

**LONDON BOROUGH OF TOWER HAMLETS**

**MINUTES OF THE LICENSING SUB COMMITTEE**

**HELD AT 6.30 P.M. ON THURSDAY, 28 FEBRUARY 2013**

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

**Members Present:**

Councillor Khaled Uddin Ahmed  
Councillor Peter Golds  
Councillor Amy Whitelock

**Officers Present:**

Luke Elford – (Lawyer – Enforcement and Litigation Team)  
Alex Lisowski – (Licensing Officer)  
Louise Fleming – (Senior Committee Officer, Democratic Services)

**Applicants In Attendance:**

Jason Zeloof (Items 4.1 and 4.2)  
Shahjan Ahmed (Item 7.1)

**Objectors In Attendance:**

John Critchley (Items 4.1 and 4.2)  
Jane Curtis (Items 4.1 and 4.2)

**COUNCILLOR PETER GOLDS (CHAIR)**

**1. APOLOGIES FOR ABSENCE**

No apologies for absence received.

**2. DECLARATIONS OF DISCLOSABLE PECUNIARY INTEREST**

No declarations of disclosable pecuniary interests were made.

**3. RULES OF PROCEDURE**

The Committee noted the rules of procedure for the Sub-Committee.

The Chair proposed, with the agreement of all parties present, that items 4.1 and 4.2 be considered together. For the purposes of these minutes they will appear as separate items.

#### 4. ITEMS FOR CONSIDERATION

##### 4.1 Application for a New Premises Licence for Unit CG-001, Dray Walk, Ground Floor, Block C, The Old Truman Brewery, 91 Brick Lane, London, E1 6QL

The Licensing Officer introduced the application for a new premises licence for Unit CG-001, Dray Walk, Ground Floor, Block C, The Old Truman Brewery, 91 Brick Lane, London, E1 6QL. The Sub-Committee had before them: a copy of the application; an email dated 8<sup>th</sup> February 2013 with amended conditions removing the provision for off sales; the representations submitted and the licensing guidance. Members had also received a supplementary agenda containing supporting documents from the applicant.

The hearing was required by the Licensing Act 2003 because representations had been submitted by local residents.

With the permission of all parties, the applicant, Jason Zeloof, circulated colour copies of the maps previously circulated.

The application sought the following:

Sale of Alcohol (on and off sales)

Monday to Sunday from 11:00 to 23:00

The Provision of Late Night Refreshment

Monday to Sunday from 23:00 to 23:30

The Provision of Regulated Entertainment in the form of Films, Recorded Music

Monday to Sunday from 11:00 to 23:00

Hours premises is open to the public

Monday to Sunday from 08:00 to 00:00 (midnight)

Applicant's Case

Jason Zeloof presented the case for the applicant. The proposal was for a restaurant, which would be 25% smaller than the current space which was used as a dry-hire event space. The premises would become part of a larger office development. There was currently no investment in the frontage. The proposed restaurant/café was for 94 covers (41 inside the premises and 53 in an outdoor seating area) and would create 18 jobs.

Mr Zeloof asked that it be noted that the application was for a restaurant and not a bar/club. The revised conditions proposed no off-sale of alcohol and alcohol only to be served with a meal. He drew Members attention to page 2 of the supplementary agenda which listed the off-licences in the area which were open later than the proposed application. The applicant had consulted with the Responsible Authorities and they had not raised any objection to the

proposal. It was felt that the hours of operation proposed were reasonable with regard to residential amenity. Mr Zeloof highlighted the makeup of the Truman Brewery site and the current lack of restaurants. It was evident that the restaurants in the area caused very little crime as shown by the Police statistics. The site was located off the public highway and the design acted as a buffer to residential properties. Environmental Health were satisfied with the acoustic report and there was a proposed condition to limit the number of people outside with no patrons eating outside after 10.30pm. It was anticipated there would be a staggered egress from the premises and there would be ample toilet provision. Mr Zeloof also highlighted the excellent Public Transport Accessibility Level.

The applicant had attended a meeting with the residents to address their concerns and the wider issues around the Truman Brewery site.

### Objectors' case

John Critchley (local resident) addressed the Sub-Committee to raise objections. He welcomed the recent meeting between the applicant and the residents and the commitment from the applicant to meet every two months to discuss concerns. However it was felt that the area was saturated and was a Police black spot for crime and anti-social behaviour. He estimated that, based on 40% occupancy of the restaurants, an extra 400 people would be coming into the area each week. Additional patrons would add to the burden of anti-social behaviour and potential for criminal behaviour. He was concerned that there were 5 more applications pending for premises in the area and he felt that these were speculative applications, being made before a Saturation Policy was implemented in the area. He asked that the Sub-Committee refuse the application on these grounds.

Jane Curtis (local resident) addressed the Sub-Committee to raise objections. She was a resident very close to the gates to the site and people could only access the site through those gates. She was concerned that the proposed premises was adjacent to a lively and problematic bar and would add to the general ambience of drinking and partying.

Ms Curtis understood the Sub-Committee's constraints and asked that if the application was granted, that consideration be given to reducing the hours of operation in the outside area. It was felt that 10:30pm was too late and that there were potentially too many people late night drinking. Ms Curtis was also concerned about dispersal. It was suggested that the gates be closed earlier than 12 midnight and the example of Spitalfields Market was given, which gates shut at 11pm.

### Members' questions

The Sub-Committee asked the local residents to respond to the point that the Responsible Authorities had raised no objection to the application. It was also noted that the Council did not currently have a Saturation Policy in place. This was currently being consulted on and even if adopted by the Council,

applications would still have to be considered on their own individual merits. Therefore it might not resolve all residents' concerns about the area.

Mr Critchley acknowledged that the Responsible Authorities had to look at each individual application, whereas he felt that the residents could see the wider picture. He hoped that the implementation of a dispersal zone in the next few weeks would help the situation.

Members expressed concern that the application proposed more covers outside than inside and asked the applicant to clarify this point. In response, Mr Zeloof advised that he wanted to change the nature of the area and move away from bars/clubs to restaurants. He felt that the proposal would calm the area and improve its quality.

Members noted the residents' concerns about the wider area but asked for their specific objections to the application in question. They must balance the needs of the residents against the needs of the small businesses in the area. In response Mr Critchley and Ms Curtis advised that they were disturbed by the noise and the general ambience of the area. It was felt that the hours of operation should be reduced. There was concern that the restaurants would attract further partying, drinking and noise.

Members asked the applicant to clarify what assurances he could offer local residents that the restaurants would not further impact on noise nuisance. Mr Zeloof offered to limit the hours of operation of the external seating area to 10pm.

The Sub-Committee then adjourned at 7:15pm and reconvened at 7:20pm.

### Consideration

In reaching their decision, Members had regard to the Licensing Act 2003, the Licensing Guidance and the Council's own statement of Licensing Policy.

Members considered all the evidence including the representations from the local residents and the applicant. Members noted that no objections had been received from the Responsible Authorities. They could only consider the application before them on its own merits and not the other Truman Brewery sites. Based on this, they did not believe that the application would create a nuisance and unanimously agreed that it should be granted, with the revision to the condition relating to limiting the use of the public seating area to 10:00pm.

Nevertheless they noted the concerns relating to the adjoining bar and suggested that the applicant erect a partition between the outdoor seating area of the bar and the adjacent restaurant. Members also urged the applicant to continue working with the local residents.

Accordingly, the Sub-Committee unanimously **RESOLVED**

That the application for a new premises licence for Unit CG-001, Dray Walk, Ground Floor, Block C, The Old Truman Brewery, 91 Brick Lane, London E1 6QJ be **GRANTED** for the following activities (subject to the conditions below and the mandatory conditions imposed by law):

Sale of Alcohol (on sales)

Monday to Sunday from 11:00 to 23:00

The Provision of Late Night Refreshment

Monday to Sunday from 23:00 to 23:30

The Provision of Regulated Entertainment in the form of Films, Recorded Music

Monday to Sunday from 11:00 to 23:00

Hours premises is open to the public

Monday to Sunday from 08:00 to 00:00 (midnight)

Conditions

1. The Premises' external seating areas to the west and south of the internal licensed premises are not to be used by customers after 2200 hours.
2. There shall be a maximum total of 53 customers at any one time using the external parts of the Premises' licensed area, being the external seating areas to the west and south of the internal licensed premises.
3. The Designated Premises Supervisor or a Personal Licence Holder or nominated person will be on the Premises at all times while open for trade.
4. Adequate and appropriate first aid equipment will be available in the Premises.
5. A risk assessment and fire and emergency evacuation plan will be maintained and reviewed as necessary.
6. Emergency lighting, illuminated emergency exit signs, fire fighting equipment and emergency exit doors will be regularly checked to ensure they function correctly.
7. When disabled people are present adequate arrangements will be made to enable their safe evacuation in the event of any emergency. In the event of an emergency any disabled people in the Premises will be made aware of the evacuation arrangements.
8. Clear and legible notices will be displayed at the exit to the Premises requesting customers to respect local residents and to leave the Premises and the area quietly.
9. The Premises will adopt a policy under which any person attempting to purchase alcohol who appear to be under 21 will be asked for photographic ID as proof of their age.
10. Any spillages of food or drink in the Premises will be cleaned up as soon as they are noticed by staff.
11. Noise emanating from the Premises shall not be audible at the nearest affected residential façade.

- 12.Noise emanating from the Premises shall not cause a public and/or statutory noise nuisance to the nearest affected business/commercial premises.
13. There shall be no off-sales of alcohol.
14. Alcohol may only be served accompanies by a meal.
15. A CCTV camera shall be installed in the Premises to capture the standard 'head and shoulders' of people entering the Premises through the main entrance on Dray Walk. CCTV cameras shall also be installed covering the external seating areas of the Premises. All CCTV recordings shall be stored for a minimum of 31 days with date and time stamping, and shall be made available upon request of the Police.

#### **4.2 Application For a new Premises Licence for Unit TG-003, Ely's Yard, Ground Floor, Block T, The Old Truman Brewery, 91 Brick Lane, London, E1 6QL**

The Licensing Officer introduced the application for a new premises licence for Unit TG-003, Ely's Yard, Ground Floor, Block T, The Old Truman Brewery, 91 Brick Lane, London, E1 6QL. The Sub-Committee had before them: a copy of the application; an email dated 8<sup>th</sup> February 2013 with amended conditions removing the provision for off sales; the representations submitted and the licensing guidance. Members had also received a supplementary agenda containing supporting documents from the applicant.

The hearing was required by the Licensing Act 2003 because representations had been submitted by local residents.

With the permission of all parties, the applicant, Jason Zeloof, circulated colour copies of the maps previously circulated.

The application sought the following:

Sale of Alcohol (on and off sales)

Monday to Sunday from 11:00 to 23:00

The Provision of Late Night Refreshment

Monday to Sunday from 23:00 to 23:30

The Provision of Regulated Entertainment in the form of Films, Recorded Music

Monday to Sunday from 11:00 to 23:00

Hours premises is open to the public

Monday to Sunday from 08:00 to 00:00 (midnight)

### Applicant's Case

Jason Zeloof presented the case for the applicant. The proposal was for a restaurant, of 58 covers (34 inside the premises and 24 in an outdoor seating area) and would create 15 jobs. The premises was currently in use as an appointment only furniture showroom with no active frontage.

Mr Zeloof asked that it be noted that the application was for a restaurant and not a bar/club. The revised conditions proposed no off-sale of alcohol and alcohol only to be served with a meal. He drew Members attention to page 2 of the supplementary agenda which listed the off-licences in the area which were open later than the proposed application. The applicant had consulted with the Responsible Authorities and they had not raised any objection to the proposal. It was felt that the hours of operation proposed were reasonable with regard to residential amenity. Mr Zeloof highlighted the makeup of the Truman Brewery site and the current lack of restaurants. It was evident that the restaurants in the area caused very little crime as shown by the Police statistics. The site was located off the public highway and the design acted as a buffer to residential properties. Environmental Health were satisfied with the acoustic report and there was a proposed condition to limit the number of people outside with no patrons eating outside after 10.30pm. It was anticipated there would be a staggered egress from the premises and there would be ample toilet provision. Mr Zeloof also highlighted the excellent Public Transport Accessibility Level.

The applicant had attended a meeting with the residents to address their concerns and the wider issues around the Truman Brewery site.

### Objectors' case

John Critchley (local resident) addressed the Sub-Committee to raise objections. He welcomed the recent meeting between the applicant and the residents and the commitment from the applicant to meet every two months to discuss concerns. However it was felt that the area was saturated and was a Police black spot for crime and anti-social behaviour. He estimated that, based on 40% occupancy of the restaurants, an extra 400 people would be coming into the area each week. Additional patrons would add to the burden of anti-social behaviour and potential for criminal behaviour. He was concerned that there were 5 more applications pending for premises in the area and he felt that these were speculative applications, being made before a Saturation Policy was implemented in the area. He asked that the Sub-Committee refuse the application on these grounds.

Jane Curtis (local resident) addressed the Sub-Committee to raise objections. She was a resident very close to the gates to the site and people could only access the site through those gates. She was concerned that the proposed premises was adjacent to a lively and problematic bar and would add to the general ambience of drinking and partying.

Ms Curtis understood the Sub-Committee's constraints and asked that if the application was granted, that consideration be given to reducing the hours of

operation in the outside area. It was felt that 10:30pm was too late and that there were potentially too many people late night drinking. Ms Curtis was also concerned about dispersal. It was suggested that the gates be closed earlier than 12 midnight and the example of Spitalfields Market was given, which gates shut at 11pm.

#### Members' questions

The Sub-Committee asked the local residents to respond to the point that the Responsible Authorities had raised no objection to the application. It was also noted that the Council did not currently have a Saturation Policy in place. This was currently being consulted on and even if adopted by the Council, applications would still have to be considered on their own individual merits. Therefore it might not resolve all residents' concerns about the area.

Mr Critchley acknowledged that the Responsible Authorities had to look at each individual application, whereas he felt that the residents could see the wider picture. He hoped that the implementation of a dispersal zone in the next few weeks would help the situation.

Members expressed concern that the application proposed more covers outside than inside and asked the applicant to clarify this point. In response, Mr Zeloof advised that he wanted to change the nature of the area and move away from bars/clubs to restaurants. He felt that the proposal would calm the area and improve its quality.

Members noted the residents' concerns about the wider area but asked for their specific objections to the application in question. They must balance the needs of the residents against the needs of the small businesses in the area. In response Mr Critchley and Ms Curtis advised that they were disturbed by the noise and the general ambience of the area. It was felt that the hours of operation should be reduced. There was concern that the restaurants would attract further partying, drinking and noise.

Members asked the applicant to clarify what assurances he could offer local residents that the restaurants would not further impact on noise nuisance. Mr Zeloof offered to limit the hours of operation of the external seating area to 10pm.

#### Consideration

In reaching their decision, Members had regard to the Licensing Act 2003, the Licensing Guidance and the Council's own statement of Licensing Policy.

Members considered all the evidence including the representations from the local residents and the applicant. Members noted that no objections had been received from the Responsible Authorities. They could only consider the application before them on its own merits and not the other Truman Brewery sites. Based on this, they did not believe that the application would create a nuisance and unanimously agreed that it should be granted, with the revision

to the condition relating to limiting the use of the public seating area to 10:00pm.

Nevertheless they noted the concerns relating to the adjoining bar and suggested that the applicant erect a partition between the outdoor seating area of the bar and the adjacent restaurant. Members also urged the applicant to continue working with the local residents.

Accordingly, the Sub-Committee unanimously **RESOLVED**

That the application for a new premises licence for Unit TG-003, Ely's Yard, Ground Floor, Block T, The Old Truman Brewery, 91 Brick Lane, London E1 6QJ be **GRANTED** for the following activities (subject to the conditions below and the mandatory conditions imposed by law):

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10. Any spillages of food or drink in the Premises will be cleaned up as soon as they are noticed by staff.
11. Noise emanating from the Premises shall not be audible at the nearest affected residential façade.
12. Noise emanating from the Premises shall not cause a public and/or statutory noise nuisance to the nearest affected business/commercial premises.
13. There shall be no off-sales of alcohol.
14. Alcohol may only be served accompanies by a meal.
15. A CCTV camera shall be installed in the Premises to capture the standard 'head and shoulders' of people entering the Premises through the main entrance on Dray Walk. CCTV cameras shall also be installed covering the external seating areas of the Premises. All CCTV recordings shall be stored for a minimum of 31 days with date and time stamping, and shall be made available upon request of the Police.

**5. ANY OTHER BUSINESS THAT THE CHAIR CONSIDERS URGENT**

Nil items.

**6. EXCLUSION OF THE PRESS AND PUBLIC**

**RESOLVED**

That, under the provision of Section 100A of the Local Government Act, 1972 as amended by the Local Government (Access to Information) Act 1985, the Press and Public be excluded from the meeting on the grounds that it contains information defined as exempt in Part 1 of Schedule 12A to the Local Government Act 1972.

**7. EXEMPT ITEMS FOR CONSIDERATION**

**7.1 Application for A Personal Licence - Mr Shajhan Ahmed**

This item was considered in closed session.

**RESOLVED**

That the application for a personal licence be **REFUSED**.

The meeting ended at 7.37 p.m.

Chair, Councillor Peter Golds  
Licensing Sub Committee