

/Committee: <b>Licensing Sub-Committee</b>	Date 08 October 2024	Classification <b>Unclassified</b>	Report No.	Agenda Item No.
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Report of: <b>Tom Lewis</b> <b>Service Manager of Regulatory Services (Commercial)</b>  Originating Officer: <b>Mohshin Ali</b> <b>Senior Licensing Officer</b>	Title: <b>Licensing Act 2003</b> <b>Application for a Premises Licence for (Solid Floor Ltd) 7a Ezra Street, London E2 7RH</b>  Ward affected: <b>Weavers</b>
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## 1.0 Summary

Applicant:	<b>Solid Floor Ltd</b>
Name and	<b>(Solid Floor Ltd)</b>
Address of Premises:	<b>7a Ezra Street London E2 7RA</b>
Licence sought:	<b>Licensing Act 2003 – premises licence</b> <ul style="list-style-type: none"> <li>• <b>The sale by retail of alcohol (on sales only)</b></li> <li>• <b>The provision of late night refreshment</b></li> </ul>
Representations:	<b>Residents</b>

## 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"> <li>• Guidance Issued under Section 182 of the Licensing Act 2003</li> <li>• Tower Hamlets Licensing Policy</li> <li>• File</li> </ul>		Mohshin Ali 020 7364 5498

### 3.0 Background

3.1 This is an application for a premises licence for (Solid Floor Ltd) 7a Ezra Street, London E2 7RH.

3.2 The applicant has described the premises as a:

*“The venue is a Victorian warehouse with a yard and roof terrace... Solid Floor Ltd is a flooring company... The owners of this property would like the opportunity to transform the showroom into a restaurant over the two floors, courtyard and roof terrace where they could comfortably accommodate 80 diners....”*

3.3 A copy of the premises licence application form is enclosed as **Appendix 1**. The licensable activities and timings that have been applied for are as follows:

***The sale by retail of alcohol (On sales only)***

- *Monday to Thursday, from 09:00 hrs to 22:30 hrs*
- *Friday and Saturday, from 09:00 hrs to 23:30 hrs*
- *Sunday, from 09:00 hrs to 19:30 hrs*

*Non-standard timings*

- *days preceding bank holidays, from 09:00 hrs to 23:30 hrs*

***The provision of late night refreshment – Indoor only***

- *Friday and Saturday, from 23:00 hrs to 23:30 hrs*

*Non-standard timings*

- *Days preceding bank holidays, from 23:00 hrs to 23:30 hrs*

***Hours premises are open to the public***

- *Monday to Thursday, from 09:00 hrs to 23:00 hrs*
- *Friday and Saturday, from 09:00 hrs to 00:00 hrs (midnight)*
- *Sunday, from 09:00 hrs to 20:00 hrs*

*Non-standard timings:*

- *Days preceding bank holidays 09:00 hrs to 00:00 hrs*

**LICENSING OFFICER COMMENTS:**

Under “non-standard opening timings” the applicant has stated hours for “Days preceding bank holidays”. Members may wish to ask the applicant to confirm what specific days they are referring to.

### 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 1<sup>st</sup> 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](http://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:

- Adrian Heathfield ----- **Appendix 5**
- Christopher Cousins --- **Appendix 6**
- Charles Garrad ----- **Appendix 7**
- Christopher Kul Want -- **Appendix 8**
- Christopher Sheppard - **Appendix 9**
- Duncan Campbell ----- **Appendix 10**
- Donovan Leung ----- **Appendix 11**
- Deborah Te Young ----- **Appendix 12**
- Edward Stanger ----- **Appendix 13**
- Fiona MacLennan ----- **Appendix 14**
- Julia Kuttner ----- **Appendix 15**
- JF Christie ----- **Appendix 16**
- Joseph Nolan ----- **Appendix 17**
- Omar Soudy ----- **Appendix 18**
- Paul Crozier ----- **Appendix 19**

- Sarah Ainslie ----- **Appendix 20**
- Viv Broughton ----- **Appendix 21**

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 objectives)

- The prevention of crime and disorder
- The prevention of public nuisance
- Public safety
- The protection of children from harm

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 (as offered by the applicant)**

7.1 *A bound incident log shall be kept at the premises, and made available on request to an authorised officer of the council or the police, which will record the following:*

- all crimes reported to the venue.*
- all ejections of patrons*
- any complaints received concerning crime and disorder.*
- any incidents of disorder*
- any faults in the CCTV system*
- any visit by a relevant authority or emergency service.*

7.2 *The premises licence holder or nominated representative shall keep and maintain all right to work documents for all staff members. Right to work documents shall be kept at the premises and produced to an authorised officer of the council or the police upon request. Right to work documents must be retained at the premises for a minimum of 12 months after employment has ceased.*

7.3 *There shall be at least 1 personal licence holder on duty at all times the premises is operating with licensable activities.*

7.4 *Any detail shown on the plan that is not required by the licensing plans regulations is indicative only and subject to change at any time.*

- 7.5 *The licensee shall operate the venue as a restaurant style premises with a substantial food offering and will be laid out to tables and chairs.*
- 7.6 *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*
- 7.7 *The CCTV system serving the premises shall:*
- a) *be maintained fully operational and in good working order at all times;*
  - b) *make and retain clear images that include the points of sale of alcohol and facial images of the purchasers of the alcohol; and*
  - c) *show an accurate date and time that the images were made.*
- 7.8 *A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises are open. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.*
- 7.9 *No alcohol shall be sold if the CCTV equipment is inoperative for any reason.*
- 7.10 *Signage stating that CCTV is in operation at the premises will be clearly displayed at the premises.*
- 7.11 *The use of CCTV at the premises will be registered with the Information Commissioners officer (ICO)*
- 7.12 *In the event that a serious assault is committed on the premises (or appears to have been committed) the management will immediately 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.*
- 7.13 *The capacity of the premises shall not exceed 80 persons (not including staff).*

- 7.14 *The premises licence holder shall display crime prevention posters/material as provided by the police, aimed at preventing the theft or loss of personal possessions. These posters/materials will be affixed/displayed in a prominent position to be agreed between the licence holder and a member of the police licensing team within the premises.*
- 7.15 *No person shall be employed to solicit for custom or be permitted to solicit for custom for business for the premises in any public place.*
- 7.16 *Clear Signage to be placed in the restaurant windows stating that the premises supports the Council's 'No Touting' policy.*
- 7.17 *The volume levels of recorded music played will not exceed that of background levels.*
- 7.18 *The Licensee shall ensure that all staff are fully trained and made aware of the legal requirement of businesses to comply with their responsibility as regards the disposal of waste produced from the business premises. The procedure for handling and preparing for disposal of the waste shall be in writing and displayed in a prominent place where it can be referred to at all times by staff.*
- 7.19 *The licensee will ensure that there is an adequate number of receptacles for waste within the premises for the public to use.*
- 7.20 *The Licensee shall provide a safe receptacle for cigarette ends to be placed outside for the use of customers, such receptacle being carefully placed so as not to cause an obstruction or trip.*
- 7.21 *No noise generate on the premises, or by its associated plant or equipment, shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.*
- 7.22 *No fumes, steam or odours shall be emitted from the licensed premises so as to cause a nuisance to any persons living or carrying on business in the area where the premises is situated.*
- 7.23 *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 be swept and or washed, and litter and sweepings collected and stored in accordance with the approved refuse storage arrangement by close of business.*
- 7.24 *No collections of waste or recycling materials (including bottles) from the premises shall take place between 21:00 hrs and 07:00 hrs the following day.*
- 7.25 *Bottling out shall not take place between 21:00 hrs and 07:00 hrs the following day.*

- 7.26 *Notices shall be prominently displayed at all exits requesting patrons leaving the premises to do so quietly respecting the needs of local residents and businesses.*
- 7.27 *Notices shall be prominently displayed at any area used for smoking requesting patrons to respect the needs of local businesses and residents.*
- 7.28 *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 there is no public nuisance or obstruction of the public highway.*
- 7.29 *Loudspeakers shall not be located in the entrance lobby or outside the premises building.*
- 7.30 *All windows and external doors shall be kept closed after 21:00 hrs, except for the immediate access and egress of persons.*
- 7.31 *External licensable areas will close for use at 21:00 hrs*
- 7.32 *The premises shall at all times operate a Challenge 25 policy to prevent any customers who attempt to purchase alcohol and who appear to the staff member to be under the age of 25 years without having first provided identification. Only a valid British driver's licence showing a photograph of the person, a valid passport or proof of age card showing the 'Pass' hologram are to be accepted as identification. Military ID Cards can also be accepted.*
- 7.33 *All staff members engaged, or to be engaged, in selling alcohol on the premises shall receive full training pertinent to the Licensing Act, specifically in regard to age-restricted sales, and the refusal of sales to persons believed to be under the influence of alcohol or drugs.*
- 7.34 *All such training is to be fully documented and signed by not only the employee but the person delivering the training. Training records shall be kept at the premises and made available upon request to either an authorised officer of the council or the police on request/ Staff employed to sell alcohol and assist a licensable activity shall undergo training upon induction. This shall include, but not be limited to;*
- a) The premises age verification policy*
  - b) Dealing with refusal of sales.*
  - c) Proxy purchasing*
  - d) Identifying attempts by intoxicated persons to purchase alcohol*
  - e) Identifying signs of intoxication*
- 7.35 *Such training sessions are to be documented and refreshed every twelve months. All training sessions are to be documented in English. Records of training shall be kept for a minimum of one year and be*

*made available to an authorised officer of the council or the police upon request*

## **8.0 Conditions in consultation with the responsible authorities/other person**

Conditions agreed with Licensing Authority (RA) (See Appendix 22)

- 8.1 *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.*
- 8.2 *The premises shall only operate as a restaurant where the supply of alcohol is by waiter or waitress service only*
- 8.3 *The supply of alcohol at the premises shall only be to a person seated taking a table meal there and for consumption by such a person as ancillary to their meal.*

## **9.0 Licensing Officer Comments**

- 9.1 In all cases the Members should make their decision on the civil burden of proof, that is “the balance of probability.”
- 9.2 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.
- 9.3 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 application
- Appendix 2** Maps of the venue
- Appendix 3** Photographs showing vicinity of the venue
- Appendix 4** Details of nearest licensed venues
- Appendices 5-21** Representation of residents
- Appendix 22** Conditions agreed with Licensing