

LONDON BOROUGH OF TOWER HAMLETS

RECORD OF THE DECISIONS OF THE LICENSING SUB COMMITTEE

HELD AT 6.30 P.M. ON TUESDAY, 5 MARCH 2019

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

Members Present:

Councillor Eve McQuillan (Chair)

Councillor Shad Chowdhury (Vice-Chair)

Councillor Mohammed Ahabab Hossain (Member)

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 Variation of a Premises Licence for Royal Oak, 73
Columbia Road, London E2 7RG**

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 had carefully considered all of the evidence before them and considered written and verbal representation at the meeting from both the Applicant's Legal Representative and the Objectors with particular regard to the licensing objective of the prevention of public nuisance.

The Sub-Committee noted that the premises in question were situated in a busy and mixed commercial and residential area. The Sub-Committee noted the written representations made by Objectors and also heard oral representations from Objectors at the meeting regarding the impact of the premises on the quiet enjoyment of their homes and their quality of life. The Sub-Committee also noted Objectors' concerns relating to public nuisance, and anti-social behaviour; and noted the concerns about the likelihood of 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 area as a result of an additional dining space at the premises.

The Sub Committee noted the Applicant's representation that the impact of the premises licence would not be significant and if granted, would be mitigated by the proposed conditions agreed and offered. Members acknowledged that the Applicant had explained how they would manage the activities within the premises. However, the potential increased footfall arising from any grant of the application in this instance required a particularly robust operating schedule, which should demonstrate particular measures at the premises to address the likely impact of increased clientele and potential public nuisance and noise nuisance arising there from. The Sub-Committee was not satisfied that the operating schedule as presented at the Sub-Committee meeting met that requirement and therefore imposed further conditions arising only because of licensable activity being allowed in the additional dining area on the 1st floor:-

- there shall be no vertical drinking in the first floor dining area,
- there shall be no regulated entertainment in the first floor dining area,
- alcohol served in the first floor dining area shall be only ancillary to a table meal,
- all licensable activities in the first floor dining area shall cease at 21:30 hours,
- the first floor dining area shall be cleared of customers by 22:00 hours,
- prominent, clear and legible notices shall be displayed at the exits of the premises asking that customers respect nearby residents and leave the premises quietly,
- the premises licence holder shall request that customers not take drinks outside the premises after 21:30 hours,
- the premises licence holder shall ensure that there is one SIA accredited door supervisor on duty from 21:30 hours until closing time,
- the door/window of the roof outside the new room will remain locked during opening hours and no patrons will be allowed onto the roof area at any time.

Members considered that these conditions would help alleviate the concerns raised, and help promote the licensing objectives, in particular the licensing objective of preventing public nuisance.

Accordingly, the Sub Committee unanimously;

RESOLVED

That the application for a Variation of the Premises Licence for Royal Oak, 73 Columbia Road, London E2 7RG be **Granted in part.**

Licensable Area

To include the additional 1st floor dining room for licensable activities

Conditions associated to the additional 1st Floor dining room

1. No Regulated Entertainment
2. No vertical drinking
3. Alcohol ancillary to a tabled meal only.
4. All licensable activities to cease at 21:30 hours and the room to be cleared of customers at 22:00 hours.

Additional Conditions consistent with the operating schedule

1. Only minimal background music will be heard from the main dining room.
2. Prominent clear and legible notices to be displayed at the exits requesting the public to respect nearby residents and leave the premises and area quietly.
3. Customers to be asked not to drink outside after 21:30 hours
4. The door/window of the roof outside the new room will remain locked during opening hours and no patrons will be allowed onto the roof area at any time.
5. One SIA accredited door supervisor to be on duty from 21:30 hours till closing time on Thursdays, Fridays and Saturdays.

3.2 Application for a New Premises Licence for Roman Road PFC 89 Roman Road, London E2 0QN

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 had carefully considered all of the evidence before them and considered written and oral representation from both the Applicant and his representative and Objectors present at the meeting with particular regard to the licensing objectives of the prevention of public nuisance, the prevention of crime and disorder and public safety.

Members noted the concerns raised by Objectors and in particular the potential public nuisance that licensed premises may cause in an area which was in close proximity to residential properties, and in particular during late evenings where customers would be likely to cause noise nuisance.

Members also noted the concerns from local residents in terms of the increased litter, the anti-social behaviour (ASB) and groups of young adults congregating in Peary Place. Members also noted the noise nuisance caused by the extractor fan which was located in close proximity to residential homes, it was mentioned that recent modifications to the fan had improved the noise but there was the fear this would increase as the years went by.

In the course of Members asking questions of the Applicant, it was noted that the speed of the extractor fan could be reduced and also turned off after peak times, which was between the hours of 17:00-19:00 hours. Therefore Members were of the view that the extractor fan should be stopped at 10pm on a daily basis, in order to mitigate noise nuisance to neighbouring residents. Members also noted the concerns regarding Peary Place and the issues relating to litter and ASB in that area, but had not had any evidence to directly link these issues specifically to these premises. However, it was felt that the conditions in the operating schedule would help alleviate some of the concerns raised.

The Chair, who is also the Ward Councillor for Bethnal Green, suggested the residents contact her to discuss how the general concerns about ASB and litter in the area could be addressed by the Council

Members reached a decision and the decision was unanimous. Members granted the application subject to conditions to help promote the licensing objectives.

Accordingly, the Sub Committee unanimously:-

RESOLVED

That the application for a New Premises Licence for Roman Road PFC, 89 Roman Road, London E2 0QN be **GRANTED** with conditions.

The Provision of Late Night Refreshments

Sunday to Thursday from 23:00 hrs to 00:00 hrs (Midnight)
Friday and Saturday from 23:00 hrs to 01:00 hrs (the following day)

Hours premises open to the public

Sunday to Thursday from 06:00 hrs to 00:00 hrs (Midnight)
Friday and Saturday from 06:00 hrs to 01:00 hrs (the following day)

Conditions

1. The external extractor fan to be turned off after 22:00 hours each day.
2. Clear and conspicuous notices warning of potential criminal activity, such as theft, that may target customers will be displayed.
3. Custom will not be sought by means of personal solicitation outside or in the vicinity of the premises.
4. All CCTV cameras will be maintained at the premises in good working order and will continually record whilst the premises is open to the public.
5. CCTV recordings shall be kept for a minimum of 30 days and made available to Police or other licensing authorities on request.
6. Persons appearing drunk or under the influence of illegal substances will not be permitted into the premises.
7. Maintain an incident log of any criminal activity or attempted criminal activity within the premises or within the immediate vicinity of the premises.
8. Prominent, clear and legible notices will be displayed at exits requesting the public to respect the needs of nearby residents and to leave the premises and the area quietly.
9. Customers will be asked not to stand around talking in the street outside the premises; and asked to leave the vicinity quickly and quietly.
10. All the rubbish produced by the premises will be stored securely in a designated area or in a bin with a tight fitting lid.

- 11.Children below the age of 16 years old will be excluded from the premises between the hours of 23:00 hours to 01:00 hours the following day.
- 12.An incident report book is kept and maintained.
- 13.No deliveries to the premises shall take place between 22:00 hours and 08:00 hours the following day.
- 14.No collections of waste or recycling materials (including bottles) from the premises shall take place between 22:00 hours and 08:00 hours on the following day.

4. EXTENSION OF DECISION DEADLINE: LICENSING ACT 2003

There were no applications that required deadline extensions.

The meeting ended at 9.30 p.m.