Mr Abid Rahman, the lead petitioner and objector, who described the anti-social behaviour experienced in the area, and stated the objectors were not against the new business but the use of third-party delivery companies that were going to be used for the despatch and delivery of alcohol to customers. Mr Rahman stated it could not always be guaranteed that delivery drivers carried out Challenge 25 checks or delivered only to residential or business addresses. He described how the Apps second guess the area or location for delivery and how orders can be intercepted before reaching their intended destination. Mr Rahman said anti-social

behaviour and crime and disorder was a daily occurrence in the area and local businesses had a moral obligation to ensure safety and prevention of public nuisance.

In response to questions from Members the following was noted:

- Third-party delivery companies and postal services were the intended method of delivery for the sale of alcohol.
- Challenge 25 would be applied at the point of delivery, and age verification checks would be undertaken.
- Due diligence in relation to the despatch and delivery of the alcohol by the third-party delivery services, was part of the signed contract with the companies providing those services, and therefore the onus to ensure items were delivered only to residential or business addresses and Challenge 25 applied at the point of delivery was those companies' responsibility.
- The premises is currently operating as a warehouse, for the Applicant's other business.
- Delivery drivers would be asked not to idle their engines. There will be notices displayed to state this. The business intends to operate within the framework hours of 7:00 hours and 23:00 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 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 the evidence before them and heard oral representations at the meeting made by the Applicant's solicitor and the Lead Petitioner representing the objectors.

The Sub-Committee noted the Applicant was seeking a new premises licence for the off sale of alcohol as part of their e-commerce business. The Sub-Committee noted that the premises would not be open to the public and intended to operate between 07:00 -23:00 hours, seven days a week.

The Sub-Committee noted the concerns of the objectors, whose primary concerns arose from the Applicant's proposed use of third-party delivery

services and their Apps, for the despatch and delivery of alcohol. The objectors stated this would further add to the anti-social behaviour experienced in the area, which had been a persistent problem for many years. The Sub-Committee considered that a licensing applicant's responsibilities are limited to the immediate vicinity of the premises, and for an e-commerce business, this would involve conditions to govern the sale of alcohol up to the point of delivery, but beyond that, the Applicant could not be held responsible for the actions of others, such as customers who had received delivery and third-party delivery companies. The Sub-Committee were satisfied that the conditions offered by the Applicant would support the four licensing objectives and address any concerns over noise nuisance, crime and disorder.

The Sub-Committee could only proceed on the basis of evidence before it, rather than speculative comments on what may happen following the grant of an application.

Therefore, Members made a unanimous decision to grant the application with conditions.

Accordingly, the Sub Committee unanimously

### **RESOLVED**

That the application for a new Premises Licence for Caligan Limited, 459 Railway Arch, Robeson Street, London E3 4JA be **GRANTED** with conditions.

#### Opening Hours:

Monday – Sunday 06:00 – 23:00 hours  
Premises are not open to the public

#### Sale of Alcohol (off sales)

Monday – Sunday 07:00 – 23:00 hours

#### Conditions

1. No access to the public.
2. The supply of alcohol shall be by way of delivery only.
3. The Applicant shall notify the Licensing Authority of the digital platform(s) used for the sales of alcohol and any changes to those platforms.
4. No deliveries from or to the premises shall take place between 23:00 hours and 07:00 hours on the following day.
5. All off-sales are to be in sealed containers.
6. Alcohol shall only be delivered to a residential or business address and not to a public place.

7. 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.
8. 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.
9. 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 person executing the delivery will carry out age verification on delivery.
10. The customer will be required to declare that he or she aged 18 or over. If the person executing the delivery is not satisfied that the customer is aged 18 or over any alcohol in the order will be withheld.
11. A signature at the point of delivery must be obtained. No delivery shall be left without a signature.
12. Every third-party courier delivery box shall be labelled with the words "Age Restricted Product" or be readily identifiable as an age restricted product to the person delivering it.
13. The applicant and his agents shall adopt a "Challenge 25" policy where all customers accepting deliveries who appear to be under the age of 25 will be asked for proof of their age before that delivery can take place. The following proofs of age are the only ones to be accepted.
  - Proof of age cards bearing the "Pass" hologram symbol
  - UK Photo Driving licence
  - Passport.
14. The licensee shall keep a log of all refused sales. The log will contain the details of the time and date, personal details provided by the attempting purchaser, description of the products they attempted to purchase and the reason why the sale was refused. The refusals log is to be made available for inspection by any responsible authority.
15. No idling of vehicles, being delivery vehicles outside the premise whilst premise is in operation.

16. 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 public nuisance.

#### **4.2 Licensing Act 2003 Application for a new Premises Licence for True Italian Taste, 54 Middlesex Street, London, E1 7EZ**

At the request of the Chair, Ms Corinne Holland, Licensing Officer, introduced the report which detailed the application for a new premises licence for True Italian Taste, 54 Middlesex Street, London, E1 7EZ. It was noted that objections had been received on behalf of the Responsible Authorities, the Licensing Authority and Environmental Health.

At the request of the Chair, the Applicant's friend, Mr Andrea Soriente addressed the Sub-Committee. Mr Soriente stated the restaurant would cater for twenty covers and would adhere to the licensing objectives. He said the premises would operate within the framework hours and would not give cause noise disturbance or other nuisance. Signage requesting guests to leave quietly would be displayed and there would be a designated supervisor at the premises during operating hours.

The Sub-Committee then heard from the objectors. Ms Nicola Cadzow, from Environmental Health stated she had objected to the application on the basis that the premises is in the Brick Lane Cumulative Impact Zone (CIZ). She said the application was sparse on detail on how there would be no addition to the cumulative impact in the CIZ. She said she had particular concern relating to noise breakout as well as access and egress from the premises.

Ms Kathy Driver, representing the Licensing Authority referred members to the representation on page 162 of the agenda. She stated the premises in question was in the CIZ, and therefore the onus was on the Applicant to rebut the presumption. She said the conditions offered by the Applicant were inadequate and no plan of how the premises was to be used had been provided. She said it was essential for the DPS to be present at the premises for most of the time, rather than during the 'drinks promotion' events. She recommended that the Sub-Committee reject the application. However, if Members were minded to grant the application, then conditions as to alcohol being ancillary to a meal should be applied.

In response to questions from Members the following was noted:

- The Applicant was asked if he understood what the CIZ was and why he needed to demonstrate that there were exceptional circumstances in this case to the presumption against granting a licensing application relating to premises in a CIZ. The Applicant's friend explained they understood the CIZ, and that they understood the Council did not want lots of premises selling alcohol because this could lead to crime and disorder.

- The Applicant agreed to remove the 'off-sale' element of his application, following discussion on how third-party delivery drivers and/or other persons collecting food would be supervised.
- The premises can only accommodate a maximum of 20 covers. The basement area and the ground floor would be used for the restaurant. Background music would be played in the basement, minimising the risk of noise breakout.
- The DPS would be on duty to provide supervision, seeking to ensure patrons did not get drunk, and there would be signs asking people to leave quietly.

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 the evidence before them and heard oral representations at the meeting virtually made by the Applicant's friend and the objectors, the Licensing Authority and Environmental Health who were also in virtual attendance.

The Sub-Committee noted the application was for a new premises licence for a restaurant described as a pizzeria and cafeteria where customers can enjoy a glass of wine and/or an Italian aperitif in a cosy and homely environment. The Sub-Committee noted the Applicant was seeking a sale of alcohol licence for on and off sales.

The Sub-Committee noted the premises is in the Brick Lane 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 add to the cumulative issues already experienced within the CIZ.

The Sub-Committee noted the representations made by the Licensing Authority and Environmental Health relating to the licensing objective for the prevention of noise nuisance. However, the Sub-Committee also noted the Applicant's representation that the sale of alcohol was within the framework hours and that the premises would be small, accommodating twenty covers. The Sub-Committee were assured that background music was to be played in the basement, which would not disturb the neighbours. The Sub-Committee noted the Applicant's submission to withdraw the 'off-sale' element of his application for the sale of alcohol, which the Sub-Committee was satisfied would go towards ensuring that there would be no addition to the cumulative impact in the area.

The Sub-Committee was satisfied that there were exceptional circumstances relating to the normal presumption against the grant of a licensing application regarding premises in a CIZ. The premises were small premises accommodating under 50 covers, the business would be food led, not alcohol led, and it was intended to be operated during framework hours. The Sub-Committee decided to impose additional conditions that alcohol would only be sold ancillary to a substantial meal. This aimed to ensure the business remained not alcohol led and that the risk of public nuisance and anti-social behaviour would be minimised. For the same reason, the Sub-Committee also imposed a condition that there be no vertical drinking.

The Sub-Committee was satisfied that the licensing objectives would not be undermined by the granting of the application, and that the conditions imposed in relation to alcohol being ancillary to a meal and no vertical drinking allowed, would effectively mitigate the risk of public nuisance and help alleviate the concerns raised by the Responsible Authority.

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 VoV Limited, True Italian Taste, 54 Middlesex Street, London, E1 7EZ be **GRANTED** with conditions.

#### Conditions

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

Monday – Sunday 12:00 – 22:30 hours

1. Drinks will be served in plastic or toughened glass.
2. Customers carrying open or sealed bottles or glasses will not be admitted to the premises.
3. All-inclusive or irresponsible other drink promotions will not be permitted.



4. The DPS or a Premises Licence holder will be in charge of the premises when any drinks promotions are taking place.
5. Prominent, clear and legible notices are displayed at all exits requesting patrons to respect the needs of local residents and to leave the premises and the area quietly.
6. Crime prevention notices will be displayed warning customers of the possibility of crime.
7. To operate an anti-drugs policy.
8. 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.
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 visit by a relevant authority or emergency service.
12. A record shall be kept detailing all refused sales of alcohol. 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.

13. The premises shall only operate as a restaurant:
  - a) in which customers are shown to their table;
  - b) where the supply of alcohol is by waiter or waitress service only;
  - c) which provide food in the form of substantial table meals that are prepared on the premises and are served and consumed at the table using non disposable crockery;
14. There shall be no vertical drinking.
15. There will be no smoking outside the premises.
16. Alcohol to be served ancillary to a substantial meal.

## **5. EXTENSION OF DECISION DEADLINE: LICENSING ACT 2003**

Members agreed to extend the decision deadlines for the applications below to the 31<sup>st</sup> December 2021. Licensing applications were extended due to the impact of the pandemic and were adjourned under regulation 11 of the Licensing Act 2003 (Hearings) Regulations 2005, it was in the public interest to do so, and did not require representation from parties to the applications.

- Classic Football Shirts, 17 Commercial Street, London, E1 6NE
- Katsute, 147 Brick Lane, London, E1 6SB
- Globe Town Community Association, 152-156 Roman Road, London E2

## **6. EXCLUSION OF PRESS & PUBLIC**

The press and public were not required to be excluded.

### **6.1 Licensing Act 2003 Variation of Designated Premises Supervisor for Curry Bazaar, 77 Brick Lane, London E1 6QL**

This application was withdrawn by the Applicant.

The meeting ended at 8.15 p.m.

Chair, Councillor Amina Ali  
Licensing Sub Committee