

LONDON BOROUGH OF TOWER HAMLETS

MINUTES OF THE LICENSING SUB COMMITTEE

HELD AT 7.15 P.M. ON WEDNESDAY, 24 MAY 2017

THE COUNCIL CHAMBER, TOWN HALL, MULBERRY PLACE,

5 CLOVE CRESCENT, LONDON, E14 2BG

Members Present:

Councillor Rajib Ahmed (Chair)
Councillor Md. Maium Miah
Councillor Shah Alam

Officers Present:

Corinne Holland	Licensing Officer
Vivienne Walker	Senior Prosecution Lawyer
Antoinette Duhaney	Interim Senior Committee Officer
Farhana Zia	Committee Services Officer

1. DECLARATIONS OF DISCLOSABLE PECUNIARY INTEREST

The Chair, Councillor Rajib Ahmed commenced the meeting and apologised for the late start which was due to a Member of the Sub-Committee being struck in traffic. The meeting commenced at 7:15 p.m.

The Chair asked everyone present to observe a minute silence in memory of the Manchester bombing victims.

No Member of the Sub-Committee declared a pecuniary interest.

2. RULES OF PROCEDURE

The Rules of Procedure were noted by the Sub-Committee.

3. ITEMS FOR CONSIDERATION

3.1 Licensing Act 2003: Application for New Premises Licence for New Road Hotel, 103 - 107 New Road, E1 1HJ

In attendance

Carl Bruder (Applicants Legal Representative)
Shezan Aslam (on behalf of Horizon Whitechapel)
Monsur Malik (Horizon Whitechapel)
Masrur Malik (Horizon Whitechapel)
Corinne Holland (Licensing Authority)

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 has carefully considered all of the evidence before them and considered written and verbal representations from the applicant and objectors with particular regard to the licensing objectives of prevention of public nuisance and the prevention of crime and disorder.

Members heard from Mr Carl Bruder (the applicant's legal representative) who stated his clients were looking to open a boutique hotel, in a former disused textile factory. He said the hotel consisted of a basement area for storage, ground floor (with reception, foyer and restaurant) and upper floors for bedrooms. He stated the licence application was for a new premises licence and referred Members to Pages 19-20 of the agenda and the conditions outlined therein. He said his clients had agreed to these conditions and had reduced their supply of alcohol hours to commence at 10:30 a.m.

Mr Bruder referred to a letter from Mr Shapiro, page 72 and stated that the objector was appeased by knowing there would be no 'off sales'. Mr Bruder highlighted further point 9.3, page 19 that 'No drinks to be taken outside' and stated his clients were happy to comply with the conditions stated.

Members of the Sub-Committee sought clarification with regard to the restaurant and enquired if alcohol would be sold separately to food. Mr Bruder responded it was a high end restaurant, with an open plan layout for respectable customers. He confirmed incidental music would be played but noise conditions as agreed with Environmental Health would be complied

with. The hotel is a business that sells sleep and therefore would not be looking to cause public nuisance or disorder.

Therefore considering all of the above, Members decided to **GRANT** the application.

Decision

Accordingly, the Sub Committee unanimously

RESOLVED

That the application for a New Premises Licence for New Road Hotel, 103 – 107 New Road, London, E1 1HJ be **GRANTED**.

Hours premises are open to the public:

Sunday to Thursday from 08:00 hrs to midnight

Friday and Saturday from 08:00 hrs to 01:00 hrs

24 hours for residents of the hotel and their bona-fide guests

Sale of Alcohol (on sales only)

Sunday to Thursday from 10:30 hrs to 23:30 hrs

Friday and Saturday from 10:30 hrs to 00:30 hrs

The Provision of Late Night Refreshments (Indoors):

Sunday to Thursday from 23:00 hrs to 23:00 hrs

Friday and Saturday from 23:00 hrs to 00:30 hrs

The Provision of Regulated Entertainment in the form of Films and Plays:

Monday to Sunday 10:00 hours to midnight

Live music:

Monday to Sunday 12:00 hours to 23:30 hours

There are further non-standard times:

For all the above licensable activities:

24 hours for residents of the hotel and their bona-fide guests.

CONDITIONS

1. Staff shall be subject of due diligence training on prevention of unlawful Sales
2. No Music or Amplified Sound shall be generated on the premises to give rise to a nuisance to neighbouring residents
3. Loudspeakers shall not be located in the entrance lobby or outside the premises building.
4. All windows and external doors shall be kept closed after 22:00 hours, or at any time when regulated entertainment takes place, except for the immediate access & egress of persons.

5. The CCTV system shall incorporate a recording facility and any recordings shall be retained and stored in a suitable and secure manner for a minimum of 31 days. A system shall be in place to maintain the quality of the recorded image and a complete audit trail maintained. The system will comply with other essential legislation, and all signs as required will be clearly displayed. The system will be maintained and fully operational throughout the hours that the premises are open for any licensable activity. front entrance shall have CCTV coverage. There must also be someone on the premises, who can download the images and present them on request by a police officer or other responsible authority.
6. No drinks to be taken outside.
7. 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 or scanning equipment;
 - g) any refusal of the sale of alcohol;
 - h) any visit by a relevant authority or emergency service.
8. Police have also agreed that the
9. A Challenge 21 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. Signage of the 'Challenge 21' policy shall be prominently displayed on the premises.

4. LICENSING ACT 2003: APPLICATION FOR NEW PREMISE LICENCE FOR SHAWARMA, 84 BRICK LANE, E1 6RL

In attendance

Jack Spiegler (Applicant's Legal Representative)
Azzam Barhamji (Applicant)
Katie Riding (accompanying Applicant)
PC Mark Perry (Metropolitan Police)
Mohshin Ali (Licensing Authority)
Corrinne Holland (Licensing Authority)
Michael Dunn (Environmental Protection)
David Cunningham (Objector)

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 has carefully considered all of the evidence before them and considered written and verbal representations from the applicant and objectors with particular regard to the licensing objectives of prevention of public nuisance and the prevention of crime and disorder.

Members heard from Mr Jack Spiegler (the applicant's legal representative) who stated the current business operates until 11:00 p.m. however the applicant was seeking a new premises license for Late Night Refreshment with opening hours until 2:00 a.m. He stated the hours applied for were not unusual for the area and referred Members to page 123, which showed other licenced venues in the vicinity. With respect to the objections from the responsible authorities, Mr Spiegler said his client was compliant with the licensing conditions and complaints were not specific to 84 Brick Lane. Mr Spiegler referred to the supplementary agenda and the letters of support contained therein.

With regard to the Cumulative Impact Zone (CZI), Mr Spiegler referred Members to page 186 point 8.4 making clear the premises would not be selling alcohol just late night refreshment. He stated his client consented to comply with the conditions as set out on page 92 and would like the Sub-Committee to grant him a license.

To counter the applicant's statement, the Sub-Committee heard from the objectors. The responsible authorities – Police, Environmental Health and the Licensing Authority gave evidence as to why they objected to the granting of the application. They also heard from Mr David Cunningham, a named objector. In summary reference was made to Appendices 5, 6, 7 & 8.

PC Mark Perry stated the Police had received a number of complaints and in light of the CZI and the licensing objectives the application should be refused. He said the applicant had applied for a similar licence last July which was refused and this was just a repeat of the same process. He made reference to the objectors' letters on pages 152 and 160 and said the concerns raised by the residents association had some merit.

The shop is very small with customers spilling outside and there was no method of controlling noise or people. PC Perry stated the applicant had failed to effectively manage previous TENs (temporary event notices) and increased hours will result in anti-social behaviour.

He suggested any licence granted should be in line with the Licensing Act's framework hours, with the applicant demonstrating for a period of one year that the premises will be complaint with these, before seeking an extension to its hours. PC Perry also recommended that the applicant seek to employ Security Staff on Friday and Saturday evenings.

Members proceeded to question the applicant and asked what reassurances he could give to ensure noise was kept to a minimum and further questioned the Licencing Officer with respect to their visits to the premises. Mr Spiegler made clear his client had not breached previous TENs and had no objection to the suggested framework hours if that was what the Members agreed.

Therefore considering all of the above, Members decided to **GRANT** the application.

Decision

Accordingly, the Sub Committee unanimously

RESOLVED

That the application for a New Premises Licence for Shawarma, 84 Brick Lane, London, E1 6RL be **GRANTED**.

Hours premises are open to the public:

Monday to Thursday, 10:00 a.m. to 00:30 a.m.

Friday to Saturday, 10:00 a.m. to 01:00 a.m.

Sunday 10:00 a.m. to 00:00 a.m. (midnight)

Operational Hours for Late Night Refreshments

Monday to Thursday, 10:00 a.m. to 00:00 a.m. (midnight)

Friday to Saturday, 10:00 a.m. to 00:30 a.m.

Sunday 10:00 a.m. to 11:30 p.m.

CONDITIONS

1. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
2. 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 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.

3. 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.
4. 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.
5. Reasonable steps shall be taken to ensure that any person loitering outside the premises disperse quickly and do not congregate.
6. The toilet shall be available to all seated customers.
7. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
8. All windows and external doors shall be kept closed except for the immediate access and egress of persons.
9. An incident log shall be kept at the premises, and made available on request to an authorised officer of the Council or the Police. It must be completed within 24 hours of the 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 faults in the CCTV system
 - (e) any visit by a relevant authority or emergency service.
10. A CCTV system shall incorporate a recording facility and any recordings shall be retained and stored in a suitable and secure manner for a minimum of 31 days. A system shall be in place to maintain the quality of the recorded image and a complete audit trail maintained. The system will comply with other essential legislation, and all signs as required will be clearly displayed. The system will be maintained and fully operational throughout the hours that the premises are open for any licensable activity.

11.

5. LICENSING ACT 2003: APPLICATION FOR A NEW PREMISES LICENCE FOR ROCHELLE CANTEEN, ARNOLD CIRCUS, E2 7ES

In attendance

Saba Naqshbandi (Applicant's Counsel)

Lisa Inzani (Applicant's Solicitor)

Melanie Arnold (Applicant)

Margot Henderson (Applicant)

Patrick Clarke (Objector)

Ali Hayder (Objector)

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 has carefully considered all of the evidence before them and considered written and verbal representations from the applicant and objectors with particular regard to the licensing objectives of prevention of public nuisance and the prevention of crime and disorder.

Members heard from Ms Saba Naqshbandi (Counsel for the applicants) who stated her clients were established chefs, who had operated from the premises since 2005. The café had grown organically into a restaurant and was popular with local residents. She made reference to the number of people who had attended in support of the application. She referred members to page 216 which appended the plan of the location and said it was a small operation with a maximum of 36 covers inside and 20 outside. To enable a better understanding of the area she referred Members to the photographs on page 327 onwards.

Ms Naqshbandi sighted the proposed conditions on page 214 and stated none of the Responsible Authorities were objecting to the licence. She also made reference to the menu page 32, alcohol offering at page 323 and non-alcoholic drinks offering at page 325. With respect to the objections Ms Naqshbandi stated her clients had offered to talk to complainants and indeed one objector, Mr Bailey (appendix 8) had withdrawn his objection once he had spoken to the applicants.

To counter Ms Naqshbandi's statement, Mr Patrick Clarke and Mr Ali Hayder addressed the Sub-Committee. Mr Clarke stated he had witnessed early morning deliveries contravening the current licence and his letter pages 226-227 stated in detail his concerns. Mr Ali Hayder stated he was a signatory on the petition submitted by his sister (Appendix 10) and had made a personal representation page 283. He stated the premises in question was the adjoining property and his family objected strongly to the application before the Sub-Committee.

He said they had tolerated noise disturbance for over 10 years but had chosen not to complain to the authorities in order to be good neighbours. However the constant humming of customers chatting and noise of cutlery was such that his family are unable to sleep with the windows open, especially in the summer months.

After hearing from both sides, Members enquired about the sale of alcohol 'off-site'. Ms Naqshbandi clarified this was in relation to her clients catering business however accepted that under the licence one could not stop off sales. Discussion also took place with regard to how long the outside area can be utilised. Members also made clear to Mr Hayder and Mr Clarke that if they had concerns they should report these to the Responsible Authorities.

Therefore considering all of the above, Members decided to **GRANT** the application.

Decision

Accordingly, the Sub Committee unanimously

RESOLVED

That the application for a New Premises Licence for Rochelle Canteen, Arnold Circus, London, E2 7ES be **GRANTED**.

Hours premises are open to the public:

Monday to Sunday 08:00 a.m. to 10:00 p.m.

Sale of Alcohol (on sales – in restaurant only)

Monday to Sunday

Outside area 10:00 a.m. to 9:00 p.m.

Inside area 10:00 a.m. to 9:45 p.m.

CONDITIONS

1. The supply of alcohol, substantial food and non-intoxicating beverages, including drinking water, shall be available in all parts of the premises where alcohol is sold or supplied for consumption on the premises and shall be by waiter or waitress service only.
2. There shall be no vertical drinking at the premises.
3. 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.

4. 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
5. All outside tables and chairs shall be rendered unusable by 21:00 hours each day.
6. All doors and windows to be kept closed by 22.00 hours each day.
7. A Challenge 21 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.
8. Sale of Alcohol (off site) to be restricted to external catering events only.
9. Deliveries must be made between 8:30 a.m. and 7:30 p.m. Monday to Sunday.
10. The outside space must to rendered useable by 21:00 hours and no customers must remain outside.

6. EXTENSION OF DECISION DEADLINE: LICENSING ACT 2003

There were no decisions to be taken to extend decision deadlines under the Licensing Act 2003.

The meeting ended at 10.20 p.m.

Chair, Councillor Rajib Ahmed
Licensing Sub Committee