

**LONDON BOROUGH OF TOWER HAMLETS**

**MINUTES OF THE LICENSING SUB COMMITTEE**

**HELD AT 6.30 P.M. ON TUESDAY, 20 DECEMBER 2016**

**THE COUNCIL CHAMBER, TOWN HALL, MULBERRY PLACE,**

**5 CLOVE CRESCENT, LONDON, E14 2BG**

**Members Present:**

Councillor Rajib Ahmed (Chair)  
Councillor Peter Golds  
Councillor Candida Ronald

**Officers Present:**

Mohshin Ali – (Senior Licensing Officer)  
Vivienne Walker – (Senior Prosecution Lawyer)  
Antoinette Duhaney – (Interim Senior Committee Officer)

**1. DECLARATIONS OF DISCLOSABLE PECUNIARY INTEREST**

Councillor Rajib Ahmed declared an interest in Agenda Item 3.3, Brar Wines Store, 2 Spey Street on the grounds that the premises were located in his Ward. However he did not know the applicant.

**2. RULES OF PROCEDURE**

The Rules of Procedure were noted.

**3. ITEMS FOR CONSIDERATION**

**VARIATION OF ORDER OF BUSINESS**

When the meeting was opened at 6.30, no applicants were present. The Sub Committee therefore agreed to vary the order of business and considered items in the following order

Agenda Item item 3.3 (the applicant had advised that he would not attend)  
Agenda Item item 3.4  
Agenda Item item 3.2

**3.1 Licensing Act 2003: Application for a Premises Licence for Lemman Locke Apart-Hotel, 15 Lemman Street, Aldgate, London, E1 8EN APPLICATION WITHDRAWN**

This application was withdrawn.

### **3.2 Licensing Act 2003, Application for Variation of a Premises Licence for The Natural Philosopher, 489 Hackney Road, London, E2 9ED**

The Sub Committee noted that the applicant was not in attendance.

#### Attendees

PC Mark Perry, Metropolitan Police  
Nicola Cadzow, Environmental Health

The report was introduced by Mohshin Ali, Senior Licensing Officer who advised that a variation to the premises license was being sought.

PC Mark Perry addressed the meeting and stated that the premises was close to the Brick Lane Cumulative Impact Zone and many other late night venues. If the variation was granted, there was potential for alcohol related Anti- Social Behaviour and the premises could encourage patrons to leave other premises which had closed to continue drinking at these premises. PC Perry suggested that the Sub Committee agree the hours recommended by himself and Environmental Health. The applicants could then apply for a Temporary Event Notice to demonstrate that they could manage late night premises with different dynamics.

Nicola Cadzow also addressed Members and reported that the applicant was unwilling to accept a reduction in the hours applied for. Ms Cadzow stated that there was potential for noise and disturbance to residents and the applicant had failed to demonstrate how the licensing objectives would be met. On this basis, Ms Cadzow requested the Sub Committee to refuse the variation.

Members then withdrew from the meeting to deliberate in private.

#### 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 merits. The Sub Committee has carefully considered all of the evidence before them including written representations from the applicant and written and verbal representations on behalf of the objectors with particular regard to the licensing objectives of prevention of public nuisance, the prevention of crime and disorder and the prevention of children from harm.

As the applicant did not attend the hearing, the application was considered in absentia. The Sub Committee heard from PC Mark Perry on behalf of the Metropolitan Police that although the premises was outside the Cumulative Impact Zone, the later hours applied for would attract patrons from other nearby premises which had closed, thereby increasing the potential for Anti Social Behaviour and public nuisance. Although there were no concerns about the operation of the existing premises license, if the variation was approved, this had the potential to change the night time dynamics in the area. PC Perry recommended that if the Sub Committee was minded to grant the variation, then the hours should be as set out on page 117 of the agenda pack. The applicant could then seek later hours through Temporary Event Notices before applying for a further variation.

Nicola Cadzow addressed Members on behalf of Environmental Protection supporting the views of PC Perry. Ms Cadzow stated that the application had been encouraged to accept the hours as suggested by the Metropolitan police but had declined to do so and on this basis, Environmental Protection did not support the application.

The Sub Committee expressed its regret that the applicant was not in attendance to respond to the concerns raised by the objectors.

#### Decision

In the circumstances, the Sub Committee unanimously

#### **RESOLVED**

That the application for a Variation of a Premises Licence for The Natural Philosopher, 489 Hackney Road, E2 9ED be **REFUSED** for the following reasons:

- The Committee was persuaded by the written and oral representations from the Metropolitan Police and Environmental Protection regarding the potential for Anti-Social Behaviour and public nuisance if the application was granted.
- As the applicant was not in attendance, the Sub Committee was unable to seek the necessary clarification on the reasons for the variation being sought
- The application had failed to demonstrate how the licensing objectives would be upheld.

### **3.3 Licensing Act 2003: Application for Temporary Event Notice for Brar Wines Store, 2 Spey Street, E14 6PZ**

The Sub Committee noted that the applicant had advised that he was unable to attend the hearing.

#### Attendees

PC Mark Perry, Metropolitan Police  
Nicola Cadzow, Environmental Health

The report was introduced by Mohshin Ali, Senior Licensing Officer who advised that a previous premises license was revoked in 2014 following a review. An application for a premises license made in 2015 was also refused.

PC Mark Perry addressed the meeting and advised that the premises license was revoked in 2014 because of concerns regarding Anti-Social Behaviour associated with the premises. Test purchases had also identified that the premises was selling alcohol to underage customers; alcohol had also been sold to customers who were already intoxicated. PC Perry was concerned that if the Temporary Event Notice was granted, this would lead to a recurrence of Anti-Social Behaviour and undermine the licensing objectives. PC Perry urged Members to refuse the application.

Nicola Cadzow, Environmental Health also addressed the meeting echoing the sentiments of PC Mark Perry and requesting that the Temporary Event Notice be refused.

Members then withdrew from the meeting to deliberate in private.

#### 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 merits. The Sub Committee has carefully considered all of the evidence before them including written representations from the applicant and written and verbal representations on behalf of the objectors with particular regard to the licensing objectives of prevention of public nuisance, the prevention of crime and disorder and the protection of children from harm.

As the applicant had indicated that he would not be attending the hearing, the application was considered in absentia. The Sub Committee heard from PC Mark Perry on behalf of the Metropolitan Police that a previous license held by the premises had been revoked because of concerns regarding persistent Anti-Social Behaviour from customers, particularly young people, congregating outside the premises. The Sub Committee's attention was drawn to witness statements included in the agenda pack showing that the premises had sold alcohol to customers who were drunk and had also made under age sales as demonstrated by a successful test purchase.

The Metropolitan Police were concerned that if this application was granted, it would undermine the licensing objectives and was likely to lead to a recurrence of the Anti-Social Behaviour with young people congregating outside the premises causing public nuisance to residents. Similar sentiments were echoed by Nicola Cadzow on behalf of Environmental Protection and the Sub Committee was urged to refuse the application.

The Sub Committee expressed its regret that the applicant was not in attendance to respond to the concerns raised by the objectors.

#### Decision

In the circumstances, the Sub Committee unanimously

#### **RESOLVED**

That the application for a Temporary Event Notice for Brar Wines Store, 2 Spey Street, E14 6PZ be **REFUSED** for the following reasons:

- The Committee was persuaded by the compelling evidence from the Metropolitan Police and Environmental Protection regarding the likely recurrence of Anti-Social Behaviour leading to public nuisance if the application was granted.
- Since the previous license was revoked, there had been no change in the people involved in managing the premises
- The applicant had failed to demonstrate how the licensing objectives would be upheld particularly in respect of the prevention of crime and disorder and the prevention of public nuisance.

### **3.4 Licensing Act 2003: Temporary Event Notice for Apiary Studios, 458 Hackney Road, London E2 9EG**

The Sub Committee noted that the applicant was not in attendance.

#### Attendees

PC Mark Perry, Metropolitan Police  
Nicola Cadzow, Environmental Health

The report was introduced by Mohshin Ali, Senior Licensing Officer who advised that a Temporary Event Notice was being sought for New Years Eve/New Years Day.

PC Mark Perry addressed the meeting stating that he had concerns about the size of the venue and the number of patrons expected. A similar event on 25<sup>th</sup> September 2016 had caused serious crowd control issues and PC Perry had little confidence in the applicant's ability to meet the licensing objectives and ensure the safety of attendees. The applicant had failed to submit an event management plan and had provided no information on how 250 patron would be accommodated in such small premises. In the circumstances, PC Perry requested that the application be refused.

Nicola Cadzow addressed Members supporting the concerns of PC Perry. Ms Cadzow stated that a previous event at the premises had lead to a complaint regarding disturbance and she was not convinced that measures had been put in place to prevent disturbance in a residential area and meet the licensing objectives. Ms Cadzow had requested the applicant to consider a 3am finishing time for the event but this had been declined. Mr Cadzow therefore urged the Sub Committee not to grant the application.

Members then withdrew from the meeting to deliberate in private

#### 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 merits. The Sub Committee has carefully considered all of the evidence before them including written representations from the applicant and written and verbal representations on behalf of the objectors with particular regard to the licensing objectives of prevention of public nuisance, the prevention of crime and disorder and the prevention of children from harm.

As the applicant did not attend the hearing, the application was considered in absentia. The Sub Committee heard from PC Mark Perry on behalf of the Metropolitan Police that there were concerns over the crowd capacity for the event and the potential for this to be exceeded. PC Perry referred to an event held at the premises on 24<sup>th</sup> – 25<sup>th</sup> September 2016 which had been poorly

managed and had caused public nuisance to residents. This event had attracted more patrons than capacity would allow and patrons were congregating in the external courtyard to the premises. The applicant had submitted no adequate Event Management Plan and the Metropolitan Police had no confidence in the applicant's ability to manage this event whilst upholding the licensing objectives and the Sub Committee was urged to refuse the application.

Nicola Cadzow addressed Members on behalf of Environmental Protection echoing the sentiments of PC Perry. Ms Cadzow stated that a previous event at the premises on 24<sup>th</sup> – 25<sup>th</sup> September had attracted complaints and disturbance had been caused by noise from patrons in the external courtyard and on nearby streets. The applicant had been encouraged to reduce the end time of the event to 3am but had declined to do so and on this basis, Environmental Protection did not support the application.

The Sub Committee expressed its regret that the applicant was not in attendance to respond to the concerns raised by the objectors.

#### Decision

In the circumstances, the Sub Committee unanimously

#### **RESOLVED**

That the application for a Temporary Event Notice for Apiary Studios, 458 Hackney Road, E2 9EG, be **REFUSED** for the following reasons:

- The Committee was persuaded by the compelling evidence from the Metropolitan Police and Environmental Protection regarding the likelihood of public nuisance if the application was granted.
- In the absence of a robust Event Management Plan, the Sub Committee was not convinced that the licensing objectives would be upheld, with particular regard to the prevention of crime and disorder and the prevention of public nuisance.
- As the applicant was not in attendance, the Sub Committee was unable to seek the necessary clarification/assurances regarding the capacity of the event and how this would be managed whilst ensuring that the licensing objectives were upheld.

The meeting ended at 7.24 p.m.

Chair, Councillor Rajib Ahmed  
Licensing Sub Committee