

LONDON BOROUGH OF TOWER HAMLETS**RECORD OF THE DECISIONS OF THE LICENSING SUB COMMITTEE****HELD AT 6.43 P.M. ON TUESDAY, 29 OCTOBER 2019****THE COUNCIL CHAMBER, TOWN HALL, MULBERRY PLACE, 5 CLOVE
CRESCENT, LONDON, E14 2BG****Members Present:**

Councillor Eve McQuillan (Chair)

Councillor Shad Chowdhury (Member)

Councillor Leema Qureshi (Member)

Officers Present:

Luke Wilson – (Legal Services)
Samantha Neale – (Licensing Officer)
Nicola Cadzow – (Environmental Health Officer)

Simmi Yesmin – Senior Committee Officer
Farhana Zia – Senior Committee Officer

1. DECLARATIONS OF DISCLOSABLE PECUNIARY INTEREST

Councillor Shad Chowdhury declared that as the ward councillor for Spitalfields and Banglatown, he knew some of the objectors speaking against Item 4.1.

He declared he had not been in communication with any of the objectors in relation to the matter before the Sub-Committee and therefore had no pecuniary interest. He declared he would be considering the application with an open mind and had not pre-determined his decision on the matter.

2. RULES OF PROCEDURE

The Rules of Procedure were noted by the Sub-Committee.

3. MINUTES OF THE PREVIOUS MEETING(S)

The minutes of the Licensing Sub-Committee held on the 10th, 17th and 24th September 2019 were agreed as an accurate record of the proceedings.

4. ITEMS FOR CONSIDERATION**4.1 Licensing Act 2003 Application for a Premises Licence for (Duck and Dry) 105C Commercial Street, Old Spitalfields Market, London E1 6BG**

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 the oral representations from the Applicant's Legal Representative and local residents, with particular regard to public nuisance and protection of children from harm.

The Sub-Committee noted that the premises is in a cumulative impact zone (CIZ), and therefore, there is a rebuttable presumption that where relevant representations are received by one or more of the responsible authorities and/or other persons objecting to the application, the premises licence application will be refused.

The Sub-Committee noted that under the Council's Statement of Licensing Policy, the Applicant can rebut the above presumption if it can demonstrate that the granting of the application will not negatively add to the cumulative impact already experienced in the CIZ.

The Sub-Committee noted the representations from the residents regarding the impact of the premises on the CIZ and their concerns relating to the existing levels of public nuisance, in particular noise amplification and disturbance. The Sub-Committee noted their concerns regarding the possibility of alcohol consumption leading to anti-social behaviour.

The Sub-Committee noted that the hours applied for were within the framework hours, with the sale of alcohol ceasing at 20:00 hours Mondays to Saturdays and 18:00 hours on Sunday. The Applicant's legal representative stated that specific conditions had been proposed, as per page 49 of the agenda, which would mitigate the risks to the licensing objectives. Furthermore, the Applicant's representative submitted that the application rebutted the CIZ presumption as exceptional circumstances were present. The Applicant's representative referred to the examples of possible exceptional circumstances given in the Council's Statement of Licensing Policy on page 136 of the agenda. It was noted that the present application involved a small premises with a capacity of less than fifty persons, it was not an alcohol led business and it would operate within the framework hours.

The Sub-Committee was satisfied that there were exceptional circumstances and the premises would not negatively add to the cumulative impact in the area. The Sub-Committee concluded that the licensing objectives will be promoted and the conditions will adequately mitigate the risk of public nuisance and harm to children.

Accordingly, the Sub-Committee unanimously

RESOLVED

That the application for a New Premises Licence for Duck and Dry, 105C Commercial Street, Old Spitalfields Market, London E1 6BG be **GRANTED** with conditions.

Sale of Alcohol (on sales only)

Monday to Saturday 10:00 – 20:00 hours

Sunday 10:00 – 18:00 hours

Hours Premises Open to the Public

Monday to Saturday 08:00 – 20:00 hours

Sunday 10:00 – 18:00 hours

Conditions

- 1.1 Alcohol may only be sold to and consumed by patrons receiving haircuts, hairstyling and beauty treatment.
 - 1.2 There shall be no self-service of alcohol by patrons.
 - 1.3 There shall be no off sales of alcohol.
 - 1.4 Licensable activities authorised by this premises licence can only be carried out by Blooming Beautiful Limited.
 - 1.5 The Premises shall ensure that no drinks are taken outside of the premises.
 - 1.6 There shall be no vertical drinking.
 - 1.7 There shall be no outdoor seating.
 - 1.8 A sign shall be placed in the premises asking customers to respect local residents and minimise noise.
 - 1.9 The Premises is to implement and maintain a Challenge 25 policy.
- 4.2 Licensing Act 2003 Application for variation of a Premises Licence for The Old George Public House, 379 Bethnal Green Road, London, E2 0AN**

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 the oral representations from the Applicant's Legal Representative and local residents with particular regard to public nuisance.

The Sub-Committee noted the premises is in a cumulative impact zone (CIZ) and the application is to vary the current licence to include an external bar servery to close at 21:00 hours. The Sub-Committee noted the Licensing Authority and Environmental Protection had agreed conditions with the Applicant and had withdrawn their objections. They had agreed the external bar should be at the farthest point away from the residential properties and garden area should close at 21:00 hours.

The Sub-Committee noted the concerns of the local residents with regard to public nuisance as the garden area faces directly towards residential flats. Local residents were particularly concerned about the noise caused by smokers in the garden area after 21:00 hours. In response, the Applicant offered to remove the condition which allowed patrons to smoke in the garden area after 21:00. The Sub-Committee was satisfied that the risk of noise nuisance to neighbouring properties would be adequately mitigated by a condition that the garden area close at 21:00 hours. The Sub-Committee concurred that smokers should not be permitted to smoke in the garden area and should continue to use the designated area at the front of the premises.

The Sub-Committee was satisfied that the CIZ rebuttable presumption had been satisfied in that the variation to the application, as amended, will not negatively add to the cumulative impact already experienced in the area.

The Sub-Committee found there were exceptional circumstances to justify the variation in this case.

Accordingly, the Sub-Committee unanimously

RESOLVED

That the application to vary the premises licence for The Old George Public House, 379 Bethnal Green Road, London E2 0AN be **GRANTED** with conditions.

Films, Live Music, recorded music and performance of dance, late night refreshment (All indoors)

Sale by retail of Alcohol (on and off sales)

Sunday to Thursday from 10:00 hours to midnight

Friday and Saturday from 10:00 hours to 02:00 hours

Hours Premises Open to the Public

Sunday to Thursday from 10:00 hours to 00:30 hours

Friday and Saturday from 10:00 hours to 02:30 hours

Additional Conditions

- 1.1 The plan of the premises is amended to include a new external bar servery.
- 1.2 Loudspeakers shall not be located in the entrance lobby or outside the premise building.
- 1.3 All windows and external doors shall be kept closed when regulated entertainment takes place, except for the immediate access & egress of persons.
- 1.4 Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
- 1.5 The external bar servery will close at 21:00 hours.
- 1.6 The outside drinking area/external courtyard shown on the plan attached to the premises licence will close to all patrons at 21:00 hours.
- 1.7 No drinks will be permitted in the external courtyard/outside drinking area after 21:00 hours.
- 1.8 No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises, which gives rise to nuisance.
- 1.9 A direct telephone number for the manager at the premises shall be publicly available at all times the premises are open. The telephone number is to be made available to residents and businesses in the vicinity.

4.3 Licensing Act 2003 Temporary Event Notice for Unit E4, 12 Stour Road, London E3 2NT

Following discussions during the course of the meeting, the Sub-Committee adjourned the meeting at 7.39pm to allow the Applicant and the Officer representing Environmental Health to consider whether an agreement could be reached.

The meeting was reconvened at 8:08 pm and it was noted that an agreement had been reached between the parties.

Accordingly, it was

RESOLVED

That the application for a Temporary Event Notice for Unit E4, 12 Stour Road, London E3 2NT be **GRANTED**.

The sale by retail of alcohol (on sales only)

Saturday 2 November from 21:00 hours to 01:30 hours on Sunday 3 November 2019.

The provision of regulated entertainment – Indoors

Saturday 2 November from 21:00 hours to 01:30 hours on Sunday 3 November 2019.

4.4 Licensing Act 2003 Temporary Event Notice for Hurk, Unit 8, 29 Whitepost Lane, London E9 5EN

Following discussions during the course of the meeting, the Sub Committee adjourned the meeting at 7.15pm to allow the Applicant and the Officer representing Environmental Health to consider whether an agreement could be reached.

The meeting was reconvened at 7.20pm and it was noted that an agreement had been reached between the parties.

Accordingly, it was

RESOLVED

That application for a Temporary Event Notice for Hurk, Unit 8, 29 Whitepost Lane, London E9 5EN be **GRANTED**.

The sale by retail of alcohol (on sales only)

Saturday 02 November 2019 from 00:00 hours (midnight) to 01:00 hours
Sunday 03 November 2019 from 00:00 hours (midnight) to 01:00 hours

The provision of regulated entertainment – Indoors

Saturday 02 November 2019 from 00:00 hours (midnight) to 01:00 hours
Sunday 03 November 2019 from 00:00 hours (midnight) to 01:00 hours

The opening hours of the premises

Saturday 02 November 2019 from 00:00 hours (midnight) to 01:30 hours

Sunday 03 November 2019 from 00:00 hours (midnight) to 01:30 hours

The conditions on the current licence are to be imposed during the temporary event.

5. EXTENSION OF DECISION DEADLINE: LICENSING ACT 2003

The Chair agreed to extend the decision deadlines for the following applications;

Premises	Hearing Date	Decision by
The Gate, 27 Commercial Road, London E1 1LD (MA)	19/11	06/11
Sugoi, Unit 2, 7 Arch Gales Gardens, London E2 0EJ (MA)	19/11	12/11
Queens Head, 8 Flamborough Street, London E1 (KD)	19/11	06/11
Rule Zero, 3 Succession Walk, 4 Roach Road, London E3 2RX (CH)	26/11	24/10
Yo Yo Oriental Supermarket, 61a Alie Street, London E1 8EB (MA)	26/11	28/10
Silver Sockeye, Wapping Pier, King Henry's Stairs, Wapping High St, London E1W 2NR (MA)	03/12	31/10
Funky Cellar, Old Spitalfields Street, 10a Lamb Street London E1 6EA (MA)	03/12	13/11
Papa Johns, 6 Cable Street, London E1 8JG (CH)	04/12	14/11
Lucky Dogs, Brick Lane, London E1 6RL (LMJ)	04/12	25/11
Hoh Sek Noodles, Cloisters Walk, St Katherines's Dock, London E1W 1LD (LMJ)	14/01	20/11
MKTG Inc, 4 Chance Street,	14/01	19/11

Premises	Hearing Date	Decision by
London E1 6JT (CH)		
E Pellicci, 332 Bethnal Green Road, London E2 0AG (CH)	28/01	28/11
Jack the Chipper, 74 Whitechapel High St, London E1 (MA)	28/01	02/12
3 Mien, 64 Middlesex Street, London E1 7EZ (LMJ)	28/01	09/12

The meeting ended at 9.20 p.m.

Chair, Councillor Eve McQuillan
Licensing Sub Committee