

/Committee: Licensing Sub-Committee	Date 9 th July 2024	Classification Unclassified	Report No.	Agenda Item No.
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Report of: Tom Lewis Service Manager of Regulatory Services (Commercial) Originating Officer: Mohshin Ali Senior Licensing Officer	Title: Licensing Act 2003 Application for a Premises Licence for (Green Leaf), Unit 2 Vine Court, London E1 1JE Ward affected: Whitechapel
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1.0 Summary

Applicant:	Alamgir Hossain Peash
Name and	(Green Leaf)
Address of Premises:	Unit 2, Vine Court 112-116 Whitechapel Road London E1 1JE
Licence sought:	Licensing Act 2003 – New premises licence • The provision of late night refreshment
Representations:	Licensing Authority (RA) Environmental Protection Residents

2.0 Recommendations

- 2.1 That the Licensing Committee considers the application and representations then adjudicate accordingly.

LOCAL GOVERNMENT 2000 (Section 97)
LIST OF "BACKGROUND PAPERS" USED IN THE DRAFTING OF THIS REPORT

Brief description of "background paper"	Tick if copy supplied for register	If not supplied, name and telephone number of holder
<ul style="list-style-type: none"> Guidance Issued under Section 182 of the Licensing Act 2003 Tower Hamlets Licensing Policy File 		Mohshin Ali 020 7364 5498

3.0 **Background**

- 3.1 This is an application for a premises licence for (Green Leaf), Unit 2 Vine Court, London E1 1JE.
- 3.2 A copy of the application is enclosed as **Appendix 1**. The applicant has described the premises as a “Café shop”.
- 3.3 The applicant initially applied for very late hours and following consultation with the responsible authorities they amended the timings to the following:

The provision of late night refreshment – Indoors and outdoors

- Monday to Thursday, from 23:00 hrs to 23:30 hrs
- Friday and Saturday, from 23:00 hrs to 00:00 hrs
- (Sunday – no provision of late night refreshment)

Hours premises are open to the public:

- Monday to Thursday, from 10:00 hrs to 23:30 hrs
- Friday and Saturday, from 10:00 hrs to 00:00 hrs
- Sunday, from 10:00 hrs to 23:00 hrs

4.0 **Location and Nature of the premises**

- 4.1 Maps of the venue are included as **Appendix 2**.
- 4.2 Photographs showing the vicinity are included as **Appendix 3**.
- 4.3 Details of the nearest licensed venues are included as **Appendix 4**.

5.0 **Licensing Policy and Government Advice**

- 5.1 The Council has adopted a licensing policy and this is available from the Licensing Section, and at the hearing. The revised policy came into effect on the 1st November 2023.
- 5.2 Relevant Sections of the policy are brought to the attention of Members within the Licensing Officers report.
- 5.3 The Home Secretary has issued Guidance under Section 182 of the Licensing Act 2003. This is available on the Government’s website, www.homeoffice.gov.uk. It was last revised in December 2023.
- 5.4 Relevant Sections of this advice are brought to Members attention within the Licensing Officers report. Members should note however, that in some areas Tower Hamlets, after a proper consideration of local circumstances, has not followed the Government’s advice, or has developed it further.

6.0 Representations

- 6.1 All representations have to meet basic legal and administrative requirements. If they fail to do so they cannot be accepted. When rejected the person sending in the representation must be written to, and an explanation for rejection given in writing
- 6.2 A responsible authority or other person can make a representation. There are two tests for other persons and only one for a responsible authority. The two tests are contained in Section 18 of the Act.
- 6.3 This hearing is required by the Licensing Act 2003, because relevant representations have been made by the following:
- Licensing Authority (RA) ----- **Appendix 5**
 - Environmental Protection ----- **Appendix 6**
 - Ben Langlands and Nikki Bell --- **Appendix 7**
- 6.4 Essentially, the relevant parties oppose the application because the applicant has not explained how within the context of the application, they will meet the following licensing objective(s).
- the prevention of public nuisance
- 6.5 All of the responsible authorities have been consulted about this application. In addition the application has been advertised in a local newspaper and by a blue public notice at the premises.
- 6.6 The applicant has offered measures in the operating schedule of the application that address the promotion of the Licensing Objectives. If there were no representations, the Licensing Authority would grant the licence, with conditions consistent with the operating schedule, which are relevant, proportionate and enforceable. Members are asked to consider the schedule and incorporate any conditions as necessary to address the licensing objectives.

7.0 Conditions consistent with Operating Schedule

- 7.1 *The licence holder shall maintain a comprehensive CCTV system that ensures all areas of the licensed premises are monitored, including all entry points, and the street where customers discharge, and which enable frontal identification of every person entering in the light condition.*
- 7.2 *All CCTV cameras shall continually record whilst the premises are open to the public and the recordings shall be kept available for a minimum of 31 days with time and date stamping.*
- 7.3 *Staff training will be provided to staff regarding to prevention of the crime and disorder and use of CCTV system. The staff member must be able to provide a Police or authorised officer copies of recent CCTV recordings or date with absolute minimum delay.*

7.4 *Notices shall be prominently displayed at the exits requesting the public to respect the needs of the local residents and to leave the premises and the area quietly.*

7.5 *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.*

8.0 Conditions in consultation with the responsible authorities/other person

Conditions agreed with Police Licensing Team (See **Appendix 8**)

8.1 *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:*

8.1..1. all crimes reported to the venue;

8.1..2. any complaints received concerning crime and disorder

8.1..3. any incidents of disorder;

8.1..4. any faults in the CCTV system, searching equipment or scanning equipment;

8.1..5. any visit by a relevant authority or emergency service.

8.2 *In the event that a serious assault is committed on or directly outside of the premises (where staff witness) or appears to have been committed the management will immediately ensure that:*

8.2..1. the police (and, where appropriate, the London Ambulance Service) are called without delay;

8.2..2. the crime scene is preserved so as to enable a full forensic investigation to be carried out by the police; and

8.2..3. such other measures are taken (as appropriate) to fully protect the safety of all persons present on the premises

9.0 Licensing Officer Comments

9.1 The Business & Planning Act 2020 came into force on Wednesday 22nd July 2020 and provides a temporary permission for businesses that have a premises licence that permits them to sell alcohol in regards to the ability to sell alcohol as an off sale, i.e. for consumption off the premises. The permission will end on 31st March 2025 unless the legislation is changed by the Secretary of State.

It will only apply to businesses that hold a Premises Licence up to 22nd July 2020 and that in the last 3 years preceding 22 July 2020 those licences have NOT:

- had a premises licence application where permission for off sales was refused;

- had a variation of a premises licence seeking permission for off sales refused
- had a variation seeking to exclude off sales permission granted
- had a premises licence varied or modified by a review hearing to exclude off sales.

The new off-sales permission will permit off-sales to be made at a time when the licensed premises are open for the purposes of selling alcohol for consumption on the premises, subject to a cut off time of 11pm or the cut off time of the current licensed hours stated on the licence, whichever is earlier. Measures also temporarily suspend existing licence conditions in so far as they are inconsistent with the new off-sales permission. Further Guidance on this can be found at <https://www.gov.uk/government/publications/guidance-for-temporary-alcohol-licensing-provisions-in-the-business-and-planning-bill>

- 9.2 In all cases the Members should make their decision on the civil burden of proof, that is “the balance of probability.”
- 9.3 In all cases Members should consider whether or not primary legislation is the appropriate method of regulation and should only consider licence conditions when the circumstances in their view are not already adequately covered elsewhere.
- 9.4 Members must consider all the evidence and then decide from the following alternatives:
- Grant the application as applied for
 - Grant the application with modifications (adjust hours and conditions)
 - Refuse

10.0 Licensing Policy and Home Office Advice

- 10.1 The Council’s licensing policy and the Home Office Guidance will be available at the hearing.

11.0 Legal Comments

- 11.1 The Council’s legal officer will give advice at the hearing.

12.0 Finance Comments

- 12.1 There are no financial implications in this report.

13.0 Appendices

Appendix 1	A copy of the existing licence
Appendix 2	Maps of the venue
Appendix 3	Photographs showing vicinity of the venue
Appendix 4	Details of nearest licensed venues
Appendix 5	Representation of Licensing Authority (RA)
Appendix 6	Representation of Environmental Protection
Appendix 7	Representation of residents
Appendix 8	Applicant's agreement to Police conditions