

LONDON BOROUGH OF TOWER HAMLETS

MINUTES OF THE LICENSING SUB COMMITTEE

HELD AT 6.30 P.M. ON TUESDAY, 8 AUGUST 2017

**COUNCIL CHAMBER, 1ST FLOOR, TOWN HALL, 5 CLOVE CRESCENT,
LONDON E14 2BG.**

Members Present:

Councillor Rajib Ahmed
Councillor Peter Golds
Councillor Joshua Peck

Officers Present:

Kathy Driver	–	(Principal Licensing Officer)
Mohshin Ali	–	(Senior Licensing Officer)
Victoria Fowler	–	(Legal Services)
Antoinette Duhaney	–	(Interim Senior Committee Officer)

1. DECLARATIONS OF DISCLOSABLE PECUNIARY INTEREST

None.

2. RULES OF PROCEDURE

Noted.

3. ITEMS FOR CONSIDERATION

3.1 Licensing Act 2003 Application for a Premises Licence for The Grill & Spice, 5-7 Osborn Street, E1 6TD

In attendance

Anthony Edwards, TV Edwards (Applicant's Legal Representative)
Mr Mohammod (Applicant)
Mark Perry (Metropolitan Police Licensing Team)
Nicola Cadzow (Public Protection, Environmental Health)
Mohshin Ali (Licensing Authority)
Roger Evans (Resident, on behalf of Jon Shapiro)

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
4. The Protection of Children from Harm

Consideration

Each application must be considered on its own merits and the Sub-Committee carefully considered the written and verbal representations made by the applicant and his representative; and for the objectors, a local resident and the three responsible authorities, namely the Licensing Authority, the Metropolitan Police and Environmental Protection. The objections related to the prevention of crime and disorder and prevention of public nuisance;

The Sub-Committee noted that they were asked to consider the application for a new premises licence for The Grill & Spice, 5 – 7 Osborn Street, E1 6TD.

Applicant's representations

Anthony Edwards of TV Edwards addressed the meeting and advised Members that the application had been submitted to allow the applicant to provide Late Night Refreshment (LNR) and that no alcohol would be sold. The premises served the local area including patrons from the neighbouring hotel and other nearby commercial premises. Mr Edwards informed the Sub Committee that the applicant took over the business 1 year ago and the applicant had been under the impression that the premises was permitted to serve LNR. The applicant had unwittingly served LNR without the proper authorisation for the last 12 months.

Mr Edwards advised members that the Premises was only small and was situated at the commercial end of Osborne Street.

As soon as the applicant realised his mistake, the unauthorised licensing activity ceased and a premises license application was submitted. In the interim, Mr Edwards reported that the applicant had applied for several Temporary Event Notices (TENs) to allow the provision of LNR. Notwithstanding the fact that the applicant had provided LNR without the appropriate licence for approximately 12 months following the applicant taking over the premises, there had been no complaints or concerns raised regarding the management of the premises and no reported incidents of Anti-Social Behaviour (ASB) which had emanated from the Premises.

Mr Edwards stated that given that there were no reported incidents or complaints in respect of the premises, this rebutted the presumption that the premises would have a detrimental impact on the Cumulative Impact Zone (CIZ). Furthermore, the presence of SIA security staff during the hours for provision of LNR would ensure that the premises continued to have no impact on the CIZ. The SIA staff would be there to ensure that no alcohol was

brought onto the Premises and that no customers were able to loiter outside of the Premises once they leave.

Mr Edwards also raised the point that the hotel opposite the Premises had not submitted an objection to the application.

Objectors' representations

PC Mark Perry of the Metropolitan Police Licensing Team addressed Members and expressed concerns that the applicant had carried out unlicensed activity from when he took over the business until May 2017. PC Perry felt that the applicant was under an obligation to investigate the permitted hours for licensed activity and it was worrying to hear that the applicant had not carried out the proper checks.

PC Perry advised that the Brick Lane area had the highest levels of ASB in Tower Hamlets and if this application was granted, it would be the only premises with such late opening hours. This would lead to the premises becoming a magnet for patrons who had been drinking elsewhere to visit the locality, thereby increasing the potential for ASB and crime and disorder.

PC Perry submitted to the members that the authorities and local community had worked together to try and reduce ASB in the Cumulative Impact Zone and granting the licence was likely to increase ASB in the area. PC Perry recommended that the Sub Committee should refuse the application in full. However if Members were minded to grant the application, he suggested that Members should agree the hours and conditions as recommended by PC Alan Cruickshank in his written representation on page 57 of the agenda pack; namely increased hours for only Friday and Saturday up until midnight. PC Perry also highlighted that the applicant's agent had not responded to an email sent on 30th June 2017.

Nicola Cadzow, Environmental Health Technical Officer addressed the meeting and stated that the hours applied for was in excess of framework hours. Ms Cadzow reported that the premises were in close proximity to residential dwellings and there was potential for public nuisance through the extended provision of LNR and access and egress for patrons. Ms Cadzow stated that if the premises were allowed to serve LNR until 5am, this would encourage late visitors to the area and cause noise disturbance to residents. Ms Cadzow submitted to members that in her view the application should be refused on public nuisance grounds but should members be minded to grant a licence that the hours of the licensable activity are limited to framework hours.

Mohshin Ali, Senior Licensing Officer addressed the meeting on behalf of the Licensing Authority and advised that the premises had been issued with a warning following a visit on 12th May 2017 for carrying out unauthorised licensable activity. Subsequently TENs had been submitted to allow the premises to serve LNR at weekends and an application for a premises license had been submitted on 21 June. Mr Ali recommended that in the event that the Sub Committee was minded to grant the application, that the hours for LNR be reduced to framework hours. Mr Ali also questioned the timings

applied for on the TENs as the hours applied for did not include the provision of LNR from 11pm – 12 midnight.

Roger Evans addressed the meeting on behalf of Jon Shapiro by proxy, a local resident. Mr Evans stated that the premises did not cater to local residents and had a very poor hygiene rating; most patrons came to the premises after drinking elsewhere in the locality. Mr Evans stated that he had been the victim of 2 assaults in the previous 2 months and if the hours applied for were granted, this would increase ASB, causing nuisance to residents especially residents of 2 hostels nearby housing vulnerable people.

In response to questions and comments from Sub Committee Members, the applicant and his legal representative stated the following:

- The premises had seating for 16 patrons downstairs and the upstairs was not in use.
- The premises would be able to uphold the licensing objectives as no alcohol would be sold so it would not attract the wrong clientele and the SIA staff would ensure that the licensing objectives were met during the hours of LNR provision.
- Since the applicant took over the business, there had been no reported incidents and the premises had not been the subject of any complaints had been made to the Metropolitan Police or the Council.
- The customers were people coming back into the area where they live after work rather than people attending when under the influence of alcohol.
- The TENs had passed peacefully without incident
- The applicant had been providing LNR for 12 months before he realised that a license was required
- From 11pm – 12 midnight on the days before the TENs, the premises did not serve LNR and staff used this time for cleaning up. The reason that the TEN was applied for from 12 midnight to 5am was to ensure that only one of the TEN quotas for the year was used. If the Premises had a TEN from 11pm to 5am the following day then two of the annual quota would be used.
- The applicant was apologetic for carrying out unauthorised licensable activity and as soon as he became aware of the breach, he submitted TENs and applied for a premises license

At the conclusion of the oral representations, the Sub-Committee withdrew to deliberate in private with the Legal Advisor and Clerk.

The Sub Committee was mindful of the serious concerns of the responsible authorities regarding anti-social behaviour, crime and disorder and public

nuisance and noted that the LNR hours applied for were far beyond the Council's framework hours. Members accepted the evidence of the responsible authorities in respect of the likelihood of crime and disorder and anti-social behaviour and had doubts regarding the applicant's ability to promote the licencing objectives given his clear lack of knowledge of licensing requirements.

Members were of the view that the applicant had not adequately rebutted the presumption that the Premises would contribute to the cumulative impact already being experienced within the Cumulative Impact Zone (CIZ). Nor had the applicant adequately demonstrated how he would promote the relevant the licensing objectives of preventing crime and disorder and public nuisance

The Sub Committee had particular concerns that:

- The applicant gave oral evidence indicating that he had been providing LNR for 12 months without authorisation which showed his lack of understanding of ensuring that the licensing objectives were upheld. It was only due to the enforcement visit that the applicant then applied for the TENs.
- The approved TENs did not provide enough evidence to satisfy Members that the premises would not add to the cumulative impact within the CIZ as they were for weekends only and did not show what would happen if the premises were opened late throughout the week.
- Members were persuaded by the particularly compelling evidence of the Metropolitan Police in relation to the potential impact on crime and disorder and anti-social behaviour and in line with section 2.1 of the Home Guidance were guided by the police representations.
- Members were also mindful of the strength of the objections which had come from three separate responsible authorities as well as a member of the public.

Members had mixed views on whether to grant the application with reduced hours for LNR given that the applicant had provided unauthorised LNR for 12 months and during this time there had been no complaints or concerns raised regarding the management of the premises as confirmed by Ms Driver.

In considering their decision Members had regard to the guidance issued by the Home Office under Section 182 of the Licensing Act 2003 concerning Crime and Disorder. Therefore considering all of the above, by a 2.1 majority, on balance, Members had no confidence that the applicant would promote the licensing objectives and agreed by a majority decision to refuse the application.

Decision

Accordingly, for the above reasons, by a majority decision, the Sub-Committee

RESOLVED - That the application for a Premises Licence for The Grill & Spice, 5 – 7 Osborn Street, E1 6TD, be **REFUSED**.

3.2 Licensing Act 2003: Application for a Premises Licence for (Shuffle Festival), The Lodge, Tower Hamlets Cemetery Park, Southern Grove, E3 4PX

In attendance

Jack Spiegler, Thomas & Thomas (Applicant's Legal Representative)
Lizzy Daish (Applicant)
Kate McTiernan (Applicant)
Mark Perry (Metropolitan Police Licensing Team)
Nicola Cadzow (Public Protection, Environmental Health)
Kathy Driver (Licensing Authority)
Dan Stowell (Local Resident)
Matthew Brown (Local Resident)

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
4. The Protection of Children from Harm

Consideration

This application was considered in conjunction with item 3.3 below.

Each application must be considered on its own merits and the Sub-Committee carefully considered the written and verbal representations made by the applicant and their representative, and the three responsible authorities, namely the Licensing Authority, the Metropolitan Police and Environmental Protection, relating to the prevention of crime and disorder and prevention of public nuisance. Oral representations were also considered by a local resident in support of the application

The Sub-Committee noted that they were asked to consider the application for a new premises licence for (Shuffle Festival Limited), The Lodge, Tower Hamlets Cemetery Park, Southern Grove, E3 4PX.

Representations from applicants

Jack Spiegler, the applicant's legal representative addressed the meeting with assistance from Lizzy Daish and Kate McTiernan (Shuffle Festival Ltd). Mr Spiegler stated that a compromise had been reached in respect of most of the concerns raised by the Responsible Authorities with regard to the application

for a premises licence. Mr Spiegler reported that events in 2015 and 2016 took place without any reported incidents and stated that conditions listed on pages 105, 106 & 151 of the main agenda pack would assist in promoting the licensing objectives.

Ms McTiernan provided background information regarding the event which was based on films, music, dance, poetry and spoken word. The Festival was free to residents and the event was funded by Canary Wharf Group. The aim was to secure a permanent cultural venue and the premises license would facilitate this to allow small groups to run workshops, show films and hold creative events. The Food and alcohol sales were purely to cover the cost of activities and the event had crowdfunding support. Previous events had helped to promote community cohesion.

Representations from objectors

PC Mark Perry, Metropolitan Police Licensing Team, and Nicola Cadzow, Environmental Health Technical Officer addressed the meeting and confirmed that they were generally satisfied with the revised conditions which had been agreed with the applicant. Ms Cadzow also made reference to a complaint which had been received regarding noise nuisance after an event held the previous weekend.

Kathy Driver, Principal Licensing Officer addressed Members and raised concerns over the possibility of alcohol being taken off site to other areas within the park outside the festival boundaries. Ms Driver also requested clarification on the number and location of SIA staff during events and reiterated Ms Cadzow's concerns about a complaint of noise disturbance which had been made following an event held the previous weekend. Ms Driver requested an updated Event Management Plan including details of crowd management, the location of SIA staff and volunteer stewards.

Representations from supporters of the application

Dan Stowell, a local resident, addressed the meeting expressing his support for the event. Mr Stowell stated that he had attended previous events and that the local community welcomed the event.

In response to questions and comments the applicants stated that:

- Conditions restricting off sales had been offered and that off sales were only required during special events.
- SIA staff would be located in the areas marked on the plan.
- 7 SIA staff would be on duty until 7pm and after 7pm, 11 SIA staff would be on duty along with Shuffle staff and volunteer stewards.
- There had been no complaints or incidents reported from previous events

- 300 advance tickets had been sold
- Patrons attending previous events left the premises promptly when the event closed and the presence of SIA staff would ensure that patrons were escorted off the premise swiftly.
- A Noise Management Plan would will be produced in consultation with Environmental Health Officers

At the conclusion of the oral representations, the Sub-Committee withdrew to deliberate in private without the Legal Advisor and Clerk.

The Sub Committee considered that the applicants had reached an acceptable compromise with the Responsible Authorities and therefore considering all of the above, Members agreed unanimously to grant the application.

Decision

Accordingly, the Sub-Committee unanimously

RESOLVED - That the application for a Premises Licence for (Shuffle Festival), The Lodge, Tower Hamlets Cemetery Park, Southern Grove, E3 4PX be **GRANTED**.

The Sale by retail of alcohol (on sales)

- Monday to Saturday from 10:00 hours to 23:30 hours
- Sunday from 10:00 hours to 22:30 hours

The provision of regulated entertainment - Indoors and outdoors (plays films, live music, recorded music and anything of a similar description)

- Monday to Saturday from 10:00 hours to 23:00 hours (indoors)
- Monday to Saturday from 10:00 hours to 23:30 hours (outdoors)
- Sunday from 10:00 hours to 22:30 hours

The provision of late night refreshment - Indoors and outdoors

- Monday to Saturday, from 23:00 hours to 23:30 hours

The opening hours of the premises

- Monday to Saturday from 08:00 hours to 00:00 hours (midnight)
- Sunday from 08:00 hours to 23:00 hours

Operating schedule

1. 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;

2. CCTV camera system covering both internal and external to the premises is to be installed;
3. The CCTV recordings are to be maintained for 30 days and to be provided upon request to either a police officer or any officer of any other Responsible Authority;
4. At all times when the premises is open, a person who can operate the CCTV system must be present on the premises;
5. An incident log shall be kept at the premises, and made available on request to an authorised officer of the Council or the Police, which will record the following:
 - a) All crimes reported to the venue;
 - b) All ejections of patrons;
 - c) Any complaints received;
 - d) Any incidents of disorder;
 - e) All seizures of drugs or offensive weapons;
 - f) Any faults in the CCTV system;
 - g) Any refusal of the sale of alcohol;
 - h) Any visit by a relevant authority or emergency service.
6. Clear signage is to be displayed prominently and maintained at all exits of the premises requiring patrons to leave and enter the premises and area quietly out of respect for local residents;
7. Refuse, including bottles are to be taken and placed into receptacles outside the premises at times which will minimise the disturbance to nearby premises;
8. No drinks shall be taken outside of the licensed area (including external areas) after 23:00 hrs.
9. No more than 10 smokers at any one time allowed to smoke in the external areas after 22:00hrs as shown on the plan attached to the application.
10. No music or amplified sound shall be generated on the premises to give rise to a nuisance to neighbouring residents
11. All windows and external doors shall be kept closed after 22:00hrs, except for the immediate access & egress of persons.
12. No licensable activities in the external areas after 22:00 except during special events authorised by the Arts, Parks & Events Team when the external areas will close at 23:00hrs
13. Alcohol consumed in the yard shall be in polycarbonate, plastic or other non-glass drinks containers only.

14. There shall be no off-sales from the premises, except during special events authorised by the Arts, Parks & Events Team and shall be limited to within the cemetery park only.

3.3 Licensing Act 2003: Temporary Event Notices for Shuffle Festival, Tower Hamlets Cemetery, Southern Grove, E3

In attendance

Jack Spiegler, Thomas & Thomas (Applicant's Legal Representative)
Lizzy Daish (Applicant)
Kate McTiernan (Applicant)
Mark Perry (Metropolitan Police Licensing Team)
Nicola Cadzow (Public Protection, Environmental Health)
Kathy Driver (Licensing Authority)
Dan Stowell (Local Resident)
Matthew Brown (Local Resident)

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
4. The Protection of Children from Harm

Consideration

These applications were considered in conjunction with item 3.2 above.

Each application must be considered on its own merits and the Sub-Committee carefully considered the written and verbal representations made by the applicant and their representative, and the three responsible authorities, namely the Licensing Authority, the Metropolitan Police and Environmental Protection, relating to the prevention of crime and disorder and prevention of public nuisance. Oral representations were also considered by a local resident in support of the applications.

The Sub-Committee noted that they were asked to consider the applications for Temporary Event Notices (TENs) for Shuffle Festival Limited, The Lodge, Tower Hamlets Cemetery Park, Southern Grove, E3 4PX.

Jack Spiegler, the applicant's legal representative, addressed the meeting and advised that the following TENs had been withdrawn

- Railway Yard
- Womens Workhouse

- Scaffold Yard

Mr Spiegler reiterated that no complaints had been received regarding previous events

PC Mark Perry, Metropolitan Police Licensing Team, and Nicola Cadzow, Environmental Health Technical Officer addressed the meeting and confirmed that they were generally satisfied with the revised conditions which had been agreed with the applicant.

Mr Perry suggested that a SAG meeting should take place within the next 10 days to sign off the Event Management Plan. Mr Spiegler gave an undertaking that this meeting would take place.

Ms Cadzow suggested the following informative to align with the time limited premises licence:

“No noise from regulated entertainment shall be audible at any affected façade and/or inside any premises with the window ajar so as not to cause a nuisance.”

Kathy Driver, Principal Licensing Officer addressed Members and raised concerns about the lack of detail provided in the Event Management Plan.

In response to questions and comments from Members, the applicants stated that several TENs had submitted rather than a single time limited application because of the nature of the site. The applicants advised that it was not viable to cease licensable activity any earlier as the programming of films during the longer hours of daylight in summer had to start later and by reducing the time frame may mean that only one film could be shown instead of the plan of showing two films.

Members asked about the dispersal of event goers and Mr Spiegler said that the dispersal of event goers would be staggered throughout the day rather than all patrons leaving at once.

At the conclusion of the oral representations, the Sub-Committee withdrew to deliberate in private without the Legal Advisor and Clerk.

The Sub Committee considered that the applicants had reached an acceptable compromise with the Responsible Authorities to address most of the concerns raised and that necessary and proportionate conditions had been agreed which would assist in promoting the licensing objectives. Members accepted the applicant's argument that ceasing licensable activity at 11.30 pm was not viable due to the programming of films.

Decision

Accordingly, the Sub-Committee unanimously

RESOLVED - That the application for Temporary Event Notices for (Shuffle Festival), The Lodge, Tower Hamlets Cemetery Park, Southern Grove, E3 4PX be **GRANTED** as follows:

Soanes Centre - 23rd to 27th August 2017

Alcohol and Regulated Entertainment

12:00 hrs to 23:00 hrs Wednesday to Friday

12:00 hrs to midnight Saturday & Sunday

Lodge Yard Bar - 23rd to 27th August 2017

Alcohol and Regulated Entertainment

12:00 hrs to 23:00 hrs Wednesday to Friday

12:00 hrs to midnight Saturday & Sunday

Horse Chestnut Yard - 26th to 27th August 2017

Alcohol and Regulated Entertainment

23:00 hrs to midnight Saturday; 22:30hrs to midnight Sunday

Music Pavilion/Memorial Glade - 26th to 27th August 2017

Alcohol and Regulated Entertainment

23:00 hrs to midnight Saturday;

22:30hrs to midnight Sunday

Cantrell Field - 26th to 27th August 2017

Alcohol and Regulated Entertainment

23:00 hrs to midnight Saturday;

22:30hrs to midnight Sunday

Informative

No noise from regulated entertainment shall be audible at any affected façade and/or inside any premises with the window ajar so as not to cause a nuisance.”

The meeting ended at 8.23 p.m.

Chair,
Licensing Sub Committee