

**LONDON BOROUGH OF TOWER HAMLETS**

**MINUTES OF THE LICENSING SUB COMMITTEE**

**HELD AT 6.30 P.M. ON THURSDAY, 3 FEBRUARY 2011**

**THE COUNCIL CHAMBER, TOWN HALL, MULBERRY PLACE, 5 CLOVE  
CRESCENT, LONDON, E14 2BG**

**Members Present:**

Councillor Peter Golds (Chair)

Councillor Kabir Ahmed  
Councillor David Snowdon

**Officers Present:**

Mohshin Ali	- (Acting Senior Licensing Officer)
Richard Carter	- (Planning Enforcement Officer)
Cain Duncan	- (Planning Enforcement Officer)
Paul Greeno	- (Senior Advocate)
Kerry Mure	- (Senior Lawyer)
Simmi Yesmin	- (Senior Committee Officer)

**Applicants In Attendance:**

Mr Martin Halsall	- (INTO University of East Anglia)
Ms Ruth Harper	- (INTO University of East Anglia)
Mr Svein Barrow	- (Black Stone)
Mr Martin Howells	- (Black Stone)
Mr Mohammed Islam	- (Black Stone)
Mr Alom Hussain	- (Black Stone)
Mr Harun Miah	- (Black Stone)
PC Alan Cruickshank	- (Metropolitan Police)

**Objectors In Attendance:**

Mr Eric Bagshaw	- (Black Stone)
Ms Hilary Bagshaw	- (Black Stone)
Ms Clancy Shlockenhorrow	- (Black Stone)
Mr Valentine Atsu	- (Gramophone)
Ms Yassine Senghor	- (Gramophone)

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## **1. APOLOGIES FOR ABSENCE**

There were no apologies for absence.

## **2. DECLARATIONS OF INTEREST**

There were no declarations of interests made.

## **3. RULES OF PROCEDURE**

The Rules of Procedures were noted.

## **4. ITEMS FOR CONSIDERATION**

### **4.1 Application for a New Premises Licence for INTO University of East Anglia London, 102 Middlesex Street, London E1 7EZ (LSC 58/011)**

At the request of the Chair, Mr Mohshin Ali, Acting Senior Licensing Officer, introduced the report which detailed the application for a new premises license for INTO University of East Anglia London, 102 Middlesex Street, London E1 7EZ. It was noted that an objection had been made by a local resident.

At the request of the Chair, Mr Martin Halsall, Applicant, explained that the centre is usually opened between 8am and 6.30pm, however the application was made mainly to be flexible during the end of term, when holding recitals, receptions, awards evenings etc. He clarified that the application may have misled the Sub-Committee into thinking it was a student union bar, however this was not the case as licensable activities would be used occasionally, possibly once a month.

He explained that having read the objection from the local resident, it did not refer to the actual premises itself but referred to the large open space outside the Tower Block next to the premises. It was noted that the two buildings were completely separate, however had been built together by the same developers and therefore there may have been some confusion.

Ms Ruth Harper, applicant, explained that she would monitor all licensable activities, as she would be the person who would be booking events etc. she

emphasised that there would be no late night gatherings. It was noted that the university had security staff and CCTV camera systems in operation, and that only those enrolled in the university would be allowed in the premises and there would be a record of those that would be coming in and going out.

The Chair reported that the objector was not present at the meeting, however Members would consider and note her objection.

In response to questions it was confirmed that it was not a student union bar, and there would not be any dancing facilities and that the applicants were happy to withdraw this from their application. It was further noted that music recitals would be very rare as there were not many music students. It was confirmed that the premises would only open during weekends if more students were enrolled at the university.

The Chair advised that the Sub Committee would at 6.45pm adjourn to consider the evidence presented. Members reconvened at 7.00pm. The Chair reported that;

Members heard representations from the applicants and noted the written objection from a local resident, Members considered the application taking into account the licensing objectives and noted that there was no specific evidence provided against the premises and also noted that there would be occasional use of licensable activities.

Therefore Members GRANTED the application and accepted the applicant's willingness to withdraw the performance of the dance and provision of facilities for dancing from their application.

### **RESOLVED**

That the application for a new premises license for INTO University of East Anglia London, 102 Middlesex Street, London E1 7EZ, be **GRANTED** with conditions.

#### Sale of Alcohol (on sales)

Sunday to Friday from 17:00 hours to 00:00 hours (midnight)

Saturday from 17:00 hours to 23:00 hours

#### The Provision of Late Night Refreshments

Sunday to Friday from 23:00 hours to 00:00 hours (midnight)

#### The Provision of Regulated Entertainment (recorded music, provision of facilities for making music)

Monday to Thursday from 12:00 hours to 21:00 hours

Friday and Saturday from 12:00 hours to 23:00 hours

#### Plays

Monday to Thursday from 17:00 hours to 21:00 hours  
Saturday from 12:00 hours to 21:00 hours

#### Films

Monday to Saturday from 12:00 hours to 21:00 hours

#### Live Music

Monday to Thursday from 12:00 hours to 23:00 hours  
Friday from 12:00 hours to 00:00 hours (midnight)  
Saturday from 12:00 hours to 23:00 hours

#### Hours Open to the Public

Monday to Sunday from 12:00 hours to 00:30 hours (the following day)

#### Conditions

1. No alcohol to be taken outside the premises.
2. No glasses/bottles to be taken outside the premises
3. Licensable activities can be extended on Saturdays till 00:00 hours (midnight) on 6 occasions in a year.

#### **4.2 Application for a New Premises Licence for Blackstone, Ground Floor and Basement, 159 Commercial Street, London E1 6BJ (LSC 59/011)**

At the request of the Chair, Mr Mohshin Ali, Acting Senior Licensing Officer, introduced the report which detailed the application for a new premises license for Black Stone, Ground Floor & Basement, 159 Commercial Street London E1 6BJ. It was noted that objections had been received by local residents and a resident association.

At the request of the Chair, Mr Martin Howells, Licensing Representative gave a brief background of the premises and explained that they had planning permission to use the premise as a restaurant. It was noted that objections were made due to noise nuisance and this was because there was construction works going on in the premises to improve the fabric of the building in order to be better sound proof.

Mr Howells acknowledged that residents have had bad experiences with the premises when it was previously a nightclub. He explained that the premises was now under new management and would not be used as a nightclub. He also mentioned that they had been working closely with the Police, Environmental Health and the Fire Authority and had agreed to conditions in order to promote the four licensing objectives and therefore there were no objections from any responsible authorities. Mr Howells referred to pages

110-113 of the agenda and went through the operating schedule and the managerial controls that would be in place to promote the licensing objectives.

Mr Svein Barrow, Licensing Representative, further explained that the premises was not a Bar or Club and would not be used as such. He also acknowledged the concerns of local residents and their preconceptions of the premises due to the previous establishments and other bars in the area. He emphasised how the applicants had taken extensive measures to insulate noise.

At the request of the Chair Mr Mohammed Islam, Director, gave a brief background of his working life and his desire to open his own restaurant. He explained that he had taken all advice from relevant authorities and also took extra measures to ease residents concerns of noise nuisance by making the premises more sound proof. He explained that there would be signs asking customers to leave quietly and respect the needs of local residents, also have a dedicated cab service and customers wanting to smoke would be encouraged not to make noise and to be quick.

The Chair then invited residents who wished to address the Committee, Hilary Bagshaw and Clancey Shlockenharrow were among the residents who spoke in objection to the application, each addressing similar concerns in relation to noise nuisance, public disorder, anti-social behaviour, drug activity and crime and disorder.

In response to questions the following was noted, that the capacity of the restaurant would be for a maximum of 270 people, that notices would be placed in the premises asking customers to use the lavatories, and that there was now a total of eleven toilets in premises and this had been increased to address concerns of urination and defecation. It was confirmed that the applicants wished to use the premises as a restaurant and not a bar. The applicants could not tell members the number of tables that would be used as the seating plan was not ready, however it was noted that only diners at the restaurant would be served drinks. It was noted that CCTV cameras would be installed both internal and external to the premises and that a noise limiter would be set at a level agreed by Environmental Health. It was also noted that non standing hours had been withdrawn from the application.

The Chair advised that the Sub Committee would at 7.35pm adjourn to consider the evidence presented. Members reconvened at 8.05pm. The Chair reported that;

Having heard representations from all interested parties, Members considered the licence application taking into account the licensing objectives and objections from residents.

Members felt that the applicants had addressed the issues and concerns raised by objectors within there amended operating schedule and felt that the hours applied for were acceptable and that appropriate conditions had been accepted by the applicants to promote the licensing objectives. Therefore Members decided to GRANT the application with conditions.

**RESOLVED**

That the application for a new premises license for Black Stone, Ground Floor & Basement, 159 Commercial Street London E1 6BJ, be **GRANTED** with conditions.

**Sale of Alcohol (on sales)**

Monday to Thursday from 11:00 hours to 22:30 hours  
Friday and Saturday from 11:00 hours to 23:30 hours  
Sunday from 11:00 hours to 21:30 hours

**The Provision of Late Night Refreshments**

Friday and Saturday from 23:00 hours to 23:30 hours

**The Provision of Regulated Entertainment (recorded music)**

Monday to Thursday from 11:00 hours to 23:00 hours  
Friday and Saturday from 11:00 hours to 23:59 hours  
Sunday from 11:00 hours to 22:00 hours

**Hours Open to the Public**

Monday to Thursday from 11:00 hours to 23:00 hours  
Friday and Saturday from 11:00 hours to 23:59 hours  
Sunday from 11:00 hours to 22:00 hours

**Conditions**

1. No drinks to be taken outside the premises.
2. 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 within a 500 meter radius of the premises.
3. Clear signage to be placed in the restaurant window stating that the premises supports the Council's 'No Touting' policy.
4. A CCTV camera system covering both internal and external to the premises to be installed. The external system to cover both Commercial Street and Fleur De Lis Street.
5. The CCTV recordings are to be maintained for 30 days and to be provided upon request to either a Police Officer or an officer of any other Responsible Authority.
6. At all times the premises is open, a person who can operate the CCTV system must be present on the premises.

7. Alcohol can only be served to either;
  - (a) patrons seated and dining at the restaurant or,
  - (b) to patrons in the waiting area who are waiting to be seated to dine.

#### Informatives

1. Smokers are to be encouraged by members of staff to smoke on Commercial Street side and not on residential streets.
2. Prominent and clearly legible notices to be displayed at all exits of the premises requesting patrons to respect the needs of local residents and to leave the premises and area quietly.
3. Management to keep regular dialogue with local residents to address concerns in relation to the premises.

At 8.05pm the Chair adjourned the meeting for a short comfort break and reconvened at 8.10pm.

#### **4.3 Application to Review the Premises Licence for Gramophone, 60-62 Commercial Street, London E1 6LT (LSC 60/011)**

At the request of the Chair, Mr Mohshin Ali, Acting Senior Licensing Officer, introduced the report which detailed the application for a review of the premises license for Gramophone, 60-62 Commercial Street London E1 6LT. It was noted that the review had been triggered by Planning Enforcement and supported by the Metropolitan Police.

At the request of the Chair, Mr Cain Duncan, Planning Enforcement Officer read through his statement on page 267 of the agenda, explaining that the Planning Department was concerned with the continued failure of the Premise License Holder/Designated Premises Supervisor to comply with the opening hours specified in the Local Planning Authorities Breach of Condition Notice. Mr Duncan explained that this was being aided by the longer hours stipulated in the current premises license and this was providing a mechanism for the DPS to continue to facilitate the breach of the Local Planning Authorities Notice, which was a criminal offence. It was further noted that there had been recent verified statutory noise nuisances witnessed at neighbouring residential properties as a result of music breakout from the premises, which was believed to have been caused by the installation of a new satellite sound system on the ground floor. Mr Duncan requested Members to suspend the provision for regulated entertainment until such time as the noise breakout issues had been rectified to the satisfaction of Environmental Health Services and the hours for regulated entertainment, late night refreshments and sale of alcohol be permanently reduced to hours detailed in the statement.

PC Alan Cruickshank, Metropolitan Police, referred to his statement on page 335 of the agenda and highlighted the concerns of crime and disorder in the local area and incidents relating to the premises.

At the request of the Chair, Mr Valentine Atsu, friend of the current DPS explained that he was representing the new owners of the premises and that the problems had occurred under the previous ownership. Mr Atsu stated that there was no crime and disorder linked to the premises and that there was no confirmation that noise nuisance related to the premises. He concluded by saying that he was willing to work with the Planning Department to address their concerns and to come to some form of agreement.

In response to questions it was noted that the license had been transferred in July 2010 and the transfer of DPS was in November 2010.

Mr Greeno at this point clarified the distinction between licensing hours and planning hours.

In response to a question Mr Atsu stated that he was not in agreement for the licensing hours to be reduced. It was noted that TEN applications had been made in the past, however specific dates were not available. It was noted that TEN applications did not override planning permission. It was also noted that there was no condition on the license to close doors however Mr Atsu stated that this would be considered.

Mr Duncan stated that in October 2010, Environmental Health were still dealing with Mr Bakpa, the previous owner. He also stated that the building was not suitable or designed for a nightclub and that the club had operated without a DPS for a period of time.

Members asked who the Premises License Holder was, Mr Atsu could not confirm this and could only confirm that Mr Marcello De Oliveria was the DPS.

The Chair adjourned the meeting at 8.45pm and reconvened at 8.50pm.

The Chair asked Mr Atsu to confirm and state who he was actually representing at the meeting. Mr Atsu confirmed he was a friend of Mr Marcello De Oliveria the current DPS and was representing him. The DPS and the Premise License Holder were not present at the meeting and had made no contact with Democratic Services, the Chair asked if Mr Duncan still wished to continue with the Hearing.

Mr Duncan stated that the facts still remained the same and was happy for the hearing to continue in their absence.

In response to further questions it was noted that there was no direct issues linked to the premises however general anti-social behaviour occurred in the area and that clients of Gramophone had become victims of crime and disorder.



The Chair advised that the Sub Committee would at 8.50pm adjourn to consider the evidence presented. Members reconvened at 9.25pm. The Chair reported that;

Having heard the representations from all interested parties, Members decided to SUSPEND the license for a period of three calendar months and to modify the conditions of the license as listed below. Both actions were in order to further the licensing objectives of preventing crime and disorder and public nuisance.

Members were very concerned about the continued breach of licensing conditions, planning control and council policy. Members were not satisfied that the licensee would promote the licensing objectives and believed that crime would continue if the hours of operation were to stay the same. They therefore decided that a period of suspension was necessary to promote the relevant licensing objective, in view of the seriousness of the breaches and in order to deter similar incidence of crime.

### **RESOLVED**

That the application for a review of the premises license for Gramophone, 60-62 Commercial Street London E1 6LT, be **GRANTED** with suspension of the license and modified conditions to the license.

#### Suspension

Three months suspension (the commencement date for suspension, to be detailed, in the decision notification letter)

#### Sale of Alcohol (on sales)

Sunday to Thursday from 11:00 hours to 22:30 hours  
Friday and Saturday from 11:00 hours to 00:30 hours

The Provision of Regulated Entertainment (Plays and films, live music, recorded music, performance of dance and anything of a similar description. Provision of facilities for making music, provision of facilities for dancing and provision of facilities for entertainment of a similar description)

Sunday to Thursday from 11:00 hours to 22:30 hours  
Friday and Saturday from 11:00 hours to 00:30 hours

#### The Provision of Late Night Refreshments

Friday and Saturday from 23:00 hours to 00:30 hours

#### Hours Open to the Public

Monday to Thursday from 11:00 hours to 23:00 hours  
Friday and Saturday from 11:00 hours to 01:00 hours (the following day)  
Sunday and Public Holiday from 11:00 hours to 23:00 hours

Amended Condition

*Annex 2, Environmental Protection Conditions 1a to be replaced with the following;*

1(a) – There shall be the provision and installation of a noise limiting devise to all amplified sound systems within the premises whether existing or installed in the future and maximum noise levels of such devise are to be set and agreed beforehand with the Environmental Health Officer and if no agreement can be reached the matter is to be remitted back to the Licensing Sub Committee to consider and set an appropriate level.

The meeting ended at 9.30 p.m.

Chair, Councillor Peter Golds  
Licensing Sub Committee