

LONDON BOROUGH OF TOWER HAMLETS

RECORD OF THE DECISIONS OF THE LICENSING SUB COMMITTEE

HELD AT 5.30 P.M. ON TUESDAY, 7 MAY 2019

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

Members Present:

Councillor Eve McQuillan (Chair)

Councillor Mohammed Ahabab Hossain (Member)

Councillor Leema Qureshi (Member)

Officers Present:

Nicola Cadzow – (Environmental Health Officer)

Lavine Miller-Johnson – (Licensing Officer)

Vivienne Walker – (Senior Prosecution Lawyer)

Farhana Zia – Senior Committee Officer

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. MINUTES OF THE PREVIOUS MEETING(S)

The minutes of the Licensing Sub-Committee meetings held on 19th March and 2nd April 2019 were agreed and approved as a correct record.

4. ITEMS FOR CONSIDERATION

**4.1 Licensing Act 2003 Application for a Premises Licence for BottleJob,
260 Globe Road, London E2 0JD**

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 representations from the Applicant and the Objectors, with particular regard to the licensing objectives of the prevention of public nuisance and the prevention of crime and disorder.

The Sub-Committee noted the application is for a new premises licence for an off-licence, Bottlejob located in Globe Road, London E2 0JD. Mr Alex Dehayen, said he operates a successful restaurant called Chiringutio in Bethnal Green however as the restaurant is small, he'd like to open an off-licence in Globe Road. Mr Dehayen said there were two reasons for this; one to store goods used for the restaurant and second to enable patrons of the restaurant to purchase specialist alcohol. Mr Dehayen said the off-licence would specialise in Latin American and Spanish wines, spirits and craft beers sourced locally in East London. He said as these were specialist high quality alcoholic products, for the discerning customer they would have a higher price threshold, so would not attract alcoholics reliant on cheap alcohol. Mr Dehayen stated that he had listened to the concerns of the objectors and had reduced the closing time to 23:00 hours so not to coincide with the pub, The Florist Arms' closing time.

The Objectors were not in attendance at the meeting. Members enquired how Mr Dehayen would ensure his business would not give rise to anti-social behaviour and crime and disorder. Mr Dehayen reassured Members staff from the restaurant would be employed in the Off-Licence. He said his staff were trained in dealing with intoxicated customers and would refuse to sell alcohol to anyone who was drunk. They would ensure the challenge 25 policy, is upheld and would make available CCTV footage of those in the vicinity of the off-licence, inside and outside to the responsible authorities on request. Mr Dehayen said he was a member of Bethnal Green Pubwatch, through which they would be informed of troublesome individuals.

Members reached a majority decision. Members granted the application subject to the conditions to help promote the licensing objectives.

Accordingly, the Sub-Committee agreed:-

RESOLVED

That the application for a New Premises Licence for Bottlejob, 260 Globe Road, London E2 0JD be **GRANTED** with conditions.

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

- Monday to Sunday from 09:00 to 23:00 hours

The opening hours of the premises

- Monday to Sunday from 09:00 to 23:00 hours

Conditions

1. The premises shall install and maintain a comprehensive CCTV system. 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 are 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.
2. 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) any complaints received concerning crime and disorder
 - c) any incidents of disorder;
 - d) any refusal of the sale of alcohol
3. 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.
4. We will provide our staff with training on how to identify and refuse service to intoxicated people, and such training will be documented.
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. Staff will receive thorough induction training on how to identify persons who may appear to be under age 25, as well as the correct steps in obtaining and verifying identification and refusing service to those that fail to provide sufficient appropriate identification.
7. 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.
8. No deliveries to the premises shall take place between 22:00 hours and 08:00 hours the following day.

9. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
10. No idling of vehicles, being either patron or delivery vehicles outside the premise whilst premise is in operation.

4.2 Licensing Act 2003 Application for a New Premises Licence for: 25 White Post Lane London E9 5EN

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 the written and verbal representations from both the Applicant's Legal Representative and from the Officer representing the Licensing Authority with particular regard to the prevention of public nuisance and the prevention of crime and disorder.

The Sub-Committee noted the application was for a new premises licence for Lord Napier, 25 White Post Lane, London E9 5EN. Mr Woods, the Applicants Legal Representative stated that the pub had been in existence since 1874 but closed down 1995. The site had been left in ruin however the landlord was looking to reconstruct and refurbish the pub at a cost of £1million. Electric Star Ltd, the lessee's operated five other pubs in East London and wanted to acquire this pub to expand their portfolio and bring with them their expertise.

Mr Woods stated no objections had been received from the other responsible authorities and he had spoken to Ms Cadzow, from Environmental Health. He informed the Sub-Committee they had come to an agreement regarding the conditions she had put forward. Mr Woods referred Members to page 153 of the agenda and stated that it had been agreed the roof terrace would close at 21:30 hours and not at 22:30 hours as stated in the application. The other two conditions put forward by Ms Cadzow were also accepted by his client.

Members heard from Ms Cadzow who confirmed an agreement had been reached. She said her initial concern was the pub's late night use of the roof

terrace as it is located in a residential area, with new housing also being built in the vicinity.

Members questioned the opening times of the pub and were informed of corrections to the opening times as listed at page 110 and page 128 of the agenda. Mr Woods clarified the times applied for are Monday to Thursday 10:00 to 00:30 hours, Friday and Saturday 10:00 to 02:00 hours and Sunday 10:00 to 00:30 hours.

Members expressed their concern in relation to the opening times for Friday and Saturday and asked what measures were in place for the prevention of public nuisance and crime and disorder. Mr Woods said a noise impact assessment had been undertaken and the refurbishment of the pub would ensure the building was insulated and sealed to prevent noise emanating from the premises. Mr Woods said the courtyard at the back of the pub, adjoined a chemical factory and as such there were no neighbours at the back of the pub.

On questioning the capacity of the pub, Members were informed it could cater for approximately 300 people. Members expressed concern in relation to how such a number of people would be managed on a busy night. Mr Macri, the Applicant said his staff would follow the protocol of turning down music and lights prior to closing time, in order to create a calm atmosphere before patrons left the pub; and that SIA guards would be employed on busy nights. Mr Woods emphasised the pub was a community pub and not a nightclub. He said although his client was seeking an opening time of 02:00 hours for Friday and Saturday, it was not expected that the pub would attract such large crowds. He referred Members to the site plan at pages 138 -140 and said the layout of the pub, with table and chairs lent itself to be a traditional pub with no dancefloor. Upon questioning it was stated that the West Ham football stadium was about a 15 minute walk, from the pub and it was unlikely to attract football fans, although this could not be guaranteed. The Sub-Committee were of the view that should they be minded to grant the application, the opening hours for the pub in a quiet residential area would cause public nuisance and could lead to anti-social behaviour. The Sub-Committee asked if the Applicant would accept the Council's legal framework hours. Mr Woods responded saying his clients operated five similar pubs, with similar opening times, with no issues.

Members reached a unanimous decision. 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 Lord Napier, 25 White Post Lane, London E9 5EN be **GRANTED** with conditions.

The provision of recorded music

- Monday to Thursday from 10:00 hours to 23:30 hours

- Friday to Saturday 10:00 hours to 00:00 hours (midnight)
- Sunday from 10:00 hours to 22:30 hours.

Late night refreshment

- Monday to Thursday from 23:00 hours to 23:30 hours
- Friday and Saturday 23:00 hours to 00:00 hours (midnight)

The sale by retail of alcohol – (on and off sales)

- Monday to Thursday from 10:00 hours to 23:30 hours
- Friday and Saturday 10:00 hours to 00:00 hours (midnight)
- Sunday from 10:00 hours to 22:30 hours

Hours premises are open to the public: (Legal framework hours)

- Monday to Thursday from 06:00 hours to 23:30 hours
- Friday and Saturday from 06:00 hours to 00:00 hours (midnight)
- Sunday, from 06:00 hours to 22:30 hours

Conditions

1. The premises shall install and maintain a comprehensive CCTV system. 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 are 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 the Police or an authorised officer throughout the entire 31 day period.
2. 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 driving licence, passport or proof of age card with the PASS Hologram.
3. All staff shall receive thorough induction training on how to identify persons who may appear to be under age 25, as well as the correct steps in obtaining and verifying identification and refusing service to those that fail to provide sufficient and appropriate identification.
4. 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) Any complaints received concerning crime and disorder;
 - c) Any incidents of disorder;
 - d) Any refusal of the sale of alcohol
5. SIA supervisors will be employed on Friday and Saturday nights.
6. Signage of theft will be displayed for customer attention.

7. The DPS/Management will be a member of the local pub watch scheme or any similar scheme operating in the area of the Licensing Authority.
8. A member of staff trained in first aid will be on site at all times when the premises are in use.
9. The Public area to be kept clear of rubbish and empty glasses during service.
10. Notices shall be prominently displayed at all exists requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
11. The Roof Terrace to be closed at 21:30 hours.
12. No drinks are allowed to be taken outside the front of the pub after 21:00 hours.
13. Smokers to be restricted to the court yard area at the rear of the ground floor after 21:00 hours.

5. EXTENSION OF DECISION DEADLINE: LICENSING ACT 2003

There were no applications that required deadline extensions.

The meeting ended at 7.30 p.m.

Chair, Councillor Eve McQuillan
Licensing Sub Committee