

LONDON BOROUGH OF TOWER HAMLETS**MINUTES OF THE LICENSING SUB COMMITTEE****HELD AT 6.40 P.M. ON TUESDAY, 14 FEBRUARY 2017****THE COUNCIL CHAMBER, TOWN HALL, MULBERRY PLACE, 5 CLOVE
CRESCENT, LONDON, E14 2BG****Members Present:**

Councillor Rajib Ahmed (Chair)
Councillor Dave Chesterton
Councillor Peter Golds

Officers Present:

Corinne Holland	–	Licensing Officer
Tom Lewis	–	Team Leader - Licensing Services
Gurwinder Kaur Olive	–	Senior Lawyer, Legal Services
Antoinette Duhaney	–	Interim Senior Committee Officer

1. DECLARATIONS OF DISCLOSABLE PECUNIARY INTEREST

No declarations were made.

2. RULES OF PROCEDURE

The rules of procedure were noted.

3. ITEMS FOR CONSIDERATION**3.1 Licensing Act 2003 Application for a New Premises Licence for Poplar Union, 2 Cotall Street, London, E14 6TL****Attendees**

Andrew Woods, Woods Whur 2014 Ltd (legal representative)
Patrick Harrison, Poplar HARCA (applicant)
Babu Bahattacherjee, Poplar HARCA (applicant)
Tony Portacio (objector)
Roxanna Ong (objector)

The report was introduced by Andrew Heron, Licensing Officer who advised that this application was for a premises licence for new premises, Poplar Union, 2 Cotall Street, E14 6TL.

Andrew Woods addressed the meeting on behalf of the applicant and advised that the new premises was a community resource which would promote the licensing objectives and provide visibility to deter crime and disorder and anti-social behaviour. Amended hours had been agreed in consultation with the

Metropolitan Police and Environmental Health along with additional conditions set put in the operating schedule on pages 46 – 52 of the agenda pack. The applicant had also received emails supporting the application.

Tony Portacio addressed the meeting objecting to the application on the grounds of concerns about the impact of long hours for alcohol sales in a building adjacent to Bartlett Park which had a history of anti-social behaviour issues. Although the provision of a new community resource venue was supported in principle, Mr Portacio was concerned that whilst the premises was in use, patrons consuming alcohol could leave the premises and spill out into Bartlett Park, potentially causing nuisance to residents and park users and encouraging anti social behaviour.

Roxanna Ong addressed Members and advised that a new community resource was a great idea. However she had concerns about the impact of live recorded music and how events would be managed. Coupled with the sale of alcohol, Ms Ong stated that she was not convinced that the premises would have no negative impact on the locality.

In response to questions and comments from Sub Committee Members, Mr Woods and the applicants stated that

- Alcohol sales would be “on sales” only and that conditions could be agreed to so that no unaccompanied children were allowed on the premises after 9pm.
- Staff on duty would ensure that there was no conflict between alcohol consumers and children by segregating the different types of users of the premises and using partitions
- The applicant had applied for extended hours for alcohol sales to provide flexibility. However the applicant was willing to agree to no alcohol sales before 11am and no off sales.
- Responsible Authorities were satisfied that the premises would not contribute to anti social behaviour and all suggestions from the Metropolitan Police, Environmental Health and Childrens’ Services had been acted on.
- The applicant was willing to agree to conditions to ensure that no alcohol was consumed in areas of the premises where children or young people were involved in non licensable activities.
- Staff on duty would monitor entrances/exits to ensure that doors were only opened for access/egress. As the premises were fully air conditioned, room temperatures could be regulated without the need to open windows/doors.

- The premises would operate in a cafe environment selling alcohol and trained Youth Workers would be on the premises
- As responsible operators, robust management of the premises would allay all of the concerns raised by Members and objectors whilst meeting the Licensing Objectives

The Sub Committee withdrew from the meeting to deliberate in private.

Deliberations

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
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, namely the written and verbal representations from the applicant and local residents and the written representations from Metropolitan Police, Environmental Health and Child Protection.

The Sub Committee noted that it was requested to grant a New Premises Licence for Poplar Union, 2 Cotall Street, London, E14 6TL. Members heard from the applicant's legal representative that a compromise had been reached with the Metropolitan Police, Environmental Health and Child Protection and as a result, they had now withdrawn their representations however it was noted that the Operating Schedule was predominately blank.

Members were advised by the applicant's legal representative that the new premises would promote the licensing objectives and would be a valuable community asset which would deter Anti-Social Behaviour. The Sub Committee also heard oral representations from residents highlighting concerns about the potential for Anti-Social Behaviour and nuisance while the premises were in use and the impact on Bartlett Park, especially due to the sale of alcohol seven days a week.

Although the Sub Committee accepted that the Metropolitan Police, Environmental Health and Child Protection had withdrawn their representations following an agreement in respect of opening times and additional conditions listed in the Operating Schedule, Members also

accepted the genuine concerns of residents. The Sub Committee was not satisfied that the application was sufficiently clear in what activities would take place in which part of the premises, with the demarcation and separation of children and alcohol and that the conditions set out in the Operating Schedule were robust enough to ensure promotion of the licensing objectives. The applicant's representative was reminded that necessary conditions should emerge from a risk assessment by the applicant and reflected in the Operating Schedule and that it was not for the responsible authorities nor the Sub-Committee to put forward suggested conditions. In light of these comments an application was made by the applicant to adjourn the hearing of the application.

RESOLVED – That the application for a New Premises License for Poplar Union, 2 Cotall Street, London, E14 6TL be **DEFERRED** until 11 April 2017 to allow the applicant to provide further clarification and/or propose further conditions in respect of

- Appropriate hours for the sale of alcohol
- Operation of Challenge 21 or Challenge 25 Policies
- The segregation of licensed and unlicensed activities
- Entrance and Egress from the premises
- Staffing levels
- Measures to ensure that no alcohol is taken outside the premises
- Supervision of young children when licensed activity is taking place
- Risk assessment arrangements

3.2 Licensing Act 2003 Application for a Variation to Premises Licence for Original Taste, 74 Bow Road, London, E3 4DL

Attendees

Mohammed Chowdhury, KC Solicitors (legal representative)

Shahin Ahmed, Original Taste (applicant)

No objectors were in attendance

The report was introduced by Tom Lewis, Licensing Team Leader who advised that this application was for a premises licence variation for Original Taste, 74 Bow Road, E3 4DL. Mr Lewis reported that since 2013, the Council had received no complaints regarding the management of the premises.

Mr Chowdhury addressed the meeting on behalf of the applicant and advised that a variation was being sought to allow the premises to open until 12 midnight on Friday and Saturday. Mr Chowdhury referred to other nearby premises with a late licence as listed on pages 123 – 125 of the agenda pack and argued that extending the licence for an extra hour to provide late night refreshment would not contribute to noise disturbance or anti social behaviour.

There was no evidence to suggest that the premises was associated with littering as effective litter control measures were already in place including signage to encourage customers to dispose of litter appropriately. Allegations

that a person had been stabbed on the premises were incorrect as the stabbing had occurred outside a pub near the premises. Measures already in place under the current licence including CCTV would ensure that the licensing objectives continued to be met.

The applicant responded to questions and comments from Sub Committee Members and the Legal Services Advisor sought clarification on the conditions set out on pages 97 - 98 of the agenda pack.

Deliberations

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
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 representations from the applicant and written representations from local residents (no objectors attended to make oral representations).

The Sub Committee noted that it was requested to grant a variation to a Premises Licence for Original Taste, 74 Bow Road, E3 4DL. Members heard from the applicant's legal representative that a variation to opening hours was being sought to allow the premises to open until midnight on Friday and Saturday in order to provide late night refreshment. The Legal representative stated that the premises was not associated with Anti-Social Behaviour and the extended hours would still promote the Licensing Objectives. Furthermore adequate measures were already in place to ensure that the premises did not cause disturbance to residents.

Having considered all the written and oral representations, the Sub Committee noted that no representations had been made by any responsible authority and that no written or verbal evidence had been presented to suggest that there was any record of complaints to the Council regarding nuisance nor disturbance directly linked to the premises.

Members were satisfied that the conditions listed in the Operating Schedule attached to the application were adequate and proportionate subject to alterations in respect of the timing of deliveries, retention of CCTV footage, incident books and the provision/use of waste receptacles

RESOLVED – That the application for a Variation to the Premises License for Original Taste, 74 Bow Road, E3 4DL, be **GRANTED** subject to the conditions set out below.

CONDITIONS

1. CCTV System installed to monitor entrances, exits, and other parts of the premises in order to address the prevention of crime objective; CCTV system shall incorporate a recording facility and any recordings shall be retained and stored in a suitable and secure manner for a minimum period of 31 days with date and time stamping. The system will comply with other essential legislation and all signs as required will be clearly displayed. Someone must always be on the premises who is trained and can download the recordings upon request. Recordings shall be made available for inspection at the premises by Responsible Authorities.
2. A clear and legible notice outside the premises indicating the normal hours under the terms of the premises licence during which licensable activities are permitted;
3. Clear and conspicuous notices warning of potential criminal activity, such as theft, that may target customers will be displayed;
4. Custom will not be sought by means of personal solicitation outside or in the vicinity of the premises;
5. Prevention and vigilance in illegal drug use at the retail unit area;
6. An incident book and recording system shall be kept upon the premises in which shall be entered particulars of inspections made; those required to be made by statute, and information compiled to comply with any public safety condition attached to the premises licence that requires the recording of such information. The log book shall be kept available for inspection when required by persons authorised by the Licensing Act 2003 or associated legislation;
7. Noise reduction measures to address the public nuisance objective; in the form of signage and advice to patrons
8. Prominent, clear and legible notices will be displayed at the exit requesting the public to respect the needs of nearby residents and to leave the premises and the area quietly;
9. Deliveries of goods necessary for the operation of the business will be carried out between the hours of 11:00 hrs to 14.00 hrs only in such a manner as to prevent nuisance and disturbance to nearby residents;

10. The Licensee will ensure that staff who arrive early morning or depart late at night (ex. for unpacking, pricing newly delivered goods) when the business has ceased trading conduct themselves in such a manner to avoid causing disturbance to nearby residents;
11. Customers will be asked not to stand around loudly talking in the street outside the premises;
12. The movement of bins and rubbish outside the premises will be kept to a minimum after 20:00hrs. This will help to reduce the levels of noise produced by the premises;
13. Any lighting on or outside the premises will be positioned and screened in such a way so as to not cause a disturbance to nearby residents;
14. Adequate waste receptacles for use by customers will be provided in the local vicinity (1 waste bin inside the premises and 1 waste bin outside the premises)
15. A full training record to be retained in the retail unit at all times.

3.3 **Licensing Act 2003 Application for New Premises Licence for Sakana Sushi, Unit E, 43a Commercial Street, London, E1 6BD**

Attendees

Shibli Alam, Director Sakana Sushi (applicant)

No objectors were in attendance

The report was introduced by Tom Lewis, Licensing Team Leader who advised that this application was for a new premises licence for Sakana Sushi, Unit E, 43A Commercial Street, E1 6BD. Mr Lewis reported that the premises was located within the Cumulative Impact Zone and that the Council had no record of any complaints regarding the management of the premises under a previous license which became void on 23 February 2016.

The Sub Committee was concerned that the application did not address the presumption that any new premises within the Cumulative Impact Zone (CIZ) would have a detrimental impact on the CIZ.

RESOLVED – That the application for a New Premises License for Sakana Sushi, Unit E, 43A Commercial Street, E1 6BD, be **DEFERRED** until 11 April 2017 to allow the applicant to provide further information on measures to rebut the presumption that the application will impact on the Cumulative Impact Zone.

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

RESOLVED – That due to the volume of applications to be considered by the Licensing Sub Committee. the decision deadline for Trade Union, Grand Union Company Ltd, Units 1,2 & 3 Thomas Moore Square, E1W 1YN, be extended from 03.03.17 to 14.03.17.

The meeting ended at 8.35 p.m.

Chair, Councillor Rajib Ahmed
Licensing Sub Committee