

**LONDON BOROUGH OF TOWER HAMLETS**  
**MINUTES OF THE LICENSING SUB COMMITTEE**  
**HELD AT 6.40 P.M. ON TUESDAY, 31 JULY 2018**

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

**Members Present:**

Councillor Dan Tomlinson (Chair)  
Councillor Shah Ameen  
Councillor Zenith Rahman

**Officers Present:**

Mohshin Ali	– (Senior Licensing Officer)
Kathy Driver	– (Principal Licensing Officer)
Vivienne Walker	– (Senior Prosecution Lawyer)
Simmi Yesmin	– (Senior Committee Officer, Democratic Services)

<b>Representing applicants</b>	<b>Item Number</b>	<b>Role</b>
Anthony Edwards	3.1	Legal Representative
Ahsan Ali	3.1	Applicant
Davin Veres	3.1	Applicant
Lana Tricker	3.2	Applicant
Beth Gallagher	3.2	Applicant

<b>Representing objectors</b>	<b>Item Number</b>	<b>Role</b>
Ali Azad	3.1	Local Resident
Hussain Ahmed	3.1	Local Resident

**Apologies**

None

**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 Application for a New Premises Licence for INS (formerly Shaad/Sheraz Restaurant), 13 Brick Lane, London E1 6PU**

At the request of the Chair, Mr Mohshin Ali, Licensing Officer, introduced the report, which detailed the application for a new premises licence for INS, 13 Brick Lane, London E1 6PU. It was noted that objections had been received from local residents and on behalf of the Local Authority.

At the request of the Chair, Mr Anthony Edwards, Legal Representative on behalf of the Applicants explained that the Applicants had good knowledge and experience of trading in the Brick Lane area. It was noted that the Applicant also had another premise in the local area, The Verge, which was fully compliant and had not had any complaints since it's been operating. Mr Edwards further explained that this premise would be much more of a food led venue envisaging food to be 40% of the turnover. He then referred to a supporting letter from East End Tours, which highlighted the benefits of this premises if a licence was to be granted.

Mr Edwards asked Members to note the conditions proposed on the operating schedule which had been updated to include the proposed conditions from the Environmental Health Noise Team. Mr Edwards stated that the concerns raised by residents were speculative and not specific to the premises. He explained that there would be no regulated entertainment, they would be selling premium food, there would be no off sales, and sanitation facilities available for customers and did not anticipate any queuing outside the premise as bookings would be made in advance. It was also noted that there would be a dedicated taxi service and a condition to limit the number of smokers. Mr Edwards stated that there were hotel rooms directly above the premises and therefore it would not be in their interest to cause any nuisance inside or outside the premises.

The implications of the Cumulative Impact Zone (CIZ) was noted and it was explained why they did not feel that by granting this application there would be a negative impact on the area. Mr Edwards referred to the CIZ map which detailed the crime hotspot areas and explained that the premises was not placed in the area of concern.

At the request of the Chair, Ms Kathy Driver, Licensing Officer representing the Licensing Authority explained that this premises was within the CIZ, she explained that although the premises were proposing to offer food at all times there is no volunteered condition offering alcohol only ancillary to food and hence the premises is more likely to turn into a drinking establishment.

It was noted that the premises was previously a restaurant and previously not had a condition that alcohol was ancillary to food, however there were

concerns what would happen after 11pm as there was a chance this could operate as a bar. Ms Driver welcomed the conditions offered by the Applicants but concerns above remained and therefore the Applicant had not been able to meet the rebuttable presumption.

Members then heard from local residents Mr Ali Azad and Mr Hussain Ahmed who both expressed similar concerns of anti-social behaviour, crime and disorder and public nuisance in the area, with particular regard to the ASB that can be fuelled by alcohol consumption. There was also reference to the likelihood of an increase in public urination, defecation and vomiting if a licence was to be granted.

In response to questions the following was noted;

- That the premise would be a gastropub, food led and after 11pm there would be a bar menu.
- That alcohol would be an integral part of the business.
- There were 10 rooms directly above the premises which operated as a hotel so it would be in the Applicants interest to limit any public nuisance.
- There would be 50 covers at the premises
- There would be a dedicated taxi service available for customers, cars would park right outside the premises to collect customers.
- That the operating schedule consisted of conditions that addressed the concerns raised by residents.
- There were adequate toilet facilities within the premises and therefore there wouldn't be a need for the customers of INS to urinate outside.
- That large groups of men wouldn't be allowed on the premises and they would not sell to intoxicated persons.
- That the role of SIA staff would be to help customers leave the area safely and quietly.
- That there were no objections from the Police or Environmental Health.

In summation Ms Kathy driver highlighted the fact that the premises was within the CIZ, and there were serious concerns from residents in terms of public nuisance and crime and disorder.

Mr Edwards concluded by stating that the Police have a responsibility to object and they hadn't as all concerns had been addressed. He explained that the premises would enhance the area by bringing in tourists into the area to experience the real East End of London.

Members adjourned the meeting at 7.45pm for deliberations and reconvened at 8.25pm.

### **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 has carefully considered all of the evidence before them and considered written and verbal representation from both the applicant and his representative and the Licensing Authority and resident objectors with particular regard to all four licensing objectives of the prevention of public nuisance, the prevention of crime and disorder and the protection of children from harm and public safety.

The Sub-Committee noted that the premises in question are situated in the cumulative impact zone and when a representation is received, the licence will be refused. However the effect of this special cumulative impact policy is to create a rebuttable presumption.

The Sub-Committee noted that the applicant can rebut the presumption if they can demonstrate that their application for a premises licence would not undermine any of the four licensing objectives.

The Sub-Committee considered that the onus lay upon the applicant to show this through the operating schedule, with appropriate supporting evidence that the operation of the premises, if licensed, would not add to the cumulative impact already being experienced.

The Sub-Committee noted that the cumulative impact of the number, type and the density of licensed premises in the area may lead to serious problems of nuisance and disorder; and that the cumulative impact zone did not act as an absolute prohibition on granting or varying new licences within that zone.

The Sub-Committee noted the written representations made by objectors and also heard oral representations from the Licensing Authority and resident objectors regarding the impact of the premises on the Cumulative Impact Zone. The Sub-Committee noted objectors' concerns relating to the existing levels of noise nuisance and anti-social behaviour; and noted objectors' concerns about increased noise nuisance, impact upon family environment, and the likely increased numbers of clientele in the area if the application were to be granted, and thereby the likely impact on the cumulative impact zone.

The Sub Committee noted the applicant's representation that the impact of the premises licence if granted, would be mitigated by the proposed conditions agreed with responsible authorities and the conditions offered in

the operating schedule. However, the Sub Committee heard no evidence that rebutted the presumption of the CIZ. Members acknowledged that the applicant had explained how they would manage the noise from the music etc. but unable to demonstrate how they would manage the noise from crowds leaving the premises.

The Sub-Committee was concerned about the close proximity of the venue to residential properties and the impact this would have on residents when potentially groups of people would be attending and leaving the venue at one time and noted that although the dispersal policy covered the people leaving the premises there was not sufficient measures in place for when they are out of the venue and spilling into residential streets who would then be leaving to go into the area which already experiences a high volume of crime and disorder, public nuisance and anti-social behaviour.

The potential increased footfall arising from any grant of the application in this instance requires a particularly robust operating schedule, which should demonstrate particular measures at the premises to address the likely impact of increased clientele and potential alcohol fuelled disorder arising there from. The Sub-Committee was not satisfied that the operating schedule as presented at the Sub-Committee meeting met that requirement.

Members were not satisfied that an establishment of this type notwithstanding the conditions offered would not have a negative impact on the Cumulative Impact Zone. Therefore the Sub Committee were of the view that the applicant had failed to successfully demonstrate that they had rebutted the presumption against granting a premises licence for a premises situated in a cumulative impact zone, in that it was considered the applicant failed to demonstrate that their application for a premises licence would not undermine any of the four licensing objectives.

Accordingly, the Sub Committee unanimously

### **RESOLVED**

That the application for a New Premises Licence for INS, 13 Brick Lane, London E1 6PU be **REFUSED**

### **3.2 Application for a New Premises Licence for (Redchurch Town House) 56 Redchurch Street, London E2 7DP**

At the request of the Chair, Mr Mohshin Ali, Licensing Officer, introduced the report, which detailed the application for a new premises licence for Redchurch Town House, 56 Redchurch Street, London E2 7DP. It was noted that objections had been received from the Local Authority.

At the request of the Chair Ms Lana Tricker, Licensing Representative on behalf of the Applicant explained that the Applicant was seeking a new licence to replace two existing licences at the premises which would be surrendered if the application was to be granted. It was noted that the premises was located

in the CIZ. She explained that no residents had objected to this application and nor had the Police or Environmental Health. She explained that it was a £9 million scheme, for an exclusive hotel and lounge area. It was noted that there was currently 16 rooms which would be increased to 37 rooms with a 24 hour service. Rooms were premium priced and therefore not likely to generate nuisance. It was further noted that the ground floor would be operating as a lounge and would be open to the public. The lounge would be operating under the Cecconi's brand which has three other late night venues which have no concerns.

Ms Tricker stressed the fact that if this application was to be granted they would not be adding to the CIZ, as they would be surrendering two existing licences currently at the premises and the new licence would be combined into the one sole licence with modernised conditions and there would be no off sales. It was noted that the current licence for Lounge Lover had 175 covers and the new restaurant/lounge would have 110 covers and therefore a reduction in capacity. It was also noted that it was food led, heavily staffed and would have a pre-booking system operating. Ms Tricker stated that there would be no activity on the streets and smokers would be limited to 15 people at any one time. Those frequenting the hotel would be private members so the members would be known to the management. She concluded that there had been no representation from the Police, Environmental Health or local residents.

Members then heard from Ms Kathy Driver who referred to the representation contained in the agenda pack on pages 255-256 and explained that the Lounge Lover licence had a condition that alcohol was ancillary to a meal and also this application had an increase in the hours to 1am.

She explained that they had no problem with the 24 hour hotel service. However the ground floor venue would be open to the public and therefore there is a likelihood that there would be an increase in footfall and attracting more people into the area that could cause public nuisance. It was noted that there was no specific smoking conditions and no designated area for smoking, the only area possible for smokers to smoke at was directly on the street.

In response to questions the following was noted;

- That none of the other Cecconi's venues had designated smoking areas
- That the Applicant was aware of the ASB in the local area and would have staff monitoring this.
- That no open containers would be allowed outside the premises.
- The outside area would be kept clean and staff would patrol and monitor the area on a regular basis.
- The reception desk would be manned at all times.
- In house security would be present at the venue and assess and appoint door staff when necessary.
- That there would be no vertical drinking after 11am.

- That the Applicants were expecting less people and less impact and therefore no increase in customers.

In summation Ms Driver stated that a licence until 1am, 7 days a week, with an increase to 37 hotel rooms would have an impact on the area.

Ms Tricker explained that the Applicant had a history of experience, and there were currently no concerns with the existing licences at the premises.

Members adjourned the meeting at 9.00pm for deliberations and reconvened at 9.40pm.

### **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:

The Prevention of Crime and Disorder;  
Public Safety;  
Prevention of Public Nuisance; and  
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 considered written and verbal representation from both the applicant and her representative and the Licensing Authority with particular regard to the two licensing objectives of the prevention of public nuisance, and the prevention of crime and disorder.

Members welcomed the efforts made by the Applicant by offering conditions in their operating schedule and accepting the condition regarding noise nuisance by the Licensing Authority. Members were of the view that a condition that alcohol served after 23:00 hours must be ancillary to food and no vertical drinking after 23:00 hours gave them the assurance that the premises would not be used as a vertical drinking establishment. Members were also satisfied that a modification of the hours on the license would also relieve the concerns of public nuisance and avoid any future disturbances.

Members believed that restricting the use of the smoking area outside the premises to seven people at any one time would also help with noise control.

Members reached a decision and the decision was unanimous. Members granted the application in part subject to a reduction in hours during the weekdays and imposed conditions which would help promote the licensing objectives and not cause a negative impact on the Cumulative Impact Zone.

Accordingly, the Sub Committee unanimously

**RESOLVED**

That the application for a New of the Premises Licence for Redchurch Town House, 56 Redchurch Street, London E2 7DP be **GRANTED in part** with conditions.

The licence is granted in part subject to the surrendering of the following two premises licences;

- Redchurch Studios, 58-60 Redchurch Studios, London E2 7DP (Premise Licence No. 20188)
- Lounge Lover, 25 Whitby Street, London E1 6JU (Premise Licence No. 20096)

The sale by retail of alcohol – (on sales only)

Sunday to Thursday, from 08:00 hours to 00:00 hours (midnight)  
Friday and Saturday, from 08:00 hours to 01:00 hours (the following day)

For residents and bona fide guests: Monday to Sunday from 00:00 hours to 00:00 hours (24 hours a day)

The provision of late night refreshment - Indoors

Sunday to Thursday, from 23:00 hours to 00:30 hours (the following day)  
Friday and Saturday, from 23:00 hours to 01:30 hours the following day

For residents (in rooms): Monday to Sunday from 23:00 hours to 05:00 hours the following day

The provision of regulated entertainment - Indoors -Films,

Sunday to Thursday, from 08:00 hours to 00:00 hours (midnight)  
Friday and Saturday, from 08:00 hours to 01:00 hours (the following day)

For residents (in rooms): Monday to Sunday from 00:00 hours to 00:00 hours (24 hours a day)

Live Music and Recorded Music

Sunday to Thursday, from 08:00 hours to 00:00 hours (midnight)  
Friday and Saturday, from 08:00 hours to 01:00 hours (the following day)

The opening hours of the premises

Monday to Sunday, from 00:00 hours to 00:00 hours the following day

Non-standard timings

The premises may remain open for the above licensable activities from the terminal hour on New Year's Eve to the commencement time on New Year's Day.

### Conditions

- 1.1 Alcohol served after 23:00 hours must be ancillary to food.
- 1.2 No more than seven smokers to be allowed to smoke outside the premise at any one time.
- 1.3 No vertical drinking after 23:00 hours.
- 1.4 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.
- 1.5 There shall be a designated member of staff who can download the images and present them on request by a police officer or other responsible authority with minimum delay.
- 1.6 Notices shall be prominently displayed at ground floor exits requesting public to respect the local residents and leave the premises and area quietly.
- 1.7 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.
- 1.8 No music or amplified sound shall be generated on the premises to give rise to a nuisance to neighbouring residents.
- 1.9 Any person permitted to temporarily leave and then re-enter the premises, eg. to smoke, shall not be permitted to take drinks or glass containers with them
- 1.10 The area immediately outside the premises, shall be swept and or washed, and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements.

- 1.11 Substantial food and non-intoxicating beverages, including drinking water, shall be available in all parts of the premises where alcohol is sold or supplied for consumption on the premises.
- 1.12 Waiter/waitress service shall be available throughout the premises at all times it is open to members of the public
- 1.13 A noise limiter shall be fitted (on the ground floor) to the musical amplification system set at a level determined by and to the satisfaction of an authorised officer of the Environmental Health Service, so as to ensure that no noise nuisance is caused to local residents or businesses.
- The operational panel of the noise limiter shall then be secured by key or password to the satisfaction of officers from the Environmental Health Service and access shall only be by persons authorised by the Premises Licence holder.
  - The limiter shall not be altered without prior agreement with the Environmental Health Service.
  - No alteration or modification to any existing sound system(s) should be effected without prior knowledge of an authorised Officer of the Environmental Health Service.
  - No additional sound generating equipment shall be used on the premises without being routed through the sound limiter device.
- 1.14 Staff will monitor the patrons using any smoking area and ensure that they remain within the curtilage of the premises at all times.
- 1.15 The venue is to provide information on local taxi firms and transport links to patrons leaving the venue.
- 1.16 A direct telephone for number for the manager at the premises shall be publicly available, and displayed at all times the premises are open. This telephone number is to be made available to residents and businesses in the vicinity upon request.
- 1.17 Alcohol may be supplied to persons residing in the premises for consumption by such persons and their bona fide guests at any time without restrictions. A list of residents shall be kept at reception and available for inspection by the Responsible Authorities.
- 1.18 Rooms occupied by unaccompanied children shall have alcohol removed from the mini bar facilities and alcohol shall not be available for purchase with any room service provision
- 1.19 An incident log shall be kept at the premises, and made available on request to an authorised officer of the Council or the Police. It must be completed within 24 hours of the incident and will record the following:

- all crimes reported to the venue
- all ejections of patrons
- any complaints received concerning crime and disorder
- any incidents of disorder
- all seizures of drugs or offensive weapons
- any faults in the CCTV system, searching equipment or scanning equipment
- any refusal of the sale of alcohol
- any visit by a relevant authority or emergency service.

- 1.20 The reception desk on the ground floor shall be staffed at all times the premises are in operation.
- 1.21 All windows and external doors shall be kept closed after 23:00 hours, or at any time when regulated entertainment takes place, except for the immediate access and egress of persons.
- 1.22 The exhibition of film shall be ancillary to other licensable activities throughout the premises.
- 1.23 A Challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification such as a driving licence, passport or proof of age card with the PASS Hologram.
- 1.24 No licensable activities shall take place at the premises until premises licences 20188 and 20096 have been surrendered.

#### **4. EXTENSION OF DECISION DEADLINE: LICENSING ACT 2003**

There were no applications that required an extension for decision deadlines.

The meeting ended at 10.00 p.m.

Chair, Councillor Dan Tomlinson  
Licensing Sub Committee