

LONDON BOROUGH OF TOWER HAMLETS**MINUTES OF THE LICENSING SUB COMMITTEE****HELD AT 2.00 P.M. ON MONDAY, 26 FEBRUARY 2018****THE COUNCIL CHAMBER, TOWN HALL, MULBERRY PLACE, 5 CLOVE
CRESCENT, LONDON, E14 2BG****Members Present:**

Councillor Rajib Ahmed (Chair)
 Councillor Peter Golds
 Councillor Khaled Uddin Ahmed

Officers Present:

Nicola Cadzow	–	(Environmental Health Officer)
Corinne Holland	–	(Licensing Officer)
Catrina Marshall	–	(Licensing Officer)
Vivienne Walker	–	(Senior Prosecution Lawyer)
Simmi Yesmin	–	(Senior Committee Officer, Democratic Services)

Representing applicants	Item Number	Role
Altamasul Islam Khan	4.1	Applicant
Mir Haque	4.1	Applicant's Representative

Representing objectors	Item Number	Role
David Cunningham	4.1	Resident
David Donoghue	4.1	Resident
David Masters	4.1	Waste Enforcement Team
Andrew Mann	4.1	Waste Enforcement Team

Apologies

None

1. DECLARATIONS OF DISCLOSABLE PECUNIARY INTEREST

None

2. RULES OF PROCEDURE

The rules of procedure were noted.

3. MINUTES OF THE PREVIOUS MEETING(S)

The minutes of the meeting were agreed and approved as a correct record.

4. ITEMS FOR CONSIDERATION**4.1 Application for a Variation Premises Licence for Suito, 90 Brick Lane, London E1 6RL**

At the request of the Chair, Ms Catrina Marshall, Licensing Officer, introduced the report, detailing the variation application for Suito, 90 Brick Lane, London E1 6RL. It was noted that objections had been received by the Licensing Authority, Environmental Health and local residents.

It was noted that there were some discrepancies in the report and confirmed that there had been no conditions agreed with the Police as stated in the report.

At the request of the Chair, Mr Mir Haque, representative on behalf of the applicant explained that they were applying for a variation application and seeking additional hours for the sale of alcohol and late night refreshments. He explained that complaints had been received previously due to the Temporary Event Notice applications they had had in the past.

It was noted that the reason for this application was due to customer demand and customers wanted them to remain open for longer.

He said that they have had problems with waste disposal and as a result incurred a number of fines but this had now been resolved after meeting with the waste enforcement team who had showed them how to dispose of waste/rubbish correctly. It was noted that since December 2017 there have been no fines issued. It was also noted that all staff had been trained now and were correctly disposing waste/rubbish.

Mr Haque concluded that there would be no noise issues as loud music would not be played at the premises and there would be no touting.

At the request of the Chair, Ms Corinne Holland, Licensing Officer raised concerns about the repeated number of complaints that had been received from local residents. It was noted that a complaint was received from a resident on 28/03/16 regarding noise at the premises until 4.30am when a TEN had been applied for.

Ms Holland stated that the Licensing Authority was making representation against this application on the grounds of the prevention of crime and disorder and the prevention of public nuisance as the premises are within the CIZ and complaints were received when the licence has been extended by a TEN. She said that there was nothing to show that the increased hours applied for would not add to the cumulative impact already being experienced in the area. Ms Holland concluded that the applicant continually flouts the law despite

receiving a large number of fixed penalty tickets and this was not how a responsible business would operate.

Members then heard from Nicola Cadzow, Environmental Health Officer, who explained that within the last twelve months to the date of this application there has been noise complaints when TENS had been granted until 01.30hours due to behaviour of people arriving, leaving, drinking and congregating outside the premises. She expressed that there would be noise breakout from the venue affecting neighbouring residents, noise from access and egress to and from the venue by patrons especially when in high spirits.

Members then heard from local residents, Mr David Donoghue and Mr David Cunningham who expressed similar concerns about the anti-social behaviour from patrons leaving the premises, the fact it was in close proximity to residential properties, and the noise emanating from the premises, with people congregating outside the premises causing public nuisance and disturbance. They expressed serious concerns of the applicant's history of non-compliance and were of the view that the hours applied for were excessive.

In response to questions the following was noted;

1. That there was 32 covers in the basement level and 16 covers on the ground level.
2. That since they had been trained on waste management the premises has not received any further fines.
3. That they needed a licence for off sales only for takeaway delivery services.
4. That they would no longer have big events or loud music.
5. That there had been no complaints regarding the premises when there have been no TENS.
6. That the applicant was happy to accept a condition to limit the number of people in the premises to 32 people at any one time and for alcoholic drinks to be sold ancillary to food only.
7. The applicant said that in order to rebut the CIZ policy he would have CCTV cameras, the challenge 25 policy, a booking system so they know is coming and not have more than 32 customers at the premises at any one time and last entry of customers would be at 00.30hours.

Members adjourned the meeting at 3.25pm to deliberate and reconvened at 3.55pm.

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 licencing 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 had carefully considered all of the evidence before them and listened to the verbal representations made on behalf of the Applicant and by the objectors present at the meeting.

In reaching the decision Members gave particular regard to the Licensing Objective of the Prevention of Public Nuisance and the Prevention of Crime and Disorder. Members were very concerned about the number of times the premises had been issued fixed penalty fines by the waste enforcement team for illegally discarding rubbish. However, it was noted that management and staff had undergone training by the waste enforcement team on how to dispose of rubbish correctly and as a result of this there have been no more fines since December 2017.

Members noted the fact that the premises are within the Cumulative Impact Zone and had previously had complaints when they have had TEN applications granted but Members were assured by the Applicant that they would no longer apply for TEN application and that the premises would only be used as a restaurant for food and drinks with no form of regulated entertainment.

Members welcomed the agreement from the Applicants that they would limit the number of people allowed on the premises after midnight and would also stop customer entry at 00.30 hours.

Members felt that it was not proportionate to reject the application in its entirety however understand the concerns raised in relation to public nuisance and CIZ and therefore decided to grant the licence in part to allow the extended hours on the weekends only with conditions.

Members also noted the serious concerns raised about customers drinking outside the premises, and causing public nuisance, therefore Members believed that a condition to restrict the supply of alcohol at the premises only to a person seated taking a table meal by a waiter/waitress service would help alleviate some of the concerns raised by the Responsible Authorities and local residents.

Therefore Members made a decision and the decision was a majority decision. Members granted the application with conditions to help promote the licensing objectives.

Councillor Peter Golds abstained from voting.

Accordingly, the Sub Committee

RESOLVED

That the application for a Variation of the Premises Licence for Suito, 90 Brick Lane, London E1 6RL be **GRANTED IN PART** with conditions imposed.

The hours on the premises licence to be **modified** on Fridays and Saturdays to the following;

Sale of Alcohol (on sales only)

Fridays and Saturdays from 12:00 hrs to 01:00 hrs (the following day)

The Provision of Late Night Refreshments

Fridays and Saturdays from 23:00 hrs to 01:00 hrs (the following day)

Hours premises Open to the Public

Fridays and Saturdays from 12:00 hrs to 01:30 hrs (the following day)

Amendments to existing conditions

Condition 1 from Annex 2 of the Premises Licence to be replaced with the following condition

The supply of alcohol at the premises shall be to a person seated taking a table meal there and for consumption by such a person as ancillary to their meal.

Condition 2 from Annex 3 of the Premises Licence to be replaced with the following condition

Waste materials shall not be placed in the external bins during the hours (01:00 hours to 07:00 hours the following day)

Conditions

1. The supply of alcohol shall be by waiter or waitress service only
2. There shall be no off sales of alcohol from the premises
3. No more than 32 people (excluding staff) should be allowed on the premises after 00:00 hours (midnight)
4. Last customer entry will be 00:30 hours (the following day)
5. A Challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised

photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.

6. A record shall be kept detailing all refused sales of alcohol. The record should include the date and time of the refused sale and the name of the member of staff who refused the sale. The record shall be available for inspection at the premises by the Police or an authorised officer at all times whilst the premises are open.
7. 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 an authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.
8. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
9. All children must be accompanied by adults

4.2 Application for a New Premises Licence for Chupeton Ltd, 61-63 Old Bethnal Green Road, London E2 6QA

This item had been resolved prior to the meeting.

5. EXTENSION OF DECISION DEADLINE: LICENSING ACT 2003

There were no applications that required deadline extensions.

6. EXCLUSION OF PRESS AND PUBLIC

The Chair exercised his power to exclude the press and public from the meeting.

7. RESTRICTED MINUTES OF THE PREVIOUS MEETING(S)

The restricted minutes of the Licensing Sub Committee meetings held on 6th & 26th October and 1st November 2017 were agreed as a correct record of proceedings.

The meeting ended at 4.00 p.m.

Chair, Councillor Rajib Ahmed
Licensing Sub Committee