

**LONDON BOROUGH OF TOWER HAMLETS****MINUTES OF THE LICENSING SUB COMMITTEE****HELD AT 6.30 P.M. ON TUESDAY, 7 DECEMBER 2021****THE COUNCIL CHAMBER, TOWN HALL, MULBERRY PLACE, 5 CLOVE  
CRESCENT, LONDON, E14 2BG****Members Present:**

Councillor Shah Ameen (Chair)

Councillor Victoria Obaze

Councillor Rajib Ahmed

**Officers Present:**

Jonathan Melnick

– (Principal Lawyer-Enforcement)

Corinne Holland

– (Licensing Officer)

Simmi Yesmin

– (Democratic Services Officer,  
Committees, Governance)**Representing applicants****Item Number****Role**

Ciaran Gold

4.1

(Applicant)

Andy Newman

4.1

(Licensing Representative)

Niall McCann

4.2

(Legal Representative)

Joseph Mossman

4.2

(Applicant)

Wolid Ali

4.5

(Applicant)

**Representing objectors****Item Number****Role**

Mohshin Ali

4.1/4.2

(Licensing Authority)

Nicola Cadzow

4.1

(Environmental Health)

PC Mark Perry

4.5

(Metropolitan Police)

**Apologies**

None

**1. DECLARATIONS OF INTEREST**

There were no declarations of interest.

**2. RULES OF PROCEDURE**

The rules of procedure were noted.

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

The minutes of the meeting held on 9<sup>th</sup> November 2021 were agreed and approved as a correct record.

**4. ITEMS FOR CONSIDERATION****4.1 Application for a New Premise Licence for Classic Football Shirts, 17 Commercial Street, London, E1 6NE**

At the request of the Chair, Ms Corrine Holland, Licensing Officer, introduced the report which detailed the application for a new premises licence for Classic Football Shirts, 17 Commercial Street, London E1 6NE. It was noted that objections had been received from Officers representing the Licensing Authority and Environmental Health.

At the request of the Chair, Mr Andy Newman, Licensing Agent on behalf of the applicant explained that they were aware the premises were in the Brick Lane Cumulative Impact Zone (CIZ). However, they believed that the nature of the premises together with the modest hours applied for would not negatively impact the area.

He referred the Sub-Committee to the supporting documents in the supplemental agenda, which included photos of the layout of the premises and the café area inside the premises. It was noted that the premises previously used to be a licensed restaurant but the company had gone into liquidation and therefore the existing licence lapsed. It was further noted that the applicant had experience of operating in the area and in fact operated a concession store within the Truman Brewery.

Mr Newman highlighted the fact that Temporary Event Notices (TENs) had been given, which had attracted no complaints from residents or local businesses. He explained that the café would be ancillary to the store and the model of the business was for people to have a quick drink and cookie or cake whilst shopping, very similar to cafes in department stores. It was also noted that no objections had been made by the police and that conditions suggested by them had been accepted by the applicant.

He suggested that there was no evidence from Environmental Health to indicate that the premises would give rise to public nuisance. He said there were excellent transport links and there would be no need for people to congregate outside the premises. He said customers would spend quite a long time in the store browsing due to the uniqueness of the store.

It was noted that the seating capacity at the café was for 48 patrons, having a lesser impact than the previous restaurant at the premises. This falls within the Council's Licensing Policy, being a small premises that is not alcohol-led. Together with the robust set of conditions it would not negatively impact on the area. He welcomed the conditions put forward by the responsible authorities and expressed some challenge to making alcohol ancillary to a table meals as the business model was to sell cakes and cookies and

possibly introducing sandwiches in the future. He said that the applicant was willing to join appropriate associations to become part of the community and was welcome to suggestions. He said that after the TENs it could be said that the business sales runs a 60/40 split with 40% of the sales from the café and 60% from the store merchandise itself.

Mr Newman concluded that the applicant had a proven track record of being a responsible operator and was willing to adopt the conditions requested and work with the authority. It was believed that this premises would not negatively impact on the CIZ.

Members then heard from Mr Mohshin Ali, Licensing Officer. He referred to his representation on pages 82-84 of the agenda and said the premises would be an additional premises coming into the existing saturation area which is going to negatively impact on the area. He did accept that there had not been any complaints from the TENs that had been granted. He referred to his suggested conditions on page 84 of the agenda and asked members to consider imposing these conditions should the Sub-Committee grant the application. He pointed out that the previous licence that had been referred to by the Applicant's representative had been surrendered by the previous occupants in 2019.

Ms Nicola Cadzow, Environmental Health Officer, referred to her representation on page 77 and explained that her objection related to the prevention of public nuisance and noise that could cause disturbance from within and outside the premises. She stated that the premises was in the Brick Lane CIZ and that there was insufficient information in the operating schedule to show how they would promote the licencing objectives for the prevention of public nuisance, including increased footfall in the CIZ, patrons loitering outside or maybe going outside for smoking etc. She concluded that her concern was for the potential noise outbreak from the premises and the greater likelihood of disturbance to residential properties. Ms Cadzow asked Members to consider imposing the conditions she proposed in her representation if the Sub-Committee were minded to grant the application.

In response to questions from Members the following was noted;

- That alcohol would not be ancillary to food but there would always be a food offering available such cookies, cakes,.Supplying table meals was not part of the business model.
- The café made up 25% of the floor space and was physically separated from the shop itself. The premises was primarily the retail store.
- That it was a high-end shop selling exclusive classic football shirts costing up to thousands of pounds and the idea for the cafe was for customers to take break for drink or snack whilst shopping.
- A condition was offered by the applicant that 'the café would be ancillary to a classic football shirts and merchandise retail outfit' this was to allay the concerns from that the premises could turn into a bar in the future.

- That the applicant had agreed to a condition to limit the number of smokers to 8 people and this would be monitored by staff and CCTV cameras.
- There had been no complaints arising from the TENs that had been given at the premises.
- In order to prevent public nuisance, robust conditions had been offered and accepted.
- That there was no intention to have SIA registered door staff as it was not a bar or restaurant.
- That it was a unique premises, selling high end and unique collection of football shirts, with over a 1 million range of shirts, from all around the world.
- There were only two stores in the UK with the same model, one in Manchester and now one in London.
- There had been four TENs which had operated successfully without any complaints.

Concluding remarks were made by both parties.

### **The Licensing Objectives**

In considering the application, Members were required to consider the same in accordance with the Licensing Act 2003 (as amended), the Licensing Objectives, the Home Office Guidance and the Council's Statement of Licensing Policy and in particular to have regard to the promotion of the four licensing objectives:

1. The Prevention of Crime and Disorder;
2. Public Safety;
3. The Prevention of Public Nuisance; and
4. The Protection of Children from Harm.

### **Consideration**

The Sub-Committee considered an application by the Classic Football Company Trading Ltd. for a new premises licence to be held in respect of 17 Commercial Street, London, E1 6N ("the Premises"). The application sought authorisation for the sale of alcohol for consumption on the Premises from 11:00 hours to 23:00 hours Monday to Saturday and from 11:00 hours to 22:30 hours on Sundays.

The application attracted representations from two responsible authorities, the Licensing Authority and Environmental Health, on the grounds that the application did not sufficiently address how there would be no impact on the public nuisance licensing objective and that the Premises were located within the Brick Lane CIZ.

The Sub-Committee heard from Andy Newman and Ciaran Gold, the Applicant's director, who explained the application. The applicant had proposed a number of conditions in their operating schedule and had agreed

to additional conditions proposed by the responsible authorities if the Sub-Committee were minded to grant the application. The Sub-Committee was told that the maximum number of patrons was 48, considerably fewer than the 67 capacity when the Premises were previously licensed, with no covers outside. The café was a small part of the business; the focus of the business was the sale of classic football shirts. Additional detail was given to the Sub-Committee about the business.

Patrons would be seated and the Premises were the sort where patrons would come and browse for some time and might want to be able to have a small food and drink offering. The café was ancillary to the main business and an additional condition had been offered to that effect, thereby addressing concerns as to future changes. Four Temporary Event Notices (TENs) had been given since September, which had caused no problems. No residents had objected to the application.

Mohshin Ali, Licensing Officer, confirmed that there had been no issues with the TENs but that the Licensing Authority nonetheless considered the application likely to adversely impact on the CIZ. Nicola Cadzow, on behalf of Environmental Health, echoed that concern, suggesting that there would be greater likelihood of noise disturbance and that there were insufficient conditions to address the CIZ.

During questions it was explained that although the applicant would provide meals if that was a condition, it did not fit with their business model. However, food and drink was a very small part of the business and the café took up only about ¼ of the floor area. There was no difference between this and a store like John Lewis, where people did not go to drink.

Of the proposed additional conditions, the two objected to related to a prohibition on noise and vibration that gave rise to a public nuisance, and to a requirement that alcohol only be served with a table meal. In relation to the first, that was already addressed by the law and there was no need for a condition. Mr. Gold also told the Sub-Committee that not all patrons would be drinking in any event and that in his experience there was a natural dispersal of patrons. People wanting to get food and drink were not likely to be visiting the Premises for that purpose.

The application engaged the licensing objective of the prevention of public nuisance. The Sub-Committee did not consider that the prevention of crime and disorder arose as an issue here. The onus was on the application to prove that they would not negatively impact upon the CIZ and the Council's Statement of Licensing Policy gives some indication as to what might justify an exception, which includes businesses that are not alcohol-led, that operate to framework hours, and which cater for 50 or fewer persons.

The Sub-Committee accepted that the café would be a small part of the business and that it would not be somewhere that would attract people specifically in order to drink. It was a retail outlet and the additional condition proposed by the applicant would ensure that it could not easily change into the type of venue that would adversely impact upon the CIZ.

The fact that TENs had been given and had not resulted in any complaints also provided an indication to the Sub-Committee that the applicant could operate without adversely impacting upon the CIZ. The Sub-Committee did not consider that the Premises would give rise to additional footfall but, even if it did, that alone would not of itself adversely impact upon the CIZ.

The Sub-Committee was satisfied that the applicant had demonstrated that the grant of the licence would not adversely impact upon the CIZ and that any impact that might arise would be mitigated by the imposition of the conditions consistent with the operating schedule and with the additional conditions proposed by the applicant and those proposed by the responsible authorities. The Sub-Committee determined not to impose the two conditions objected to by the applicant, namely the requirement for a table meal and the condition relating to noise and vibration. As to the first, the Sub-Committee was satisfied that the conditions that the café is ancillary to the main business and that food would always be available sufficed to deal with that concern. It accepted, in any event, that alcohol was not the predominant focus of the business or the café. As to the second, the Sub-Committee was advised that the criminal law already prohibited the creation of a public nuisance and the statutory guidance was clear that conditions should not duplicate existing legal requirements.

Accordingly, the Sub Committee unanimously;

### **RESOLVED**

That the application for a new Premises Licence for Classic Football Shirts, 17 Commercial Street, London E1 6NE be **GRANTED with conditions**.

#### Sale of alcohol (On sales)

Monday to Saturday from 11:00 hours to 23:00 hours  
Sunday from 11:00 hours to 22:30 hours

#### Opening hours

Monday to Saturday from 09:00 hours to 23:30 hours  
Sunday from 09:00 hours to 23:00 hours

#### Conditions

1. All staff shall be suitably trained for their job function in the premises. The training shall be written into an ongoing programme and under constant review and shall be made available to a relevant responsible authority when called upon.
2. A properly specified and fully operational CCTV system shall be installed, operated and maintained. The system shall incorporate a camera covering the entrance door and be capable of providing an

image which is regarded as 'identification standard' of all persons entering and/or leaving the premises. The CCTV system shall be in operation at the premises at all times when the premises are used for the provision of licensable activity.

3. The CCTV system shall incorporate a recording facility and all recordings shall be securely stored for a minimum of 31 days. The CCTV system shall be maintained and fully operational throughout the hours that the premises is open for any licensable activity.
4. Signage indicating that a CCTV recording system is in operation shall be displayed prominently in the premises.
5. A premises daily register shall be kept at the premises. This register shall be maintained and kept for a rolling period of 12 months. The register shall record the name of the person responsible for the premises on each given day.
6. The register shall record all incidents which may have occurred which are relevant to the supply of alcohol and the promotion of the licensing objectives. Such incidents shall include complaints made to the premises alleging nuisance or anti-social behaviour by persons attending or leaving the premises.
7. The register shall also record all refusals to sell alcohol. The register shall be readily available for inspection by an authorised person upon reasonable request.
8. No person shall be allowed to leave the premises whilst in the possession of any glass drinking vessel or open glass bottle, whether empty or containing any beverage.
9. Signage requesting customers to be respectful of others when entering or leaving the premises shall be installed in a prominent position by the premises' exit.
10. The premises' frontage shall be regularly monitored to keep it clean and clear of litter.
11. 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 a Proof of Age card carrying a 'PASS' logo.
12. All occasions when persons have been refused service shall be recorded in the premises daily register.
13. There shall be no children unaccompanied by a responsible adult on the premises after 20:00.

14. All children under the age of 12 years shall be accompanied by an adult whilst on the premises.
15. Loud speakers shall not be located in the entrance lobby or outside the premise building.
16. Patrons permitted to temporarily leave and re-enter the premises e.g. to smoke, shall be limited to 5 persons at any one time.
17. When the designated premises 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.
18. There shall be no vertical drinking of alcohol at the premises.
19. Notices shall be prominently displayed at any area used for smoking requesting patrons to respect the needs of local residents and to use and leave the area quietly.
20. The café to be ancillary to Classic Football Shirts and merchandise retail outfit.
21. Food will always be available to patrons in the café.

#### **4.2 Application for a New Premise Licence for Katsute, 147 Brick Lane, London, E1 6SB**

At the request of the Chair, Ms Corrine Holland, Licensing Officer, introduced the report which detailed the application for a new premises licence for Katsute, 147 Brick Lane, London E1 6SB. It was noted that objections had been made by the Licensing Authority.

At the request of the Chair, Mr Niall McCann, Legal Representative on behalf of the Applicant, stated that they wished to formally reduce the hours for sale of alcohol so as to start from 11:00 hours. He then gave a brief history of the Applicant, his businesses and his experiences to date and highlighted that there have not been any complaints from residents or responsible authorities at his other licensed premises.

It was noted that the applicant was personally seeing to the works at the premises and had put a lot of time and effort in trying to create a distinctly Japanese atmosphere, which could be seen in the photographs in the supporting documents. It was noted that the premises would have on offer authentic Japanese tea, homemade cakes and other snacks and, if granted, Japanese alcoholic products for consumption on and off the premises. He explained that a typical customer would come in, they would have a glass of Japanese whisky or sake and if they liked it then they would buy a bottle to take it away as present or for special occasions. McCann said that they found the customers who frequented the premises tended to be Japanese nationals or friends of Japanese nationals and where they do consume alcohol, it was



in very limited amounts. They believed it to be important to be able to offer the facility whereby people can taste the alcohol for taking it away because it was a new product and is set at a premium price compared to mainstream alcoholic products. It was noted that there were no representations from any residents or the Police or Environmental Health.

Mr McCann then addressed the concerns of the premises being in the CIZ. He believed that the premises would not negatively impact on the area because of the nature of the operation and with the conditions, both offered and agreed with the responsible authorities. It was noted that alcohol consumption could lead to crime and disorder in an area where demand is stimulated due to increased availability with new people coming to the area and encouraged to drink large quantities of alcohol quickly which was not the business model for this premises. The premises had a capacity of 46, however in reality there was only 36 covers at the moment. It was noted that the premises had currently been open for a few weeks now as a cafe without alcohol and there had been no issues. It was also noted that an average bottle of whiskey or sake would cost between £50-£70 and therefore not attractive to street drinkers.

As for potential public nuisance, the applicant did not anticipate receiving noise complaints and this could be supported by the fact that Environment Health had not made a representation. Mr Joe Mossman, Applicant had been operating a similar premises in another CIZ zone in Islington for the past five years with no complaints, demonstrating the applicant's ability to run a licensed premises responsibly. Mr McCann referred to the Council policy on the CIZs and stated that the premises fitted the potential exemptions, that it was a small premises and not alcohol-led.

It was noted that no more than 15% of the area would be used for display of alcohol and so could not become an off licence in the traditional sense. Further, there would be a condition that the premises could only sell Japanese products, which prevented it from becoming a mainstream bar selling normal wine and spirits. The applicant was happy to accept the conditions from the Licencing Authority except for the one for alcohol to be served ancillary to a table meal. Mr McCann said that due to planning permission, the premises were unable to have a full kitchen area with extractor fans and therefore would only provide snacks and homemade cakes. It was envisaged that 5% of the sales would be from the sale of alcohol.

Members then heard from Mr Mohshin Ali, Licensing Officer and he referred to his representation on pages 174 to 178 of the agenda. He said that most of the concerns raised by the Licensing Authority had been addressed. He confirmed that the TENs that had operated had generated no complaints. He welcomed the applicant's efforts to accept the conditions from responsible authorities. However, it still remained that it was an additional premises in a saturated area causing a cumulative impact in the area.

In response to questions, the following was noted;

- The TEN given was in November 2021 and there had been no complaints.
- That the premises had been open since September 2021, with no complaints.
- The application received no objections from residents or Environmental Health.
- The ambience in the venue was calm and tranquil.
- The applicant had experience of operating other premises with the same concept with no issues.
- That they were not likely to attract customers who drink large amounts and become intoxicated.
- 5% of the overall sales was from the sale of alcohol.
- There had been no incidents of drunkenness at the previous premises.
- That the seating capacity of the premise was 46 but the premises had 36 covers.
- That very few customers were likely to smoke, as smoking after drinking a premium whisky would not have the desired effect.
- A condition had been agreed with Environmental Health that no more than eight smokers to be allowed to smoke outside the premises. The applicant assured members that this would never be exceeded and would be closely monitored by staff.

Concluding remarks were made by both parties.

### **The Licensing Objectives**

In considering the application, Members were required to consider the same in accordance with the Licensing Act 2003 (as amended), the Licensing Objectives, the Home Office Guidance and the Council's Statement of Licensing Policy and in particular to have regard to the promotion of the four licensing objectives:

5. The Prevention of Crime and Disorder;
6. Public Safety;
7. The Prevention of Public Nuisance; and
8. The Protection of Children from Harm.

The Sub-Committee considered an application by Kojima Ltd. for a new premises licence to be held in respect of 147 Brick Lane,, London, E1 6SB ("the Premises"). The application sought authorisation for the sale of alcohol for consumption on and off the Premises from 08:00 hours to 22:30 hours Monday to Sunday.

The application attracted representations from the Licensing Authority on the grounds that the application did not sufficiently address how there would be no impact on the public nuisance licensing objective and that the Premises were located within the Brick Lane CIZ.

The Sub-Committee heard from Niall McCann, solicitor for the applicant, and Joseph Mossman, the director of the company. They informed the Sub-Committee that the hours for licensable activity were amended so as to start at 11:00 hours. Opening hours would remain the same.

Mr. McCann informed the Sub-Committee that the business was a Japanese café. The applicant operated another similar business in Islington's CIZ and had done so for the last five years. He had also opened a Japanese restaurant in Islington about ten years ago. Neither operated with any problems. The food and drink on offer was authentic Japanese fare. The experience at the Islington café was that people would sometimes want a glass of Japanese whiskey or Sake with their food. Their clientele tended to be Japanese nationals and their friends.

Mr. McCann told the Sub-Committee there would be no additional impact on the CIZ. The Premises were not a place where people would come and stay and be encouraged to drink. The alcohol on offer was limited and the Premises accommodated 36 covers at present. There would be no draught beers and patrons would be seated. The premises that caused problems for the CIZ tended to be bars and clubs.

With regard to off-sales the concerns tended to be around street drinking and pre-loading. The Premises would not attract such a clientele given that the average price of a bottle of Sake was about £50.00 and the cheapest bottle of Japanese whiskey was around £70.00. Anyone wanted to obtain alcohol for pre-loading would go to an off-licence. Alcohol sales were a very small part of the business, around 5% of total sales.

Mr. McCann further explained that there were no noise problems and that the Premises had operated under a total of eleven days of Temporary Event Notices (TENs) without complaints or problems. Numerous conditions were proposed and had been agreed to in order to mitigate any possible impact, including a condition that alcohol sales would be ancillary to the main business, that the alcohol displayed was limited to 15% of the trading area, and limiting the products sold to Japanese beers, wines and whiskey. He confirmed following a question from the legal adviser that proposed condition 3 could be amended so that it was clear that bottled or canned craft beers also needed to be Japanese. All proposed conditions had been agreed save for one requiring alcohol sales to be with a table meal, on the basis that the Premises did not offer table meals. However, the Premises was willing to have a condition requiring food to be available during permitted hours.

Mr. Ali, on behalf of the Licensing Authority, told the Sub-Committee that their concerns related to the fact that the Premises were located in the Brick Lane CIZ and that another premises selling alcohol was likely to add to that impact. He confirmed that TENs had been given and that the Authority had not received any complaints.

During questions Mr. McCann explained that the reason there would be no impact was because the Premises had been open since September without complaint, there had been TENs, the operator was experienced, and any

additional impact arises from drunkenness and noise. The clientele of Katsute did not go there to drink. Mr. Mossman further explained that the intention was for the Premises to be an immersive experience of Japanese culture and a place for patrons to feel tranquil. Those looking to party would simply not be attending the Premises. The reason for seeking to sell alcohol was that the applicant prided itself on authenticity and drinking Sake or Japanese whiskey was part of the experience and patrons expected it.

The application engaged the licensing objective of the prevention of public nuisance. The Sub-Committee did not consider that the prevention of crime and disorder arose as an issue here. The onus was on the application to prove that they would not negatively impact upon the CIZ and the Council's Statement of Licensing Policy gives some indication as to what might justify an exception, which includes businesses that are not alcohol-led, that operate to framework hours, and which cater for 50 or fewer persons.

The Sub-Committee accepted that the Premises would not be alcohol-led and that it would not be somewhere that would attract people specifically in order to drink. Given the ethos of the Premises, combined with the conditions limiting the type of alcohol to be sold so that it was in keeping with that, combined with the limit on the display area, satisfied the Sub-Committee that the Premises would not easily change into the type of venue that would adversely impact upon the CIZ.

The fact that TENs had been given and had not resulted in any complaints also provided an indication to the Sub-Committee that the applicant could operate without adversely impacting upon the CIZ. The Sub-Committee did not consider that the Premises would give rise to additional footfall but, even if it did, that alone would not of itself adversely impact upon the CIZ.

The Sub-Committee was satisfied that the applicant had demonstrated that the grant of the licence would not adversely impact upon the CIZ and that any impact that might arise would be mitigated by the imposition of the conditions consistent with the operating schedule and with the additional conditions proposed by the applicant and those proposed by the responsible authorities. The Sub-Committee determined not to impose the suggested condition requiring alcohol to be sold with a table meal, given that the Premises were not a restaurant.

Accordingly, the Sub Committee unanimously;

### **RESOLVED**

That the application for a new Premises Licence for Katsute, 147 Brick Lane, London E1 6SB be **GRANTED with a conditions.**

#### **Sale of alcohol (On and Off Sales)**

Monday to Sunday from 11:00 hours to 22:30 hours

Opening hours

Monday to Sunday from 08:00 hours to 23:00 hours

Conditions

1. CCTV shall be installed, operated and maintained in agreement with the Police. Maintained means that the system will be regularly serviced (at least once a year) and checked every two weeks to ensure that it is storing images correctly and a log kept and signed by a Supervisor to this effect. The system will provide an identifiable full head and shoulder image of everyone entering the premises and will operate in any light conditions within the premises. The system will cover the full exterior of the premises and shall record in real time, date and time stamped and will operate whilst the premises is open for licensable activities. The recordings will be kept for a minimum of 31 days and copies will be made available to an Authorised Officer or a Police Officer (subject to the Data Protection Act 1998) within 24 hrs of any request free of charge.
2. There will always be a member of staff on duty who can operate the system, to allow Officers to view recordings and if required by a Police Officer, provide a copy of images immediately free of charge to assist in the immediate investigation of offences. If the system malfunctions and will not be operating for longer than one day of business then Police must be informed.
3. Alcoholic products shall be strictly limited to Sake, Shochu, Japanese wine, Japanese whisky and bottled or canned craft Japanese beers.
4. The licence holder shall enforce the challenge 25 proof of age scheme.
5. Emergency lighting, emergency exit signs and fire alarms system will be installed covering the entire retail premises and protected escape route. The escape routes will be clearly signed and accessed via a door with a push bar emergency operating mechanism.
6. Staff will be fully trained regarding emergency egress, and fire drills will be performed on a regular basis.
7. No more than 15% of the front of house trading area shall be used for the display of alcoholic drinks.
8. The sale of alcohol shall be ancillary to the premises operating as a shop selling Japanese cooking equipment, food and drink.
9. All off sales shall be in sealed containers.
10. The supply of alcohol shall only be to persons seated. There shall be no vertical drinking within the premises.

11. The number of persons permitted in the premises at any one time (excluding staff) shall not exceed 46 persons.
12. There shall be no provision of draft beers.
13. 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
14. 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/finds of drugs or offensive weapons;
  - f) any faults in the CCTV system, searching equipment or scanning equipment;
  - g) any refusal of the sale of alcohol;
  - h) any visit by a relevant authority or emergency service.
15. In the event that a serious assault is committed on the premises (or appears to have been committed) the management will immediately if safe to do so ensure that:
  - a) the police (and, where appropriate, the London Ambulance Service) are called without delay;
  - b) all measures that are reasonably practicable are taken to apprehend any suspects pending the arrival of the police;
  - c) the crime scene is preserved so as to enable a full forensic investigation to be carried out by the police; and
  - d) such other measures are taken (as appropriate) to fully protect the safety of all persons present on the premises.
16. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
17. Patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke, shall be limited to (8) persons at any one time.
18. 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.
19. The premises licence holder shall ensure that any patrons smoking outside the premises do so in an orderly manner and are supervised by

staff so as to ensure that there is no public nuisance or obstruction of the public highway

20. 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.

21. 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.

22. 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.

**4.3 Application for a Temporary Event Notice for The Gun, 54 Brushfield Street, London E1 6AG (TEN 1)**

This application was resolved prior to the meeting.

**4.4 Application for a Temporary Event Notice for The Gun, 54 Brushfield Street, London E1 6AG (TEN 2)**

This application was resolved prior to the meeting.

**4.5 Application for a Temporary Event Notice for The Atrium 124-126 Cheshire Street London E2 6AG**

At the request of the Chair, Ms Corrine Holland, Licensing Officer, introduced the report which detailed the application for a Temporary Event Notice (TEN) for The Atrium, 124-126 Cheshire Street, London E2 6AG. It was noted that an application for a counter notice had been made by PC Mark Perry representing the Metropolitan Police.

At the request of the Chair, PC Mark Perry explained that the application had given no indication of what the event actually was, which made it difficult to assess the risk and see if the necessary measures were in place to uphold the licencing objectives and prevent crime and disorder. He said that it was only when searching for the contact details that he saw that the email address was for a boxing company and then after speaking to the applicant it became clear that this was an application for a white-collar boxing event. Those were amateur boxing events where people who are members of boxing clubs turn up and engage in boxing matches against other clubs. He said that boxing events are generally high risk in terms of prevention of crime and disorder

because of the nature of the event itself and the high levels of testosterone, and it has the capacity and the possibility to lead to crime and disorder.

He said that organisers for such events were usually very good at providing risk assessments, so they knew where the boxers were coming from, whether there had been any trouble at previous events,, whether adequate security plans were in place with sufficient security staff, and how to deal with instances of disorder. However, this part of the application form was left blank. PC Perry expressed his concern over this as it was incredibly risky and incredibly scary because they either hadn't thought about it or they had chosen not to share it with the police. This made it difficult to trust them. It was also noted that since the objection there had been no contact from the applicant to supply risk assessments or security plans. PC Perry said to allow the event to go ahead would in his opinion lead to crime and disorder, even though alcohol was not being supplied.

Mr Wolid Ali, Applicant, began by giving a brief history of his experiences to date and his knowledge of the area. He said he had been a boxing coach for 25 years working with local youth in the area. He said one of his young trainee's had completed the application and unfortunately missed out the section where it asks to describe the event. He said that PC Perry did contact him over the telephone and had been quite hostile and did not provide any help or guidance. He said that he had organised similar events and had not been required to produce in depth policies and risk assessments and there was nothing in the form asking for such information. He said he had explained the error on the form made by one of the trainees to PC Perry. He said that all event plans were sent to the venue itself who also contacted PC Perry, and said that PC Perry also disregarded their reference.

Mr Ali said that he would have security in place for 1 for every 50 persons, medical staff and doctors would be on site for any injuries etc. He said that it was a community event and participants were from the local community. It was a non-alcoholic event, he had operated a registered company for 12 years with no history of complaints and would like the TEN to proceed

In response to questions the following was noted;

- Concerns raised as to why risk assessments and security plans were not submitted with the application, if the Applicant had applied for similar events previously.
- The applicant was adamant that PC Perry was hostile and didn't offer any guidance.
- It was confirmed that there was no requirement on the TEN form for risk assessments to be submitted.
- That there would be 8 security staff in place as well as Doctors and medical staff.
- That risk assessments had been given to the venue and the applicant wasn't aware that there was a requirement to send these in with the TEN application.
- That he would have given a copy of the documentation if asked to but was not given an opportunity to do so by PC Perry.



- That it was unclear if the documents were asked or offered to be sent to PC Perry.
- It was confirmed that the venue operators did contact PC Perry.
- PC Perry said that had the forms been sent through prior to the meeting he would have considered it.
- That guests would be searched upon entry by registered SIA staff.
- There would be no alcohol allowed at the event and all guests would be searched on entry as a standard procedure.
- That boxers would be from around the country, Lancashire, London, Bradford and Manchester.

At this juncture, the Chair asked the applicant to send all the relevant risk assessments/procedures to PC Perry. The Chair adjourned the meeting at 8.50pm and reconvened at 9.00pm.

PC Perry confirmed that he had received the paperwork which included the insurance documents and performance plan but nothing in relation to the security plan or risk assessment. PC Perry said he had not seen adequate information about the security in place.

Concluding remarks were made by both parties.

### **The Licensing Objectives**

In considering the application, Members were required to consider the same in accordance with the Licensing Act 2003 (as amended), the Licensing Objectives, the Home Office Guidance and the Council's Statement of Licensing Policy and in particular to have regard to the promotion of the four licensing objectives:

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**

The Licensing Sub Committee heard from PC Mark Perry from the Metropolitan Police, his main objection related to the fact that no documentation was had been provided to show how the event would be managed in particular given the lack of description in the temporary event notice (TEN) and the subsequent description as a white collar boxing event. PC Perry was most concerned with the security arrangements and how potential crowd violence would be controlled. Mr Wolid Ali, Applicant told the Licensing Sub Committee that he had run these events for several years and he had never been asked for these documents previously.

During an adjournment at the meeting Mr Ali provided some documentation but nothing in writing about security arrangements. However, he did tell the

Licensing Sub Committee what arrangements were in place which included 1 SIA registered door staff per 50 persons, searches to ensure weapons/alcohol are not brought into the venue.

The Licensing Sub Committee were satisfied that withstanding the shortcomings on the TEN application the applicant would ensure the licensing objectives would be promoted and were satisfied that adequate security arrangements would be in place and therefore a decision was made to refuse to issue a counter notice.

Accordingly, the Sub Committee made a majority decision;

**RESOLVED**

That the application for a counter-notice for The Atrium, 124-126 Cheshire Street, E2 6AG be **REFUSED**.

**Saturday 11<sup>th</sup> December 2021 from 14:00 hours- 22:00 hours**

**The provision of regulated entertainment.**

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

Nil items.

The meeting ended at 9.20 p.m.

Chair, Councillor Shah Ameen  
Licensing Sub Committee