

LONDON BOROUGH OF TOWER HAMLETS
MINUTES OF THE LICENSING SUB COMMITTEE
HELD AT 6.30 P.M. ON TUESDAY, 2 APRIL 2019

**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:

Kathy Driver – (Principal Licensing Officer)
David Wong – (Legal Services)
Simmi Yesmin – (Democratic Services)

Representing applicants	Item Number	Role
Corinne Holland	3.1	(Licensing Officer)
Nicola Cadzow	3.1	(Environmental Health Officer)
PC Mark Perry	3.1	(Metropolitan Police)
James Finaly	3.1	(Legal Representative on behalf of Amanda Luscombe)
Amanda Luscombe	3.1	(Resident)
Elaine Fanning	3.1	(Resident)
Catherine Dixon	3.1	(Resident)
Cynthia Grant	3.1	(Resident)
Manday Loveday	3.1	(Resident)
Donna McLoughlin	3.1	(Resident)
Jane Robinson	3.1	(Resident)
Diana Grover	3.1	(Resident)

Representing Objectors	Item Number	Role
Horatio Waller	3.1	(Counsel)
Thomas Jeffries	3.1	(Licensee)
Steve Farman	3.1	(Proposed Designated Premises Supervisor)

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 to Review the Premises Licence for Queens Head, 8 Flamborough Street, London E14 7LS**

At the request of the Chair, Ms Kathy Driver, Licensing Officer, introduced the report which detailed the application for a review of the premises licence for Queens Head, 8 Flamborough Street, London E14 7LS. It was noted that the review had been triggered by the Licensing Authority which was supported by the Metropolitan Police, Environmental Health and local residents.

The Sub Committee were informed that an agreement had been reached by both parties. However, the Chair asked both parties to make brief submissions and outline the agreement/conditions that had been agreed between the parties for Members to consider.

At the request of the Chair, Ms Corinne Holland, Licensing Officer briefly explained that on 1st October 2018 the Licensing Authority received an application to transfer the Premises Licence for the Queens Head, to a company called H Company 6 Limited. On the 22nd October 2018 the Licensing Authority received an application to transfer the Designated Premises Supervisor to Valentina Thomas. Shortly afterwards the Licensing Authority started receiving noise complaints from local residents regarding the loud music and karaoke as well as the patrons causing a disturbance.

As a result of the number of complaints, on 6th November 2018, a letter was sent to both the Premises Licence Holder (PLH) and the Designated Premises Supervisor (DPS) informing them of the complaints received regarding the music and karaoke and customers outside causing a disturbance to local residents. Also Enforcement Officers from the Licensing Authority visited the premises which was detailed on pages 33-34 of the agenda. Officers witnessed twelve customers in the beer garden at 23:36 hours, this was a breach of condition 5 on the Premises Licence which states: The beer garden is not to be used by customers after 22 00 hrs.

Ms Holland then referred to the Police visits at the premises which were detailed on pages 34-35 of the agenda. Both Mr Jeffries and Ms Thomas were uncooperative and had an aggressive attitude towards the Police during this licensing visit. This was another example of the manager and DPS lacking a

proper and responsible attitude towards their responsibility and appear to have had a total disregard for the law.

Ms Holland concluded that the Licensing Authority were of the view that the Premises Licence needs to be reviewed due to the new tenants lack of consideration for local residents and blatant disregard for the law in the management of the premises.

Members then heard from PC Mark Perry on behalf of the Metropolitan Police and Nicola Cadzow from Environmental Health who briefly referred to their representations contained in the agenda.

Mr James Finlay, Legal Representative acting on behalf of Amanda Luscombe, local resident, suggested that Members hear from the Licensee as residents had no dispute over what the Licensing Authority were seeking and the conditions proposed.

At the request of the Chair, Mr Horatio Waller, Counsel on behalf of the Licensee, Mr Thomas Jeffries, explained they were in agreement with all the conditions proposed by the Licensing Authority.

He confirmed that the current DPS Ms Valentina Thomas would be removed as Designated Premises Supervisor and were happy to agree to the conditions set out by the Licensing Authority on pages 35-37.

Mr Waller explained that Mr Jeffries had vast experience of running pubs over the years, and acknowledged and apologised for the disturbance caused to residents. It was also noted that in January insulation works had been carried out at the premises. He said that there were still complaints of noise nuisance and therefore removing regulated entertainment would remove the source of the problem.

He explained that the occasions where Officer have witnessed breach of conditions in relation to the use of the beer garden and not keeping incident log was because Mr Jeffries was unaware of these conditions on the licence.

In response to questions the following was noted:

- That Mr Jeffries was in active discussion with a new operator to take over the premise and turn it into a new style gastro pub, with new management etc.
- That there would only be background music playing at the premises which would not give rise to any noise nuisance.
- That Mr Jeffries had agreed to accept conditions 3 & 4 (page 82 of the agenda) proposed by the Environmental Health Officer.
- That the residents were happy with the conditions agreed but were mindful that there could be potential nuisance in the future.

Members adjourned the meeting at 7.40pm to deliberate and reconvened at 7.50pm.

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 presented at the meeting from both the Applicant and those supporting the review and from the Legal Representative on behalf of the Licensee with particular regard to the licensing objectives of the prevention of public nuisance and the prevention of crime and disorder.

The Sub-Committee were informed that a mutual agreement had been reached between both parties, prior to the start of the meeting. The Chair asked both parties to make brief submissions and outline the agreement reached.

The Sub Committee welcomed the mediation between both parties and accepted the agreement/conditions agreed by the parties.

Members considered that the conditions agreed would help alleviate the concerns raised, and help promote the licensing objectives, in particular the licensing objective of the prevention of public nuisance and the prevention of crime and disorder.

Accordingly, the Sub Committee unanimously;

RESOLVED

That the application for a Review of the Premises Licence for Queens Head, 8 Flamborough Street, London E14 7LS be **Granted**.

Sale of Alcohol

Monday to Sunday from 11:00 hours to 23:00 hours

Hours premises open to the public

Monday to Sunday from 11:00 hours to 23:30 hours

Additional conditions to be imposed on the Premise Licence

1. The Designated Premises Supervisor – Ms Valentina Thomas to be removed from the Premises Licence.
2. Remove Non-Standard timings (Special Events) and Condition 6 from the Premises Licence.
3. No provision for Regulated Entertainment.
4. No live and/or recorded music to take place at the premises at any time (this will include Karaoke).
5. Any new noise conditions imposed on the Premises Licence Section 177A will not apply (this will ensure noise conditions are in force at all times licensable activities are conducted (see section 16.55 of the Home Office guidance)
6. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Tower Hamlets Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the entire 31 day period.
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 authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.
8. There shall be a personal licence holder on duty on the premises at all times when the premises are authorised to sell alcohol.
9. An incident log shall be kept at the premises, and be available on request to the Police or an authorised officer. It must be completed within 24 hours of any incident and will record the following:
 - a) all crimes reported to the venue;
 - b) all ejections of patrons;
 - c) any complaints received concerning crime and disorder
 - d) any incidents of disorder;
 - e) all seizures of drugs or offensive weapons;
 - f) any faults in the CCTV system, searching equipment or scanning

- g) equipment;
- h) any refusal of the sale of alcohol;
- i) any visit by a relevant authority or emergency service.

10. 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.

11. All staff whose duties include the serving of alcohol must be trained in the requirements of this scheme including the importance of recording any refusals. A written record of this training is to be kept and produced to police and Authorised Officers upon request.

12. Loudspeakers shall not be located in the entrance lobby or outside the premise building.

13. No more than 5 smokers to be permitted to smoke outside the premises at any one time.

4. EXTENSION OF DECISION DEADLINE: LICENSING ACT 2003

The Sub Committee agreed to extend the decision deadlines for the following applications;

Premises	Hearing Date	Decision by
Lower Ground Floor, 42-46 Princelet Street London E1 5LP (MA)	16/04	21/03
112 Columbia Road, London E2 (LMJ)	16/04	15/04
African Street Style Festival - Calvert Avenue to Arnold Circus (LMJ)	30/04	18/04
Singh Supermarket, 37 Roman Road, London E3 (KD)	30/04	28/02
Lord Napier, 25 White Post Lane, London E2 6LG (LMJ)	07/05	25/04

5. EXCLUSION OF THE PRESS AND PUBLIC

The restricted item on the agenda was withdrawn by the Applicant, therefore there was no requirement to exclude the press and public from the meeting.

6. RESTRICTED ITEMS FOR CONSIDERATION

6.1 Application for a Transfer of a Premises Licence Holder for Queens Head, 8 Flamborough Street, London E14 7LS

This item was withdrawn by the Applicant.

The meeting ended at 7.55 p.m.

Chair, Councillor Dan Tomlinson
Licensing Sub Committee