

LONDON BOROUGH OF TOWER HAMLETS**MINUTES OF THE LICENSING SUB COMMITTEE****HELD AT 6.30 P.M. ON TUESDAY, 28 SEPTEMBER 2021****THE COUNCIL CHAMBER, TOWN HALL, MULBERRY PLACE, 5 CLOVE
CRESCENT, LONDON, E14 2BG****Members Present:**

Councillor Mohammed Pappu (Chair)

Councillor Shad Chowdhury
Councillor Eve McQuillan**Other Councillors Present:**

Councillor David Edgar

Officers Present:

Nicola Cadzow	– (Environmental Health Officer)	
Jonathan Melnick	– (Principal Lawyer-Enforcement)	
Lavine Miller-Johnson	– (Licensing Officer)	
Kathy Driver	– (Principal Licensing Officer)	
Simmi Yesmin	– (Democratic Services Officer, Committees, Governance)	

Representing applicants

	Item Number	Role
PC Mark Perry	4.1	(Police – Applicant)
Mahbub Hussain	4.2	(Manager)
Surendra Panchal	4.3	(Legal Representative)
Dilantha Wedamunige	4.3	(Applicant)

Representing objectors

	Item Number	Role
Adam Shaw	4.1	(Legal Representative)
Moses Odong	4.1	(Premises Licence Holder)
Filip Pukzaca	4.1	(Proposed DPS)

Apologies

None

1. DECLARATIONS OF INTEREST

Councillor Shad Chowdhury declared a personal interest in item 4.2, Application for a variation of the premises licence for Pure La Cucina, 96 Brick Lane, London E1 6RL on the basis that he knew the applicant as a local constituent but confirmed that he had not discussed this application with him prior to the meeting.

2. RULES OF PROCEDURE

The rules of procedure were noted.

3. MINUTES OF THE PREVIOUS MEETING(S)

The minutes of the meeting held on 15th July 2021 were agreed and approved as a correct record.

4. ITEMS FOR CONSIDERATION

4.1 Application to Review the Premises Licence for Cabby's Rum Bar, Railway Arch 411, St Paul's Way, London E3 4AG

At the request of the Chair, Ms Lavine Miller-Johnson, Licensing Officer, introduced the report which detailed the application for a review of the premises licence for Cabby's Rum Bar, Railway Arch 411, St Paul's Way, London E3 4AG. It was noted that the review had been triggered by the Metropolitan Police and supported by a Ward Councillor on behalf of residents and Officers on behalf of the Licensing Authority and Environmental Health.

At the request of the Chair, PC Mark Perry, Applicant and representing the Metropolitan Police, explained that the premises had its licence granted in September 2020, stating in the application that it was going to be a bar with no amplified music, yet complaints had been received from residents about the premises being used as a nightclub. He referred to his representation in the agenda and explained that police attending the venue had been met with hostility and have been refused entry into the premises. PC Perry stated that the premises licence holder and designated premises supervisor had shown contempt for local residents, and his obligations under both the premises licence and the Licensing Act 2003, as well as Tower Hamlets Council and the Police.

PC Perry highlighted the breaches of the licence and the undermining of the licensing objectives referred to his statement contained in the agenda pack on pages 44-47. He said that there had been an occasion when the gates to the premises had been padlocked to stop police from entering the premises, and this had been very dangerous. He concluded that there had been a number of breaches, not allowing police to enter the premises, any contact on the phone with the premise licence holder had been hostile and abusive and the premises had been operating badly with a lack of responsibility. Therefore,

there was no confidence in the premises licence holder to operate a licensed premises, and therefore the Police were seeking a revocation of the premises licence.

Councillor David Edgar, Ward Councillor, referred to his representation on page 94 of the agenda and stated that he had been approached by residents with complaints about the premises. He said that he has had conversations with residents recently and the issues remained the same, with lots of noise nuisance, including that related to access and egress to and from the premises, customers urinating on the streets and traffic congestion as a result of large numbers of people attending the venue. It was noted that noise nuisance continues on to the early hours of the morning affecting nearby residents. It was also reported that when management are challenged they are responded to aggressively. Cllr Edgar stated that issues were still continuing and residents were doubtful that this would stop.

Ms Kathy Driver, Principal Licensing Officer, explained that the licence was granted in 2020 and had come to the Licensing Authority's attention when a complaint was received from a local councillor in May 2021 advising that a night club had opened up and was causing noise disturbance to local residents in the area and customers of the venue were using the resident car park.

Ms Driver highlighted that there was concern that a distillery at the premises were operating without a premises licence. A warning letter was sent at the time and then application was made by the Licensee, which was later granted in August 2020. She explained that there were two units operating; unit 412 was where the distillery was located and unit 411 was the premises from which alcohol was being sold and served. Further complaints had been received from residents from May 2021 onwards. Complaints also described the rowdy behaviour of customers who frequented the premises, urinating on the streets and create noise disturbance at the early hours of the morning.

It was also noted that staff were uncooperative with officers, that the premises was being advertised as a nightclub for parties and DJs. Ms Driver raised concern about the sub letting of the premises for parties and the distribution of alcohol from Unit 411 and concerns about possible unauthorised activities at Unit 412.

Ms Nicola Cadzow, Environmental Health Officer, referred to her representation on page 91-92 and explained that she had received several complaints since the premises had opened in September 2020 and there had been reports of it operating as a night club. The issues of loud music, public nuisance and customers urinating on the streets was noted. It was also noted that two visits were made at the premises in June and July and officers heard the loud music emanating from the premises which at the time was accepted by the applicant. A further complaint was made on 29th July 2021 as noise had persisted for 4 weeks and a further warning letter was issued.

She stated that due to the recent record, and the history of noise complaints received she did not believe that the licensing objectives of crime and disorder

and public nuisance were being adhered to. It was noted that there was evidence to indicate that the premises played loud music and customers cause anti-social behaviour and noise nuisance to local residents.

At the request of the Chair, Mr Adam Shaw, Legal Representative on behalf of the Premise Licence Holder explained that they would be willing to change the Designated Premises Supervisor. He clarified that the distillery was in unit 412 and the bar operated from Unit 411. It was noted that the licence had been operating for the last year and the distillery had been operating since 2016 and it was their view that this ought to continue. He referred to 8.3 of the report and stated that the licence should only be suspended or revoked if members believed that alternatives such as imposing additional conditions did not have a reasonable prospect of ensuring the licensing objectives would be met.

He said that there had been times where the operators had cooperated with the police and were willing to engage with residents and officers. He said the concerns about urination should not be solely linked to the customers of the premise and this could be related to groups of individuals that use the skate park which is opposite the premises. Mr Shaw explained that music has been turned down when requested and that the premises was not a night club, However, the applicant did allow a third party promoter to arrange events at the premises and this may have caused the problems that have been raised. He said that the licensee would be happy to have a condition not to allow third parties to hold any events at the premises. It was noted that the licensee was exploring the option to use the gym car park for customers and willing to work with police and residents. Mr Shaw put forward to Members the option of revoking all licensing activities for unit 411 and therefore not allowing it to operate as a bar but to allow the distillery in unit 412 to continue to operate with off sales only as that hadn't caused any issues.

In response to questions the following was noted;

- The licensee claimed not to have operated beyond opening hours.
- That complaints from residents make reference to disturbance after midnight and early hours of the morning 4-5am.
- The licensable activities on the licence were till 11.30pm.
- In response to a question about future prevention of crime and disorder at the premise, the licensee stated that there were no issues at the venue and there has been no crime and disorder at the premises.
- New measures in place would be to have security officers at the gate and inside the premises.
- That police were not allowed entry at the premises during visits.
- That the Licensee was always present at the premises whilst it was operating.
- It was noted that out of the visits made at the premises and communication made with the licensee, only 1/3 of the time there had been compliance.
- That there were no issues during the visits made on 2nd and 3rd July 2021.

- The licensee claimed that the premises did not operate beyond hours but staff stayed behind every night to clean up etc.
- The general complaints from residents were related to noise nuisance, parking issues, challenging and aggressive behaviour from management and staff and customer urinating on the streets.
- That the licensee would no longer be the DPS and would appoint someone new for this role.
- That the capacity of the premises was 100.
- Concerns raised as to why the Licensee did not engage with officers and refused entry to police officers.

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 in person and virtually made by the Applicant, officers and ward councillor supporting the review application and from the premises licence holder and his Legal Representative.

The Sub-Committee heard an application for the review of the premises licence held by The Taxi Spirit Company Ltd. in respect of Railway Arch 411, St. Paul's Way, London E3 4AG ("the Premises"). The application was brought on the basis of the licensing objective of the prevention of crime and disorder, the prevention of public nuisance, and public safety.

The application generated representations in support from the Licensing Authority, the Environmental Health Service, and a ward councillor.

PC Perry referred to his written representation and the statements provided in support. Of particular concern was the fact that the licence had been granted only in September 2020 and that the operation of the Premises had generated a considerable number of complaints in a very short period of time. On at least two occasions, police had attended to find the gates to the Premises padlocked. As this was the only means of escape from the Premises the

consequences of a fire or some other incident were potentially catastrophic. The management of the Premises were uncooperative with police officers. He had no confidence in the management to adhere to any conditions of the licence and sought revocation.

During questions, PC Perry confirmed that many of the incidents occurred after licensable activity should have ceased. He was asked why police had not used their powers of entry. He explained that the only way to have done that would have been to have cut off the padlock to the gates and that this risked inflaming the situation, especially given that there were some fifty people inside at the time. He did not accept that these were teething problems, as suggested on behalf of the operator.

Councillor David Edgar told the Sub-Committee he had been approached by a number of residents who had raised concerns about the operation of the Premises. As well as the complaints that had been made to the police, he had been told of incidents of public urination, patrons leaving the Premises in a noisy fashion late at night, patrons parking in a nearby car park for residents, as well as loud music emanating from the Premises. He told the Sub-Committee that residents continued to report problems to him. The noise was often reported as on-going to 02.00 hours but sometimes to as late as 04:00 hours or 05:00 hours. He was pessimistic as to the prospect of further conditions being complied with.

Kathy Driver, on behalf of the Licensing Authority, told the Sub-Committee that the Premises had first come to the Authority's attention in May 2020 when the management made a query about the production of hand-sanitiser. That revealed the Premises to be operating as a distiller. That subsequently prompted the application for a premises licence.

Ms. Driver told the Sub-Committee that they were first made aware of complaints in May 2021, which referred to problems commencing in December 2020. It was said that the Premises was operating as a nightclub. The operation generated noise nuisance late at night, both from music and from patrons as they dispersed. Ms. Driver also referred in her representation to a number of complaints during June and July 2021, including the reports made by the police. She referred to a lack of co-operation with the responsible authorities by the Premises' management. Whether or not it was a nightclub, it was clearly operating as some form of party venue. She confirmed that there had been no issues with regard to the off-sales. She too had no confidence in those managing the Premises to abide by the licence conditions.

Ms. Cadzow, on behalf of the Environmental Health Service, spoke briefly to her written representation, which addressed the concerns surrounding public nuisance caused by the operation of the Premises. She was aware of various complaints and told the Sub-Committee that a warning letter had been sent to the Premises.

Adam Shaw, solicitor on behalf of the Premises, clarified that the distillery was situated at Arch 412 and the Premises were located at Arch 411. Drinks from the distillery were shipped and packed from Arch 411. The distillery had been

operating since 2018 with no issues. Mr. Shaw suggested that the distillery should be permitted to continue and that the Sub-Committee could impose additional conditions or to revoke the licence as far the operation of a bar was concerned but to allow the distillery to continue to operate.

Mr. Shaw told the Sub-Committee that some of the events had been outside of the control of the Premises' management and that there had been occasions when Mr. Odong, the operator and DPS, had co-operated. This was accepted in part by PC Perry when the Sub-Committee asked questions of the parties, but he stated that on perhaps 2/3 of occasions there had been a lack of cooperation.

It was said that the Premises were not a nightclub and that many of the incidents were merely teething problems. Mr. Odong was looking at ways to resolve the parking problem, for example, by possibly arranging to use parking facilities at a nearby gym.

Mr. Odong told the Sub-Committee, during questions, that there were no crime and disorder issues at the Premises and that the Premises operated primarily as a restaurant. He denied that the Premises had operated outside its hours and confirmed that there had never been a time when the Premises had been operating without him being present. He suggested that at times when the police had attended after hours and people were present, it was staff cleaning after the Premises had closed.

Some of the events were claimed to be private parties, which was disputed by PC Perry and Ms. Driver, both of whom referred to the various flyers within the report pack.

This application engaged the licensing objectives of the prevention of crime and disorder, the prevention of public nuisance, and public safety. The Sub-Committee noted that Mr. Odong denied most, if not all of the incidents. However, he clearly accepted that there were matters of concern, given that his solicitor referred to what he suggested were merely teething problems. Given the number of complaints, as well as the different sources for many of them, the Sub-Committee did not find Mr. Odong to be credible or his explanations to be plausible. Whether one called it a bar, nightclub, or similar, it certainly did not appear to be a restaurant. The Sub-Committee accepted it was a party venue of some kind. The Sub-Committee was satisfied that the operation of the Premises had, almost since the start of its operation, undermined the licensing objective of the prevention of public nuisance.

Similarly, the Sub-Committee considered it to be more likely than not, based on the flyers and other evidence, that the Premises had operated outside of its permitted hours. As that is, if proved, a criminal offence, the operation of the Premises similarly undermined the crime and disorder licensing objective.

The padlocking of the gates on some occasions was a matter of concern and clearly undermined the public safety licensing objective.

The Sub-Committee carefully considered the options open to it. The Sub-Committee noted that there had been no concerns prior to the grant of the premises licence, save for one allegation made in April 2020 and about which the Sub-Committee was not in a position to determine. All of the parties, however, were clear that problems really began after the grant of the licence. The Sub-Committee understands the concerns of the responsible authorities that the management are unable to comply with the licence conditions and shares those concerns. The Sub-Committee did not have confidence in Mr. Odong and did not think that there were any conditions that would adequately address its concerns and allow the Premises to continue to operate as it does.

The Sub-Committee considered suspending or revoking the licence. However, this would impact on the distillery business, about which there were no concerns. The decision of the Sub-Committee was therefore to take action to prevent the Premises from operating as a bar. The Sub-Committee was satisfied that this would be appropriate and proportionate to ensure that the licensing objectives would be promoted. The decision is therefore to remove both regulated entertainment and late night refreshment from the scope of the licence, to impose a condition that all sales of alcohol are to be for consumption off the premises only, and to add a statement pursuant to s.177A(3) of the Licensing Act 2003 that s.177A does not apply to any condition on the licence that relates to live or recorded music.

Accordingly, the Sub Committee unanimously;

RESOLVED

That the application for a review of the Premises Licence for Cabby's Rum Bar, Railway Arch 411, St Paul's Way, London E3 4AG be **GRANTED IN PART with a conditions.**

To REMOVE the following licensable activities from the premises licence:

- **Late Night Refreshments**
- **The Provision of regulated entertainment (recorded music)**
- **On sales of alcohol**

Additional Conditions to be added to the Premises Licence

1. All sales of alcohol are to be for consumption off the premises only.
2. A statement pursuant to s.177A(3) of the Licensing Act 2003 that s.177A does not apply to any condition on the licence that relates to live or recorded music.

4.2 Application for a New Premises Licence for Pure La Cucina 96 Brick Lane E1 6RL

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 Pure La Cucina, 96 Brick Lane, London E1 6RL. It was noted that objections had been received by residents and by the Environmental Health Officer.

At the request of the Chair, Mr Mahbub Hussain, representing the Applicant, explained that the premises was a small restaurant and wanted to extend the hours for late night refreshments between the hours of 11.30pm to 3.00am for online deliveries only. He was aware of the cumulative impact zone (CIZ) and believed that the variation would not negatively impact on the area. He said that delivery drivers can be held accountable; they would not loiter but would just pick up and take the food. He did not envisage an influx of riders. Mr Hussain said they did not want to extend the sale of alcohol and did not sell alcohol despite having a premises licence. It was noted that CCTV cameras were in operation and recordings would be kept for 31 days, there was suitable signage in place, there was a no touting policy in operation and there had been no complaints made against the premises.

Members then heard from Ms Nicola Cadzow, Environmental Health Officer, she referred to her statement on page 171 of the agenda and stated that the premises was in the CIZ, she was aware that the premises would operate delivery only for the hours applied for but concerns were raised about delivery vehicles and the impact this had on the area and that there was nothing in the application to show how the premises would not negatively impact on the area. She also believed that there would be a great likelihood of disturbance to residential premises at the noise sensitive hours sought and there was insufficient information in the operating schedule to promote the licensing objectives for the prevention of public nuisance.

It was noted that the resident objectors were not present at the meeting therefore Members noted and considered the written objections contained in the agenda.

In response to questions the following was noted;

- That the applicant was happy to accept a condition to restrict members of the public from frequenting the premises after 11.30pm to dine in or collect food etc.
- He was also happy to accept a condition to have an SIA door staff to manage delivery drivers for the additional hours sought.
- SIA staff will have been trained to manage delivery drivers as well as managing customers causing any disturbance.
- That the applicant lived in the area and did not want to cause any disturbance to residents.
- There was no regulated entertainment and no sale of alcohol at the premises.
- There would be no idling of delivery vehicles.
- The premises sold pizzas and gourmet burgers.
- There would be no sale or delivery of alcohol.
- That there have been no complaints about the premises.

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:

5. The Prevention of Crime and Disorder;
6. Public Safety;
7. The Prevention of Public Nuisance; and
8. 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 in person and virtually made by the Applicant, and the officer representing Environmental Health objecting to the application. It was noted that the resident objectors were not present at the meeting however their written objections were noted and considered by the Sub-Committee.

The Sub-Committee considered an application by Salah Uddin Kader Rubel to vary the premises licence held in respect of La Cucina, 96 Brick Lane, London, E1 6RL ("the Premises"). The current licence authorises the sale by retail of alcohol from 12:00 hours to 23:30 hours Monday to Saturday and from 12:00 hours to 23:00 hours on Sunday and the provision of late night refreshment to 23:30 hours Monday to Saturday.

The variation sought to extend the terminal hour for the provision of late night refreshment to 03:00 hours seven days per week and to vary condition 3 of Annex 2 accordingly, which currently prohibits collection or deliveries between 23:00 hours and 07:00 hours. The proposed variation would not alter the hours permitted for the sale of alcohol.

Objections against the variation were received from Nicola Cadzow on behalf of the Environmental Health Service and from Mr. and Mrs. Critchley who objected in their own right and on behalf of SPIRE.

The Sub-Committee heard from Mr. Mahbub Hussain, the manager of the Premises. He explained briefly the nature of the variation and told the Sub-Committee that although the Premises were authorised for the sale of alcohol, they did not in fact sell alcohol. If the variation were granted only delivery riders would be permitted entry from 23:30. Delivery drivers would be employed via other platforms so there was an element of control and

accountability. He told the Sub-Committee that there was never an influx of riders.

Ms. Cadzow's concern related to the possibility of nuisance from delivery drivers, particularly in the later hours and if engines were left idling. She also suggested that there would be noise breakout from the premises as drivers entered or left. Mr. Mahbub confirmed that the Premises was amenable to providing SIA staff if the variation were granted and he told the Sub-Committee that most drivers tended to be on bicycles. He accepted that the Premises were in the CIZ but that the problems associated with the CIZ tended to be alcohol-related, such as noise from intoxicated persons and public urination. He was not aware of any complaints about the Premises. Mr. Mahbub suggested that there was no likelihood of noise nuisance as people came and left.

Ms. Cadzow suggested that if the variation were to be granted the Sub-Committee could consider imposing conditions in relation to signage and to prevent the idling of vehicles attending the Premises.

Mr. and Mrs. Critchley did not attend but their representation was considered by the Sub-Committee. Their concerns related particularly to the possibility of public nuisance caused by the drivers and that food and alcohol being delivered late at night would be to noisy parties.

The Sub-Committee noted that the applicant had proposed a number of changes to the operating schedule if the variation were to be granted, which demonstrated a clear awareness of the CIZ and the need for there to be additional conditions. There had been no complaints about the operation of the Premises thus far. The fact that the Premises did not seek to extend the permitted hours for the sale of alcohol and, indeed, did not sell alcohol at all also indicated that there was not likely to be any negative impact.

The Sub-Committee would have had greater concerns if the Premises had sought to remain open to the public until 03:00 hours, since that had the potential to add to the problems in the CIZ. Combined with the proposal to have SIA staff the Sub-Committee was satisfied that the Premises had demonstrated that it would not adversely impact on the CIZ and that the application could be granted as an exception to the policy.

Accordingly, the Sub Committee unanimously;

RESOLVED

That the application for a Variation of the Premises Licence for Pure La Cucina, 96 Brick Lane, London E1 6RL be **GRANTED with conditions**.

Late Night Refreshments

Monday – Sunday from 23:00 hours to 03:00 hours

Opening hours of the premises

Monday – Sunday from 12:00 hours to 03:00 hours

Amend Condition 3 of annex 2

There shall be no collection or deliveries between 03:00 hours and 07:00 hours

Additional 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. There shall be signs displayed in the customer area to advise that CCTV is in operation.
3. 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.
4. The system will be maintained and fully operational throughout the hours that the premises are open for any licensable activity.
5. There must also be someone on the premises who can download the images and present them immediately on request by a police or other regulatory authority.
6. The premises licence holder or the DPS or any person who controls the premises or any persons concerned in the management of the premises shall not cause or permit a person to solicit for custom for the premises in any street or public place.

7. Clear signage to be placed in the restaurant windows stating that the premises support the Council's No Touting Policy.
8. Alcohol sold on the premises in open containers shall only be consumed on the premises
9. In the event that a serious assault is committed on the premises (or appears to have been committed) the management will immediately ensure that, the police (and, where appropriate, the London Ambulance Service) are called without delay
10. The premises licence holder shall provide training for all staff to ensure that they are familiar with all means of ingress and egress and the appropriate procedures in case of any emergencies that require an immediate evacuation of the premises. A record of training shall be maintained and shall be available upon request an authorised officer of the Licensing Authority or the Police.
11. Waste materials shall not be placed in the external bins between 23:00 hours and 07:00 hours the following day.
12. There shall be no collection or deliveries between 03:00 hours and 07:00 hours
13. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
14. Notices shall be prominently displayed at any area used for smoking requesting patrons to respect the needs of local residents and use the area quietly.
15. Noise from plant and equipment noise from ventilation, refrigeration or air conditioning plant or equipment shall not cause nuisance to the occupants of any properties in the vicinity.
16. During the hours of operation of the premises, the licence holder shall ensure sufficient measures are in place to remove and prevent litter or waste arising or accumulating from customers in the area immediately outside the premises, and that this area shall be swept and or washed, and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements by close of business.
17. A direct telephone number for the manager at the premises shall be publicly available at all times the premises is open. This telephone number is to be made available to residents and businesses in the vicinity.
18. After 23:00 hours children under the age of 12 will be required to be accompanied by an adult.

19. The premises licence holder, DPS and any person involved in the management or control of the premises shall ensure that delivery drivers do not leave vehicles idling outside the premises whilst licensable activity is taking place.
20. Members of the public shall not be permitted to enter the premises after 23:30 hours.
21. The provision of late night refreshment from 23:30 hours shall be by delivery only.
22. From 23:30 hours the premises licence holder will ensure that at least one SIA-registered door supervisor is present at the premises whilst licensable activity is taking place.

4.3 Application for a Premises Licence for Vish Convenience Store, 59 Commercial Street, London E1 6BD

At the request of the Chair, Ms Lavine Miller-Johnson, Licensing Officer, introduced the report which detailed an application for a new premises licence for Stop and Shop, 59 Commercial Street, London E1 6BD. It was noted that objections had been received by officers on behalf of Licensing Authority and Environmental Health.

At the request of the Chair, Mr Surendar Panchal, Licensing Agent for the Applicant, explained that the applicant had 4-5 years of experience of operating an off licence. The applicant had taken over the lease of the premises not knowing that there was no premise licence. It was noted that the applicant was of good character and would be following the licensing objectives robustly. Mr Panchal explained that the premises had recently been refurbished, the applicant would join the local pubwatch scheme and would work with responsible authorities to uphold the licensing objectives. He said that he had consulted with the police and had agreed to a number of conditions detailed in the report. He said that the applicant had been operating with temporary event notices with no problems and there have been no complaints.

At the request of the Chair, Ms Kathy Driver, Licensing Officer explained that the premises had previously been reviewed by trading standards for selling counterfeit cigarettes and nitrous oxide gas canisters and in January 2021 the licence was revoked. An application for a premises licence was applied for in June 2021 and the application refused.

She also raised concerns about the history of the premises and the potential for previous customers to come and pressurise the applicant to meet previous demands. There were also concerns about granting an application so soon after revocation. It was also noted that there was a large number of hostels and vulnerable residents living nearby and the need to be mindful of the area.

Members then heard from Ms Nicola Cadzow, Environmental Health Officer, she said having reviewed the application, there was insufficient information in the operating schedule of the licensing application to show how the applicant would promote the licensing objective for the prevention of public nuisance, particularly when considering that the application was for an additional premises licence in the CIZ. She also stated that there were residential premises in close proximity and likely concerns of noise breakout from the premises affecting neighbouring residents.

In response to questions from Members the following was noted;

- That the applicant had 10 years of experience of studying and working in the area, and had undertaken the personal licence training.
- That any intoxicated person would be refused sale.
- That he was unaware that the premises licence had been revoked when he first got the lease of the premises.
- That there was a basement under the premises, which operated as a beauty parlour which was a separate business and run by a different operator.
- That they have a CCTV camera system in operation which can be downloaded and provided to officers on request.

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:

9. The Prevention of Crime and Disorder;
10. Public Safety;
11. The Prevention of Public Nuisance; and
12. 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 in person and virtually made by the Applicant, his Legal Representative and Officers representing the Licensing Authority and Environmental Health objecting to the application.

The Sub-Committee considered an application by Dilantha Wedamunige for a new premises licence to be held in respect of Vish Convenience Store, 59 Commercial Street, London, E1 6BD ("the Premises"). The application sought authorisation for the sale by retail of alcohol from 09:00 hours to 23:00 hours

Monday to Saturday and from 10:00 hours to 22:30 hours on Sunday. All sales would be for consumption off the Premises.

The application attracted representations from the Licensing Authority and the Environmental Health Service. These were based predominantly on the prevention of public nuisance and the fact that the Premises were located in the Brick Lane CIZ. The Licensing Authority's representation also referred to the previous history of the Premises.

The Applicant and his representative told the Sub-Committee that he had been misled by the former owner as to the premises licence. It was only after he had purchased the property that he found that the licence had been revoked. The freeholder had then applied for the licence as the Applicant did not hold a personal licence qualification at that time. That application had been refused. The applicant had now obtained his personal licence. The Applicant had agreed additional conditions with the Police and had sought to engage with Environmental Health, to which no response had been received. The Applicant had offered to reduce the terminal hour on Monday to Saturday to 22:30 hours and had offered some additional conditions to try to address those concerns.

The Applicant informed the Sub-Committee that several Temporary Event Notices (TENs) had been given during May 2021. No objections had been made to those by the responsible authorities nor had there been any concerns arising.

Ms. Driver, on behalf of the Licensing Authority, explained her concerns related not just to the CIZ itself but the previous history of the Premises. The licence had been revoked due to illicit tobacco and nitrous oxide sales. She said that the authority was concerned that the previous clientele may attend and seek to pressure the new owners to undertake similar activity.

Ms. Cadzow, on behalf of Environmental Health, spoke to her representation, which referred to the risk of noise breakout from the premises and that she would have expected the Applicant to have suggested conditions to address the licensing objectives.

The Sub-Committee noted that the burden lay with the Applicant to show that there would be no adverse impact on the CIZ. The Sub-Committee had been told that it was a convenience store selling groceries as well as alcohol and the hours sought both in the original application and as amended were within Framework hours. The Sub-Committee further noted that there had been TENs given and these had not been objected to nor, apparently, given rise to any concerns. Whilst not determinative they at least gave some indication as to whether this Premises would adversely impact on the CIZ.

The Sub-Committee was not convinced that the previous clientele would be likely to attend and put pressure on the new owner to obtain illicit goods. Whilst the previous history can be relevant, there was nothing before the Sub-Committee to suggest that those activities tended to be carried on despite changes in management.

Similarly, the Sub-Committee did not consider that the grant of a licence would add to additional noise or other concerns when patrons left the Premises, particularly given the reduction in hours. The Applicant had proposed an operating schedule that addressed the concerns that tended to arise and had also included conditions banning the former licence holder from the Premises. The Sub-Committee was satisfied that there would not be an adverse impact on the licensing objectives within the CIZ if this application were to be granted with the various conditions and amendments. The Applicant had agreed a condition with the police that no licensable activity was to take place until the licence had been issued. The Sub-Committee did not consider that condition to be appropriate and proportionate for the promotion of the licensing objectives.

Accordingly, the Sub-Committee unanimously

RESOLVED

That the application for a New Premises Licence for Vish Convenience Store, 59 Commercial Street, London E1 6BD be **GRANTED with conditions**.

Sale by retail of alcohol – (off sales only)

Monday to Saturday, from 09:00 hrs to 22:30 hrs
Sunday, from 10:00 hrs to 22:30 hrs

The opening hours of the premises

Monday to Saturday, from 09:00 hrs to 22:30 hrs
Sunday, from 10:00 hrs to 22:30 hrs

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. There shall be a personal licence holder on duty on the premises at all times when the premises are authorised to sell alcohol.
4. When the designated premise supervisor is not on the premises any or all persons authorised to sell alcohol will be authorised by the designated premises supervisor in writing. This shall be available on request by the Police or any authorised officer.
5. There shall be signage displayed in the customer area to advise that CCTV is in operation.
6. Should the CCTV become non-functional this will be reported immediately to the Licensing Authority.
7. 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 visit by a relevant authority or emergency service.
8. As soon as possible, and in any event within 1 month from the grant of this licence, the premises shall join the local pub watch or other local crime reduction scheme approved by the police.
9. All tills shall automatically prompt staff to ask for age verification identification when presented with an alcohol sale.
10. No super-strength beer, lagers, ciders or spirit mixtures of 5.5% ABV (alcohol by volume) or above shall be sold at the premises, except for premium beers and ciders supplied in glass bottles.
11. Spirits should not be sold in bottles of less than 25cl/250ml
12. No single cans or beer bottles, lagers stouts, ciders and alcohol pops shall be sold
13. There shall be no self-service of spirits on the premises.
14. Spirits shall be located behind the counter. All other alcohol (e.g. beer, lager, cider) for sale is to be displayed in a position that is not obscured from the constant view of cashier / staff by fixtures.
15. All goods, including those subject to duty payments i.e. alcohol and tobacco product will be brought from cash and carry only on invoices and they will be available upon request. All alcohol will be purchased from AWRS registered cash & carry or wholesalers.

16. No alcoholic drinks or tobacco shall be purchased by the premises from unannounced sellers calling at the premises.
17. Any litter outside the premises shall be cleaned up at the end of day.
18. Bins will be provided for customers and locals passing by to throw rubbish away.
19. No deliveries will be made to the premises between 19:00 hours and 08:00 hours.
20. Mr Ashok Thakur shall not be allowed to enter the property. No members of the Thakur family shall be allowed on the property.
21. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
22. 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.
23. The licensee shall prominently display notices advising customers of the "Challenge 25" policy
24. The licensee shall ensure that each member of staff authorised to sell alcohol is fully aware of his/her responsibilities in relation to verifying a customer's age and is able to effectively question purchasers and check evidence of proof of age. The licensee to ensure that each member of staff authorised to sell alcohol is sufficiently capable and confident to confront and challenge under – 18s attempting to purchase alcohol.
25. The licensee shall keep a register of refused sales of all age-restricted products (refusals book). The refusals book shall contain details of time and date, description of the attempting purchaser, description the age restricted products they attempted to purchase, reason why the sale was refused and the name/signature of the sales person refusing the sale.
26. Refusals book shall be examined on a regular basis by the licensee and the date and time of each examination to be endorsed in the book.
27. The Refusals Book to be kept on the licensed premise and made available for inspection by the Licensing Officer, Trading Standards Officer or the Police.

5. EXTENSION OF DECISION DEADLINE: LICENSING ACT 2003

Members agreed to extend the decision deadlines for the applications below to the dates stated; 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.

Premises	Extended to:
The Alchemist Bar & Restaurant, Unit 1, Nash Court, South Colonnade, London, E14 5AJ	31/12

The meeting ended at 9.25 p.m.

Chair, Councillor Mohammed Pappu
Licensing Sub Committee