

LONDON BOROUGH OF TOWER HAMLETS

RECORD OF THE DECISIONS OF THE LICENSING SUB COMMITTEE

HELD AT 6.30 P.M. ON TUESDAY, 28 FEBRUARY 2017

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

Members Present:

Councillor Dave Chesterton (Member)
Councillor Peter Golds (Member)
Councillor Khaled Uddin Ahmed (Member)

Officers Present:

Kathy Driver	– Senior Licensing Officer
Corinne Holland	– Licensing Officer
Vivienne Walker	– Legal Services
Charles Yankiah	– Democratic Services

1. DECLARATIONS OF DISCLOSABLE PECUNIARY INTEREST

No declarations of disclosable pecuniary interests were declared.

2. RULES OF PROCEDURE

The Rules of Procedure were noted by the Sub Committee.

3. ITEMS FOR CONSIDERATION

3.1 Licensing Act 2003: Application for a New Premises Licence for (Tea Leaf London), 65 Roman Road, E2 0QN APPLICATION WITHDRAWN

The Chair informed the meeting that the application had been withdrawn.

REQUEST TO CHANGE THE ORDER OF BUSINESS

The Sub Committee received a request from Mr Freedman (Objector) to change the order of business to allow Item 3.3 Licensing Act 2003 Application for a New Premises Licence for Time Out Market, 106 Commercial Street, E1 6LZ to be considered as the next item on the agenda.

The Sub Committee considered the request and agreed to change the order of business and consider Item 3.3 Licensing Act 2003 Application for a New Premises Licence for Time Out Market, 106 Commercial Street, E1 6LZ to be considered as the next item on the agenda.

3.2 Licensing Act 2003 Application for a New Premises Licence for Time Out Market, 106 Commercial Street, E1 6LZ

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. Prevention of Public Nuisance; and
4. The Protection of Children from Harm

Consideration

Each application must be considered on its own merit. The Sub Committee has carefully considered all of the evidence before them and considered written and verbal representation on behalf of the applicant and the objectors with particular regard to the licensing objections of prevention of public nuisance and the prevention of crime and disorder.

In addition Members took note of the Home Office guidance which states that "where there are objections to an application to extend the hours during which licensable activities are to be carried on and the licensing authority determines that this would undermine the licensing objectives, it may reject the application or grant it with appropriate conditions and/or different hours from those requested".

Mr Gareth Hughes (applicant's representative) requested that the "Resident Observations London" contained in the Supplementary Pack from pages 70-79 that had been "redacted" be re-circulated to the Sub Committee to be considered in support of their application.

The Chair, Councillor Peter Golds sought the advice of Vivienne Walker (Legal Services) who advised the Sub Committee that the information should be circulated to the Sub Committee for consideration during the deliberations.

Members then heard from Mr Gareth Hughes (applicant's representative) who informed the Sub Committee that the premises already had two existing licenses in place and the licence holders were prepared to surrender their

licences if the application were to be granted. The application was for a fine dining restaurant with 17 kitchens providing a family friendly environment with local artists' demonstrations and involving local residents similar to the offer at the Lisbon Branch. The applicant met with local residents on about 5 occasions and listened to their concerns and as a result proposed 6 new conditions as follows: -

- Condition 24 – The sale by retail of alcohol will be ancillary to food throughout the building, with the following exceptions –
 - Before 9pm, the ground floor area cross hatched black (on the recently served plan)
 - The basement area cross hatched black (on the recently served plan)
- Condition 25 – The premises licence holder shall ensure that any patrons smoking outside the premises after 9pm are limited to the area cross hatched blue on the ground floor plan and are supervised by staff so as to ensure that there is no public nuisance or obstruction of the public highway.
- Condition 26 – Notices shall be prominently displayed at any area used for smoking requesting patrons to respect the needs of local residents and use the area quietly.
- Condition 27 – There will be at least three (3) Time out Ambassadors employed at the premises whose duties are solely to assist in promoting the four licensing objectives. They will be fully trained in respect of all aspects of the premises licence. They will assist the Time out Market Operations Team monitor and manage customers' behaviour.
- Condition 28 – A direct telephone number for the managers 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.
- The licence holder shall meet with local residents not less than once every month (as required by the local residents).

Mr Hughes informed the Sub Committee that Mr Souillat (applicant) and Ms Parrish (Commercial Director) had significant experience between them in the restaurant business and that was supported by various letters of support from leading Chefs and restaurants in the London area, Trip Advisor feedback (Time Out Market, Lisbon), design and access statements, concept visuals and plans, an acoustics report, an operational management statement, a report from Mr Adrian Studd (former Chief Inspector with the Metropolitan Police), market design statement, market transport statement, statement of community engagement, a customer journey and a risk assessment and fire evacuation plan. Mr Hughes also referred to the quality of the documentation

that had been submitted on behalf of the applicant, together with all the policy and design plans.

Members heard representations from Mr Edwards, Mr Wheeler, Ms Kay and Mr Jenkins who each referred to their own experiences of the area and the existing premises together with the following concerns: -

- Residents fear that the inevitable failure of the fine dining operation will be followed by the conversion of the entire premises to a full on bar;
- It will be one of the largest bar operations in London, entirely contrary to licensing policy in the area;
- The prospect of approximately 450 drinkers exiting onto the street at closing time, right on a very busy road junction, is quite horrendous;
- The proposed operation offers just 6 female toilets, 2 male toilets and 4 urinals which is hopelessly below the building regulation standards;
- The problems with urination in the local streets is well documented and can only be made worse by such a larger bar operation with such a low standard of sanitation;
- All deliveries will also use the same entrance as the 2,000 daily customers and at the same time during normal opening hours;
- This poses a real danger to public safety and certainly does not fit with the idea of a fine dining experience;
- There are 3 escape routes from the premises, in the event of a fire any one of these must be discounted so the other 2 must be able to accommodate the numbers to be evacuated;
- There is only one 3-foot wide staircase available to customers between the 1st and 2nd floors;
- The kitchen extract duct to serve all 17 restaurants is proposed to be mounted externally above the roof with a high velocity discharge directed at many residential properties to the south of the site;
- The noise created by this badly designed ventilation strategy will cause a serious public nuisance;
- Time Out's acoustic consultant has made recommendations on how to minimise this noise but their architects have not incorporated these recommendations into their scheme;
- There has been an increase of a massive proliferation of clubs, pubs, restaurants and licensed premises in the area over the last 5 years;
- This increase has caused more and more anti-social behaviour on the street outside their homes;
- Woken up by drunken people regularly, screaming, singing and arguing loudly on the streets;
- Plagued by broken glass, signs of urination and vomit in the gardens;
- The premises is landlocked on all 4 sides by residential properties;
- Many properties have living and sleeping spaces which are directly adjoining the former stable walls of the site;
- The entrance is meant to be able to cope with the expected 2,000 + daily visitors;
- Smokers will use the already congested narrow pavement outside the premises;

- The noise and disorderly behaviour that will be generated by over 2,000 customers a day together with the waste collections, food and drink deliveries will be unbearable; and
- The Cumulative Impact Zone (C.I.Z) policy exists for a particular reason in relation to the Brick Lane area and this application is within that area.

On questioning from members the applicant confirmed that the C.I.Z was a rebuttable presumption and that there was no representations from any of the Responsible Authorities and that the evidence presented by Mr Studd shows that the operation of the restaurant would not contribute to the crime and disorder in the area. The number of people visiting the premises based upon 450 seats is within the region of 2,000 people per day when it is busy. The restaurants will be offering 16 types of food with a “buzzer” option for when the food order is placed. There are seats on every floor, so there will be very little traffic between floors and the space is family oriented. The restaurant will operate properly with street marshals monitoring the behaviour of people on the streets and will not have an impact on the area and the number of people entering and leaving the premises.

Members took into account and considered representations made by local residents and the “Resident Observations London” contained in the Supplementary Pack from pages 70-79 as requested by Mr Hughes. Members considered the amended application with the proposed conditions by the applicant and the impact of the application on the local area and the Licensing Objectives as it related to the prevention of crime and disorder, public safety, prevention of public nuisance and the protection of children from harm. Members also considered the impact on the CIZ and were concerned that the premises is landlocked on all four sides and overlooks residential properties and that it would be difficult to deal with crowds and control crime and disorder in the area due to the increase in number of people that would be visiting the premises on a daily basis.

Therefore considering all of the above, Members decided to REFUSE the application.

Decision

Accordingly, the Sub Committee unanimously –

RESOLVED

That the application for a New Premises Licence for Time Out Market, 106 Commercial Street, E1 6LZ be REFUSED.

3.3 Licensing Act 2003: Application for a New Premises Licence for Hub by Premier Inn, Silvex House, Quaker Street, E1 6SN

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. Prevention of Public Nuisance; and
4. The Protection of Children from Harm

Consideration

Each application must be considered on its own merits. The Sub Committee has carefully considered all of the evidence before them and considered written and verbal representation on behalf of the applicant and the objectors with particular regard to the licensing objectives of prevention of public nuisance and the prevention of crime and disorder.

In addition Members took note of the Home Office Guidance which states that "where there are objections to an application to extend the hours during which licensable activities are to be carried on and the licensing authority determines that this would undermine the licensing objectives, it may reject the application or grant it with appropriate conditions and/or different hours from those requested".

Members heard from Mr John Gaunt (applicant's representative) there are over 750 Premier Inns nationally that are licensed for residents and non-residents. There is an approach for licenses to be consistent in all if its hotels together with offering a warm and clean environment. This premises will consist of 246 beds and will cost approximately £30m and will create a number of jobs locally. It is intended that the developers will be on site by October 2017 and that the hotel will open in June 2019. The ground floor of the hotel will consist of a lobby and a permanently "manned" reception area and a restaurant area for 87 covers. The applicant is experienced with building the Premier Inn brand and is fully aware of the noise sensitivity and the residents and non-residents offer of both food and alcohol. The hotel will be open to non-residents from 6:00 hours to 23:00 hours who can only access the food and beverage area. Residents of the hotel are issued with a purple swipe card and can gain access to hotel floors and bedrooms and between 23:00hours and 6:00hours. There are no representations from the Responsible Authorities and only 4 local residents have raised concerns regarding the off-sales of alcohol, but this has now been clarified.

When Members questioned about the number of people that would be entering and leaving the premises on a daily basis, Mr Gaunt informed the Sub Committee that the non-residents usually average between 5-10 people every day at the hotel's other locations and that those people would usually be meeting a guest at the hotel or local residents walking by and coming in for a drink or a sandwich. A bar/restaurant will be on the ground floor but there are no promotions, or Christmas lunches or happy hours. There is no set menu or anything like that available at the premises. Breakfast is served and lunch but no evening meal.

Members took into account the written representation made by a local residents and the responses provided by Mr Gaunt when questioned by the Sub Committee.

Therefore considering all of the above, Members decided to GRANT the application for a new Premises Licence.

Decision

Accordingly, the Sub Committee unanimously –

RESOLVED

That the application for a New Premises Licence for Hub by Premier Inn, Silvex House, Quaker Street, E1 6SN be GRANTED.

The Sale by retail of alcohol (On and off sales)

- Monday to Sunday, from 10:00 hours to 23:00 hours

The provision of regulated entertainment – Indoors

(Films only)

- Monday to Sunday, from 10:00 hours to 23:00 hours

Non-standard timings

- On New Year's Eve, permitted hours from 10:00 hours to 23:00 hours on New Year's Day
- The premises shall remain open to permit the sale of alcohol, provision of late night refreshment and the provision of films to hotel residents 24 hours a day.

Note: the off sale of alcohol is limited to the resident's bedrooms only

The opening hours of the premises

- Monday to Sunday, from 06:00 hours to 23:30 hours

Non-standard timings

- On New Year's Eve, permitted hours from 10:00 hours to 23:30 hours on New Year's Day
- The premises shall remain open 24 hours a day for hotel residents.

All conditions identified in the Operating Schedule shall be retained as follows: -

- 1.1 The use of door staff will be risk assessed on an ongoing basis by the licence holder of premises supervisor. Where engaged, door staff shall be licensed by the Security Industry Authority.
- 1.2 Alcoholic and other drinks may not be removed from the premises in open containers save for consumption in the hotel bedrooms.
- 1.3 Staff will receive training on matters concerning underage sales, drugs policies and operating procedures.
- 1.4 There shall be a zero tolerance policy in relation to drugs at the premises and there shall be regular checks by management to prevent the use of drugs by patrons. Drugs seized shall be stored securely and handed to the police.
- 1.5 The premises shall operate a proof of age scheme and will require photographic identification from any person who appears to be under the age of 21 years.
- 1.6 The management of the premises will liaise with police on issues of local concern or disorder.
- 1.7 There shall be no drinks promotions at the premises which are inconsistent with the need to promote responsible drinking.
- 1.8 Where appropriate, prominent, clear and legible notices shall be displayed at all exits requesting the public respect the needs of local residents and to leave the premises and area quietly.
- 1.9 Patrons will be encouraged by staff to leave quietly and respect the interests of the occupiers of any nearby noise sensitive premises; where appropriate the licensee or a suitable staff member will monitor patrons leaving at the closing time.
- 1.10 Noise or vibration shall not emanate from the premises so as to cause a nuisance to nearby properties.
- 1.11 Contact numbers for local taxi firm(s) shall be kept at the premises and made available to patrons requiring a taxi.
- 1.12 There shall be adequate controls in place including staff training to safeguard against the sale of alcohol to persons under 18 years
- 1.13 Policies in relation to children shall be adequately communicated to patrons by staff or through appropriate signage.

The following conditions in consultation with the Responsible Authorities/other persons shall also apply:

- 1.1 Environmental Health (Noise) has agreed the following with the applicant:
- 1) No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
 - 2) Loudspeakers shall not be located in the entrance lobby or outside the premises building.
 - 3) All windows and external doors shall be kept closed after 21:00 hours, or at any time when regulated entertainment takes place, except for the immediate access & egress of persons.”
- 1.2 Met Police has also agreed the following with the applicant:
- 1) The CCTV system shall incorporate a recording facility and any recordings shall be retained and stored in a suitable and secure manner for a minimum of 31 days. A system shall be in place to maintain the quality of the recorded image and a complete audit trail maintained. The system will comply with other essential legislation, and all signs as required will be clearly displayed. The system will be maintained and fully operational throughout the hours that the premises are open for any licensable activity.
 - 2) There must also be someone on the premises, who can download the images and present them on request by a police officer or other responsible authority whilst ever the premises are open to non-residents and otherwise within a reasonable period”. The applicant has amended the application to permit the off-sale of alcohol to the bedrooms only

4. EXTENSION OF DECISION DEADLINE: LICENSING ACT 2003

The Sub Committee agreed the following Extension of Decision Deadlines according to the Licensing Act 2003:

Premises	Type of Licence	Consultation deadline	Hearing date	Decision deadline	Decision deadline extended to
Trade Union Grand Union Company Ltd. Units 1, 2 and 3, Thomas More Square E1W 1YN	Variation	03/02/17	14/03/17	03/03/17	14/03/17

Phoenix Off Licence 104 East India Dock Road E14 03B	New	11/02/17	14/03/17	10/03/17	14/03/17
Mile End Park Burdett Road E3	New	20/02/17	28/03/17	20/03/17	28/03/17
Renegade London Wine 12 Gales Gardens E2 0EJ	New	08/02/17	28/03/17	08/03/17	28/03/17
Sakana Sushi Unit E 43a Commercial Street E1 6BD.	New	20/01/17	Adjourned from 14/02/17 to 11/04/17	17/02/17	11/04/17
Poplar Union 2 Cotall Street E14 6TL	New	23/01/17	Adjourned from 14/02/17 to 11/04/17	20/02/17	11/04/17

The meeting ended at 8.45 p.m.

Chair, Councillor Peter Golds
Licensing Sub Committee