

LONDON BOROUGH OF TOWER HAMLETS**MINUTES OF THE LICENSING SUB COMMITTEE****HELD AT 6.30 P.M. ON TUESDAY, 27 NOVEMBER 2018****MP701, 7TH FLOOR, TOWN HALL, MULBERRY PLACE, 5 CLOVE CRESCENT,
LONDON, E14 2BG****Members Present:**

Councillor Ehtasham Haque (Chair)

Councillor Faroque Ahmed

Councillor Sabina Akhtar

Officers Present:

Tom Lewis	– (Team Leader - Licensing Services)
Vivienne Walker	– (Senior Prosecution Lawyer)
Samantha Neale	– (Licensing Officer)
Simmi Yesmin	– (Senior Committee Officer, Democratic Services)

Representing applicants	Item Number	Role
Emma Dring	3.1	(Legal Representative)
Richard Hemingway	3.1	(Solicitor)
Peter Kopik	3.1	(Applicant)

Representing objectors	Item Number	Role
James Rankin	3.1	(Legal Representative)
Dr Peter Graves	3.1	(Objector)
David Masters	3.1	(Objector)
Trevor Witton	3.1	(Objector)
Nicola Cadzow	3.1	(Environmental Health)

Apologies

None

1. DECLARATIONS OF DISCLOSABLE PECUNIARY INTEREST

No declarations of disclosable pecuniary interests were declared.

2. RULES OF PROCEDURE

The Rules of Procedure were noted by the Sub Committee.

3. ITEMS FOR CONSIDERATION

3.1 Application for a New Premises Licence for Lola Hospitality Ltd 81 Wapping High Street, London, E1W 2YN

At the request of the Chair, Ms Samantha Neale, Licensing Officer, introduced the report, which detailed the application for a new premises licence for Lola Hospitality Ltd, 81 Wapping High Street, London E1W 2YN. It was noted that objections had been received on behalf of Environmental Health and local residents.

At the request of the Chair, Ms Emma Dring, Legal Representative on behalf of the Applicant gave a brief summary of the Applicant's history and experiences, she explained that Mr Peter Kopik, Applicant, was the landlord for the building and had been for the past 27 years and has had a long standing connection with the area. He had previously been in the hotel industry in Ireland for 15 years, had three hotel developments and was also an architect by profession. It was also noted that he previously owned the restaurant Pasha in Wapping High Street between 1999 -2004 and this restaurant was now closed.

Ms Dring explained that if the application was to be granted then Mr Kopik currently named as the Designated Premises Supervisor on the application would be changed to someone more experienced. She explained that the main concerns raised by objectors were the likely possibility of the premises becoming a late night venue. She explained that it would remain and continue as an Italian restaurant but were looking to make it more premium and upmarket.

It was noted that the restaurant would be food led, and drinks would be served with meals only, no music would be played and alcohol would be for on sales only.

She referred Members to page 53 of the agenda, the layout of the premise and explained that the bar area would be the waiting area for customers sit and wait at before being seated rather than have to queue outside if the restaurant were to be busy. She explained that customers would be seated at the bar area and would not be doing anything different from what was in place before, it was noted that the hours and business model were the same as the previous business at the premises. It also noted that the previous licence has had no reviews or problems in the past and was accepted by residents.

Ms Dring explained that the restaurant would be a vibrant addition to the street/area and there was no reason why there would be any additional concerns. It was noted that there was no intention for the premises to become a late night venue, the later hours had been sought to allow flexibility to finish

meals. She highlighted the fact that objectors raise issues from experiences relating to the previous business, but this in fact was a new business and had new management.

She highlighted the fact that the premise was in central London and some activity is expected and with it being a vibrant restaurant it would enhance the local area. It was noted that there would be a head waiter/maître d' who would monitor the noise outside the premises. That cabs would be called for customers, and suitable signage would be displayed at the premises. She urged Members to grant the application and impose conditions that were appropriate for a restaurant and not a bar.

Members then heard from objectors present at the meeting, Members firstly heard from Mr James Rankin Legal Representative representing residents from The Sanctuary including Mr David Masters who was also present at the meeting. Mr Rankin highlighted that the previous business caused noise nuisance and problems and that operated till 11pm and therefore any later hours would be detrimental to the area. He suggested that as a new application, the Council's framework hours should be agreed. It was noted that one of the main concerns was that they had already experienced what this premises was like to be a restaurant and what the Applicant was applying for now could potentially operate as a bar in the future. Mr Rankin said that they were agreeable to the hours, however suggested conditions such as restricting alcohol to customers having a tabled meal only.

Members also heard from Dr Peter Graves, local residents who expressed concerns about the increase in anti-social behaviour in the area if a licence was granted. He explained that his window overlooks the park and often witnesses customers causing public nuisance, urinating on walls, and congregating in the gazebo area in the park. He stated that Wapping High Street was a residential area and noise can be amplified. Members also heard from Mr Tavor Witton, local resident who explained that noise was a persistent problem in the area, however didn't object to the business as such but highlighted the issues with noise disturbance. He suggested there be suitable and legible signage's around the premises asking customers to leave the area quietly and respect the needs of local residents, smokers to smoke in a designated smoking area, and discourage engine idling from taxis waiting outside for customers etc.

Members also heard from Nicola Cadzow, Environmental Health, she referred to her statement on page 114 of the agenda and explained that the premises was in close proximity to residential properties and explained that there was likely to be a noise breakout from the venue affecting neighbouring residents. However she said that she would be agreeable to the application if the Applicant agreed to the Council's framework hours.

In response to questions the following was noted:

- That Dr Graves original objection was submitted within the consultation period but was omitted from the licensing report due to an error.
- That the Applicant agreed to accept the Councils framework hours.

- That there was not enough time to consult with the residents after the consultation period had ended.
- That there was no concern or issues with noise escaping from the premises.
- That employing SIA door staff would not be appropriate for a restaurant premises.
- That prominent and legible notice would be displayed around the premises asking customers to respect the needs of local residents and leave the area quietly.
- That the front of house staff/maître d would monitor the outside area for noise/disorder/smokers etc. and this could also form part of their duty.
- That alcohol shall be ancillary to a tabled meal, however the Applicant thought this to be excessive, and proposed this could be imposed for the later licensing hours.

In summation Ms Dring said that the Applicant was agreeable to the Council's framework hours, that they had addressed resident's concerns through the proposed conditions even though the previous business had no conditions and was also agreeable to alcohol being served to customers having tabled meals only and for this to start from the late evening.

Mr Rankin explained that complaints have been made about the premises in the past. He asked Members to note the 21 letters of objections, and urged Members to impose Council's framework hours and conditions.

Members adjourned the meeting at 7.50pm for deliberations and reconvened at 8.20pm.

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:

The Prevention of Crime and Disorder;
Public Safety;
Prevention of Public Nuisance; and
The Protection of Children from Harm

Consideration

Each application must be considered on its own merit. The Sub Committee had carefully considered all of the evidence before them and considered written and verbal representation from both the applicant and his Legal Representative and heard objections from the Environmental Health Officer, Local Residents and their Legal Representative with particular regard to the two licensing objectives of the prevention of public nuisance, and the prevention of crime and disorder.

Members welcomed the efforts made by the Applicant by offering conditions in their operating schedule and accepting the framework hours as proposed by the Environmental Health Officer. Members were of the view that a condition that alcohol served ancillary to a meal and no vertical drinking gave them and residents the assurance that the premises would not be used as a bar or vertical drinking establishment. Members were also satisfied that a modification of the hours on the license would also relieve the concerns of public nuisance and avoid any future disturbances.

Members believed that restricting the use of the smoking area outside the premises to five people at any one time would also help with noise control.

Members reached a decision and the decision was unanimous. Members granted the application in part subject to the Council's framework hours and imposed conditions which would help promote the licensing objectives and not cause a negative impact on the area.

Accordingly, the Sub Committee unanimously

RESOLVED

That the application for a New of the Premises Licence for Lola Hospitality Ltd, 81Wapping High Street, London E1W 2YN be **GRANTED in part** with conditions.

Sale of Alcohol – (on sales only)

Monday to Thursday, from 10:00 hours to 23:00 hours
Friday and Saturday, from 11:00 hours to 23:30 hours
Sunday, from 12:00 hours to 22:00 hours

The provision of late night refreshment - Indoors

Friday and Saturday, from 23:00 hours to 23:30 hours

The opening hours of the premises

Monday to Thursday, from 10:00 hours to 23:30 hours
Friday and Saturday, from 11:00 hours to 00:00 hours (midnight)
Sunday, from 12:00 hours to 22:30 hours

Conditions

1. There shall be CCTV in operation at the premises and;
 - a) a member of staff who has been nominated in writing and is conversant with the operation of the CCTV system shall be on the premises at alltimes.

- b) If the premises are not open, and subject to the tests set out by virtue of the Data Protection Act, within 24 hours of a request for access to the CCTV system from either the police or licensing authority, this staff member must be able to show a Police, HMRC or authorised council officer recent data or footage with the absolute minimum of delay when requested.
 - c) All recordings shall be stored for a minimum period of 31 days with date and time stamping.
 - d) Recordings shall be made available immediately upon the request of a Police or Licensing officer throughout the preceding 31-day period.
 - e) The CCTV system shall be maintained according to the current Home Office specification for premises of this type.
 - f) should the equipment become faulty then the Metropolitan Police will be notified by mail and all reasonable efforts made to have any fault rectified within 24 hours.
2. All members of staff who are authorised to sell alcohol shall be properly trained in the legal requirements and restrictions to sell alcohol.
 3. A record shall be maintained and kept at the Premises detailing the name of each member of staff trained; the date training was provided; details of the person who provided the training and an acknowledgment that staff have been so trained.
 4. The record shall be available for inspection by authorised officers of the Licensing Authority and the Police at all times the Premises are open.
 5. Staff shall receive refresher training in the Licensing Act 2003 at intervals of no more than 12 months.
 6. A daily incident log shall be kept at the premises for a period of at least 12 months from the date of last entry, 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) any faults in the CCTV repaired within 24hrs
 - f) any refusal of the sale of alcohol
 - g) any visit by a relevant authority or emergency service.
 - h) any lost property found or handed to staff at the premises.
 - i) any other relevant incidents to be recorded.
 7. The forecourt and the pavement immediately outside the Premises shall be kept in a clean condition.

8. External doors shall be fitted with a self-closing device that is maintained in a proper working condition.
9. A "Challenge 25" age verification policy shall be operated at the Premises during the permitted hours for the sale of alcohol and staff shall be trained in respect of the policy. Staff shall ask for proof of age from anyone they suspect of being less than 25 years of age. The only acceptable forms of identification shall be a photo style driving licence, a passport, a photo identification card bearing the PASS logo in a hologram format, military ID or recognised national photographic identity cards from member countries of the European Union.
10. The Designated Premises Supervisor shall regularly check the refusals record to ensure it is being consistently used by all staff.
11. Posters shall be displayed in prominent positions around the bar area advising customers of the Challenge 25 policy in force at the premises
12. There shall be a minimum of one personal licence holder on duty on the premises at all times when the premises are authorised to sell alcohol.
13. Clearly legible notices shall be displayed at all exits and around the Premises requesting patrons to respect the needs of local residents and to leave the Premises and area quietly;
14. Clearly legible notices shall be prominently displayed at any area used for smoking outside the premises requesting patrons to respect the needs of local residents and to use the area quietly.
15. The supply of alcohol at the premises shall only be to a person seated taking a table meal.
16. No more than five smokers to be allowed to smoke outside the premises at any one time.
17. There shall be no vertical drinking at the premises

3.2 Application for a New Premises Licence for Sketch, 68 Brick Lane, London E1 6RL

The Applicant was not present at the meeting and there had been no contact made with Licensing Services or Democratic Services to notify his/her attendance. The Democratic Services Officer informed Members that a notification letter was sent out 10 working days before the meeting date and the agenda was sent out 5 working days before the meeting. It was noted that two of the objectors were present at the meeting (Environmental Officer and a local resident representative).

In the absence of the Applicant, Members decided to defer consideration of this application in order to give the applicant another opportunity to attend the meeting. It was noted that if they fail to attend the next meeting that is arranged for them, then it is requested that the next Sub Committee considering the application should go ahead in their absence.

4. EXTENSION OF DECISION DEADLINE: LICENSING ACT 2003

There were no applications that required an extension for decision deadlines.

The meeting ended at 8.30 p.m.

Chair, Councillor Ehtasham Haque
Licensing Sub Committee