

LONDON BOROUGH OF TOWER HAMLETS**MINUTES OF THE LICENSING SUB COMMITTEE****HELD AT 6.40 P.M. ON TUESDAY, 25 OCTOBER 2016****COUNCIL CHAMBER, 1ST FLOOR, TOWN HALL, 5 CLOVE CRESCENT,
LONDON E14 2BG.****Members Present:**

Councillor Rajib Ahmed (Chair)

Councillor Dave Chesterton

Councillor Candida Ronald

Officers Present:

Mohshin Ali

– Senior Licensing Officer

Vivienne Walker

– Legal Services

Charles Yankiah

– Democratic Services

Applicants In Attendance:

Mr Giuseppe Pollifrone

- The Symposium

Mr Azmal Hussain

- Preem Restaurant

Mr Simon Hill

- Preem Restaurant

Objectors In Attendance:

Ms Annie Gammon

- The Symposium

Mr Charlie Paterson

- The Symposium

Ms Nivetha Tarcisius

- The Symposium

Mr Roger Evans

- The Symposium

PC Alan Cruickshank

- Metropolitan Police

Ms Kathy Driver

- Tower Hamlets Licensing Authority

Mr Razaul Haque

- Tower Hamlets Environmental Health

Mr Roger Evans

- Preem Restaurant

The Chair welcomed everyone to the meeting, ensured that introductions were made and then briefly outlined the procedure for the meeting.

1. DECLARATIONS OF DISCLOSABLE PECUNIARY INTEREST

In relation to Item 3.3 – Application for Premises Licence Variation for Preem Restaurant, 118-122 Brick Lane, London, E1 6RL -

- Councillor Rajib Ahmed declared a non-pecuniary interest as someone who is known to the applicant.
- Councillor Dave Chesterton declared a non-pecuniary interest having been indirectly lobbied for this application.

- Councillor Candida Ronald declared a non-pecuniary interest having been indirectly lobbied for this application.

2. RULES OF PROCEDURE

The rules of procedure, as circulated at Agenda Item 2 were noted.

3. ITEMS FOR CONSIDERATION

3.1 Licensing Act 2003: Application for a New Premises Licence for The Symposium, 363 Roman Road, London E3 5QR

At the request of the Chair, Mr Mohshin Ali, introduced the report which detailed the application for the new premises licence for The Symposium, 363 Roman Road, London, E3 5QR. It was noted that the applicant was applying to sell alcohol for consumption both on and off the premises and that the applicant had already responded to a number of local concerns raised by local residents. Mr Ali also informed the meeting that there were no representations made by any of the responsible authorities that had been consulted.

At the request of the Chair, Mr Giuseppe Pollifrone explained that the application for a new premises licence involved alcohol being sold throughout the day, but that the premises would be opened as a café in the morning and then later on in the day as a family restaurant with wine and beer being offered for sale. He informed the meeting that the premises would also be selling imported wines and would operate as a Wine Merchant for most of the day. He stated that he would be happy to respond to the concerns raised by the local residents and would be willing to have specific conditions attached to the premises licence that addressed the concerns of the local residents including the “external courtyard”, hours of operation and the window at the back of the premises. He further stated that the premises would be family and disabled friendly with 2 accessible toilets and would welcome families with children.

Members heard from Ms Annie Gammon, Mr Charlie Paterson and Mr Roger Evans, local residents who stated that they were concerned mainly with the hours of operation, drunkenness in the local area, disposal of waste and customers causing a nuisance, the window at the back of the premises and the noise and light pollution that would emanate from it and the access and egress from the premises and the area late at night.

In response to questions from Members it was noted, that:

- the Applicant was willing to make changes to the premises to accommodate the concerns of the local residents;
- the Applicant was willing to keep within the Framework Hours;
- the Applicant would ensure that there was no standing while drinking on the premises;

- the Applicant would ensure that the premises remained a family and disabled friendly environment;
- the Applicant would ensure that the Licensing Objectives would be met;
- the Applicant would ensure that “external Courtyard” at the back of the building would not be used unless for business purposes; and
- the Applicant would ensure that the window at the back of the premises would be “blacked out” with blinds to avoid light pollution.

Members adjourned the meeting at 7:15pm to consider the decision and reconvened at 7:35pm.

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.

Consideration

Each application must be considered on its own merits. The Sub Committee had carefully considered all of the evidence before them and considered written and verbal representation on behalf of the applicant and the objectors with particular regard to the licensing objective of the prevention of public nuisance and the prevention of crime and disorder.

Members heard concerns of the local residents that if a licence was granted as requested that there would be concerns regarding the later opening hours, noise levels, drunkenness, the public nuisance, the close proximity of the back window to residential property which will result in noise and light pollution, the external courtyard being used for storage or as a smoking area for customers or staff members and how issues with nuisance and drunkenness will be managed. Members noted that the applicant was willing to give certain assurances to local residents regarding dealing with nuisance, the use of the external courtyard being restricted and assurances that the premises will be managed properly.

Members were mindful that no representations had been made by the Police or Responsible Authorities.

Members were encouraged by the applicant’s willingness to ensure that the local residents’ concerns and that of the Panel would be addressed and taken seriously.

Therefore considering all of the above, Members decided to grant the application for a new premises licence with additional conditions.

Decision

Accordingly, the Sub-Committee unanimously –

RESOLVED

That the application for a New Premises Licence for The Symposium, 363 Roman Road, London, E3 5QR be **GRANTED** with conditions.

Sale of Alcohol (on and off sales)

- Monday – Saturday from 09:00 hours to 23:00 hours
- Sunday from 09:00 hours to 22:30 hours

The Opening Hours of the Premises

- Monday – Saturday from 07:00 hours to 23:30 hours
- Sunday from 07:00 hours to 23:00 hours

Additional Conditions

1. To erect and maintain “blackout blinds” at the rear of the premises, the blinds must be closed by 20:00 hours each evening.
2. The “External Courtyard” at the rear of the premises must not be used for any business purposes, other than for the installation and maintenance of plants
3. There shall be no ambulant drinking at any-time in the premises.
4. All the existing conditions identified in the Operating Schedule by the applicant be retained.

3.2 Licensing Act 2003: Application for Premises Licence Variation for Hungry Donkey, 56 Wentworth Street, London, E1 7AL

The Chair informed the meeting that the applicant had requested an adjournment, earlier in the day due to a medical appointment and that Legal Services had confirmed the information via an email sent from the hospital and as such there were no legal reasons not to adjourn the application.

RESOLVED

That the application for Premises Licence Variation for Hungry Donkey, 56 Wentworth Street, London, E1 7AL be adjourned to a date to be confirmed.

3.3 Licensing Act 2003: Application for Premises Licence Variation for Preem Restaurant, 118 - 122 Brick Lane, London, E1 6RL

At the request of the Chair, Mr Mohshin Ali, introduced the report which detailed the application for the variation of the premises licence for Preem Restaurant, 118-122 Brick Lane, London, E1 6RL. It was noted that the applicant described the nature of the variation as:

1. Add the provision of late night refreshment until 02:30hours; and extend the supply of alcohol until 02:00hours with additional off sales;

and add the provision of regulated entertainment in the form of recorded (background) music from 23:00 hours to 02:30 hours.

The application also sought to remove the following conditions attached to the current premises licence:

2. Annex 3, Condition 1 – No regulated entertainment is to be provided except low key background music only. A noise limiter is to be installed, the settings (maximum music noise levels generated) of which are to be set and agreed beforehand with Environmental Protection Service, and the agreed level to be made available to the public on request.
3. Annex 3, Condition 5 – No food or drink will be allowed to be consumed outside the premises.
4. Condition 10 – Alcohol to be only served ancillary to a meal.
5. Condition 13 – At all times two trained security staff will be on duty within the premises with one person on door control to maintain good order and public safety.
6. Condition 15 - No regulated entertainment is to be provided except low key background music only. A noise limiter is to be installed, the settings (maximum music noise levels generated) of which are to be set and agreed beforehand with Environmental Protection Service. To ensure, as far as reasonably practical, that patrons that enter and exit the premises, especially late at night will act quietly and considerately at all times. No anti-social behaviour (shouting and screaming) or other forms of anti-social behaviour will be tolerated.
7. Condition 16 – No food or drinks to be allowed to be consumed immediately outside the premises in the street.

Mr Ali also informed the meeting that representatives of the Metropolitan Police, Licensing Authority and Environmental Health together with local residents were present and would be objecting to the application.

At the request of the Chair, Mr Simon Hill, Legal Representative on behalf of the Applicant explained that the application for variation was to extend the hours and to withdraw the applicants request to remove some of the conditions identified in the application. He explained that some of the conditions were no longer needed, for example, Condition 1 (Annex 3) and Condition 15 relating to regulated music as the Applicant only played low key background music on the premises. He also informed the meeting that Condition 13 was also no longer needed as the premises was a restaurant and there was no need for security as there had not been any anti-social behaviour recently at the premises.

He concluded that the premises was no different from any other premises in the local area and that many other premises operated later hours outside of the framework hours and the Applicant only wanted to be consistent with the other premises. He also explained that the application for extended hours would not cause any additional problems in the local area as people would already be in the area due to the later hours of operation of the other premises and that the Applicant's hours of operation would not contribute to any anti-social behaviour or crime and disorder in the local area.

Members heard representations from PC Alan Cruickshank (Metropolitan Police), Ms Kathy Driver (London Borough Tower Hamlets Licensing Authority), Mr Razaul Haque (London Borough Tower Hamlets Environmental Health) and Mr Roger Evans (local resident) who each expressed concerns regarding the premises being in the Cumulative Impact Zone and already operating outside the framework hours with the applicant having a history of breaches, licence suspensions, prosecutions, offences and fines. That the late hours of operation applied for by the Applicant does not reflect the purpose of the Cumulative Impact Zone and would contribute further to the concerns of anti-social behaviour and violence in the area. Members heard that the applicant had not shown how it would meet the licensing objectives and by requesting that Condition 13 be removed, had no consideration for the impact on the area and local residents, including the public access and egress from the premises and the local area as it would also mean that more people would remain in the area for longer periods and would eventually disperse later giving rise to public nuisance and contributing to crime & disorder in the area. Members also heard that there were previous complaints relating to loud noise coming from the premises and that on occasion the Applicant had sub-let the premises and the occupants played loud music. Members also heard from a local resident who expressed concern that if the application was granted there would be concerns regarding the later opening hours, drunkenness, the public nuisance, noise levels, the Cumulative Impact Zone and the access and egress of people in the local area.

In response to questions from Members it was noted, that:

- the Applicant was willing to withdraw the request to remove certain conditions attached to the current premises licence;
- the Applicant was willing to provide assurances that background music will be kept low; and
- the Applicant was willing to provide assurances that there would be no sub-letting of the premises in future.

At the request of the Chair, Mr Simon Hill, Legal Representative on behalf of the Applicant summarised by informing the meeting that the Applicant was prepared to withdraw the request to remove some of the conditions and that the Applicant was prepared to give some assurances regarding the premises and that there was no evidence presented that people would stay longer in the local area as a result of the Applicant's request to extend the hours of operation. He also stated that the Applicant would meet the Licensing Objectives and that the customers would normally stay in the area as other premises already operated outside of the framework hours.

Members adjourned the meeting at 8:40pm to consider the decision.

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.

Consideration

Each application must be considered on its own merits. The Sub Committee had carefully considered all of the evidence before them and considered written and verbal representation on behalf of the applicant, the objectors and responsible authorities with particular regard to the licensing objective of the prevention of public nuisance and the prevention of crime and disorder.

Members heard from Mr Hill (applicant's representative) that the applicant had agreed to amend the application for the Provision of Late Night Refreshment (indoors) hours to:

- Monday to Sunday until 02:00 hours (the following day)

He had also agreed to withdraw the request to remove the following conditions attached to the current premises license -

- Annex 3, Condition 5 – No food or drink will be allowed to be consumed outside the premises.
- Condition 10 – Alcohol to be only served ancillary to a meal.
- Condition 16 – No food or drinks to be allowed to be consumed immediately outside the premises in the street.

The applicant confirmed that he was not applying for a regulated entertainment licence, but was prepared to only use background music at the restaurant and as such requested that the following conditions be removed accordingly –

- Annex 3, Condition 1 – No regulated entertainment is to be provided except low key background music only. A noise limiter is to be installed, the settings (maximum music noise levels generated) of which are to be set and agreed beforehand with Environmental Protection Service, and the agreed level to be made available to the public on request.
- Condition 15 - No regulated entertainment is to be provided except low key background music only. A noise limiter is to be installed, the settings (maximum music noise levels generated) of which are to be set and agreed beforehand with Environmental Protection Service. To ensure, as far as reasonably practical, that patrons that enter and exit the premises, especially late at night will act quietly and considerately at all times. No anti-social behaviour (shouting and screaming) or other forms of anti-social behaviour will be tolerated.

Members also considered the applicants request to remove the following condition

- Condition 13 – At all times two trained security staff will be on duty within the premises with one person on door control to maintain good order and public safety.

Mr Hill made representation that the premises operates as a restaurant and there is no need to have trained security at the door. Members heard that although the premises is in the Cumulative Impact Zone and already operates outside the framework hours, it has not contributed to any public nuisance or crime & disorder and the application for a Premises Licence Variation will not incur any difference to conditions that already exist. Mr Hill also informed Members that the application would then be consistent with other premises in the area, that already have long hours of operation.

Members heard representations from the Metropolitan Police, London Borough Tower Hamlets Environmental Health and the London Borough Tower Hamlets Licensing Authority who expressed concerns regarding the premises being in the Cumulative Impact Zone and already operating outside the framework hours with the applicant having a history of breaches, licence suspensions, prosecutions, offences and fines. Members also heard that there were concerns with violence and anti-social behaviour if the application would be granted as it would mean that more people would remain in the area for longer periods and would eventually disperse later giving rise to public nuisance and contributing to crime & disorder in the area. Members heard that the applicant had not shown how it would meet the licensing objectives and by requesting that Condition 13 be removed, had no consideration for the impact on the area and local residents, including the public access and egress from the premises and the local area.

Members also heard from local residents who expressed concern that if the application was granted there would be concerns regarding the later opening hours, drunkenness, the public nuisance, noise levels, the Cumulative Impact Zone and the access and egress of people in the local area.

Members noted that the applicant was willing to withdraw the request to remove certain conditions attached to the current premises licence and was also willing to provide assurances that background music will be kept low and there would be no further sub-letting of the premises and that despite the application for an increase in hours that people would already be in the area due to other premises already having later hours of operation.

Therefore considering all of the above, Members decided to grant with variation the application for a variation of the premises licence with additional conditions.

Decision

Accordingly, the Sub-Committee unanimously –

RESOLVED

That the application for a Variation of the Premises Licence for Preem Restaurant, 118-122 Brick Lane, London, E1 6RL be **GRANTED WITH VARIATION**.

Application to extend the provision of Late Night Refreshment and to extend the supply of alcohol with additional off sales – **REFUSED**

The existing hours be retained as follows: -

Sale of Alcohol (on sales only)

- Monday – Sunday from 12:00 hours (midday) to 01:00 hours (the following day)

The Provision for Late Night Refreshment

- Monday – Sunday from 23:00 hours to 01:00 hours (the following day)

The following existing Conditions remain: -

- Annex 3, Condition 5 – No food or drink will be allowed to be consumed outside the premises.
- Condition 10 – Alcohol to be only served ancillary to a meal.
- Condition 16 – No food or drinks to be allowed to be consumed immediately outside the premises in the street.

The following Conditions be revised as follows: -

- Annex 3, Condition 1 – No regulated entertainment is to be provided except low key background music only.
- Condition 15 – No regulated entertainment is to be provided except low key background music only.
- Condition 13 – From 18:00 hours each evening two (2) SIA staff to be employed until closing.

ALL OTHER EXISTING CONDITIONS IN ANNEXE 1, ANNEXE 2, ANNEXE 3 AND ANNEXE 4 BE RETAINED.

The meeting ended at 9.30 p.m.

Chair, Councillor Rajib Ahmed
Licensing Sub Committee

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