

LONDON BOROUGH OF TOWER HAMLETS**MINUTES OF THE LICENSING SUB COMMITTEE****HELD AT 6.30 P.M. ON TUESDAY, 4 DECEMBER 2018****THE COUNCIL CHAMBER, TOWN HALL, MULBERRY PLACE, 5 CLOVE
CRESCENT, LONDON, E14 2BG****Members Present:**

Councillor Peter Golds (Chair)

Councillor Faroque Ahmed

Councillor Leema Qureshi

Officers Present:

David Wong

– (Legal Services)

Mohshin Ali

– (Senior Licensing Officer)

Simmi Yesmin

– (Senior Committee Officer, Democratic Services)

Representing applicants

Josef Cannon

Item Number

4.1

Role

(Legal Representative)

Babu Bhattacharjee

4.1

(Applicant)

Representing objectors**Item Number****Role**

None

Apologies

None

1. DECLARATIONS OF DISCLOSABLE PECUNIARY INTEREST

Councillor Peter Golds, declared a personal interest on agenda item 4.1, Application for a Variation of the Premises Licence for Poplar Union, 2 Cotall Street, London E14 6TL on the basis that he was a member of the Development Committee and present at the meeting which considered the planning application for this particular premises. However he confirmed that he was considering this application with an open mind and would consider the application in relation to the Licensing Objectives.

2. RULES OF PROCEDURE

The Rules of Procedure were noted by the Sub Committee.

3. MINUTES OF THE PREVIOUS MEETING(S)

The minutes of the Licensing Sub Committee meetings held on 16th and 30th October 2018 were agreed and approved as a correct record.

4. ITEMS FOR CONSIDERATION

4.1 Application for Variation of a Premises Licence for Poplar Union, 2 Cotall Street, London E14 6TL

At the request of the Chair, Mr Mohshin Ali, Licensing Officer, introduced the report which detailed the application for a variation of the premises licence for Poplar Union, 2 Cotall Street, London E14 6TL. It was noted that objections had been received on behalf of local residents. The application was to amend the premise layout plan and amend conditions of the current licence to include the outdoor patio area.

As a point of clarification it was noted that the maps contained in the agenda were the correct maps, however had been descaled down as it was printed on A4 paper.

At the request of the Chair Mr Josef Cannon, Legal Representative on behalf of the Applicant, explained that the objections related to only one of the licensing objectives, the prevention of public nuisance. He gave a brief history of Poplar HARCA Housing Association, and explained that the premises itself was situated on the ground floor of a 10 floor building with residents living on the 9 floors above the premises, the ground floor had the café and part of it was used as a community open space. It was noted that the premises has had a licence since April 2017, however the Applicant was seeking to extend their licence to include the outside patio area.

Mr Cannon explained that it was an extremely popular café and hosted a variety of events (a catalogue of events was included in the supplemental agenda). He explained that the application to include the outdoor patio area was to allow customers to eat and drink outside during good weather conditions. It was noted that Environmental Health had concerns about the application at first, however having consulted with them, conditions and reduced hours were suggested which were agreed and therefore they withdrew their representation.

It was agreed that licensable activities would stop at 8pm, and alcohol would only be served to seated customers and any outdoor furniture would be put away by 8pm.

Mr Cannon further explained that the business has been trading for two years as a responsible operator and has had no complaints. He explained that there were conditions on the licence which had measures to stop people going beyond the designated licensable area. Mr Cannon drew Members attention to the petition from residents regarding noise nuisance after 11pm and asked Members to treat this with caution as they were not applying for a licence beyond 8pm and therefore it was unlikely there would be noise breakout.

Mr Cannon concluded that it was a modest application and was supported by customers, that there was an agreement with Environmental Health and that the licence would only be effective during the summer. He explained that the Applicant was a well known operator, has had no complaints in the past and was a community asset. It was also noted that no residents living above the premises had made an objection.

In the absence of the objectors, Members noted and considered the written objections contained in the agenda pack.

In response to questions the following was noted;

- That there would be no music speakers outside in the patio area
- There would be 10 tables in the outdoor patio area with 4 seats each.
- That the outdoor patio area was already being used by customers for food and no- alcoholic beverages.
- That Environmental Health had proposed that licensable activities cease at 8pm which the Applicants had agreed to.
- That there haven't been any complaints from residents in the building regarding concerns relating to food smells.

In summation Mr Cannon urged Members to grant the application and any conditions should be proportionate to the type of venue it was. It was noted that no responsible authorities had objected, and meals and drinks would be served to customers seated at a table.

Members adjourned the meeting at 7.20pm for deliberations and reconvened at 7.55pm.

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 had carefully considered all of the evidence before them and considered written and verbal representation from the Applicant's Legal Representative and in the absence of the objectors, considered the written representations contained in the agenda pack with particular regard to the licensing objective of the prevention of public nuisance.

The Sub-Committee noted that the premises in question are situated in close proximity to residents, in fact in the same building on the nine floors above the premises.

The Sub-Committee noted the written representations made by objectors regarding the impact of the premises upon nearby residents. The Sub-Committee also noted objectors' concerns relating to the existing levels of noise nuisance and anti-social behaviour; and the concerns about increased noise nuisance, impact upon family environment, and the likely increased noise and disturbance resulting from the use of the outdoor space for eating and drinking. Members were also mindful that if the application was to be granted then there would be an increase in customers wanting to use the outdoor patio area as the consumption of alcohol would then be permissible in that area. If the application were granted, customers in the patio area were more likely to be in high spirits from having consumed alcohol, and thus more likely to cause a disturbance to residents.

Members had considered a comment raised by them with the Applicant at the hearing, that with global warming, Summers are getting hotter and the warmer weather potentially longer, so that residents are more likely to have their windows open, resulting in more exposure to noise disturbance at a late hour coming from the patio area, if the application were granted.

The Sub Committee noted in the Applicant's representations that the impact of the application, if granted, would be mitigated by the new proposed hours of 20:00 hours (sale of alcohol) and conditions agreed with Environmental Health. However, Members were concerned that if the application were granted, it would have led to residents being exposed to noise disturbance at a later hour especially insofar as patrons on the patio were in high spirits from having consumed alcohol. The Sub Committee were also of the view that there would likely be more customers wanting to use the patio area if both food and alcohol could be consumed on the patio, as opposed to just food.

The Sub Committee was therefore not satisfied that the Applicant had demonstrated that were the application granted, there would be no increase in public nuisance arising from noise disturbance to nearby residents in relation to the hours applied for. The Applicant had therefore failed to demonstrate that the application for variation of the premises licence would not undermine the licensing objectives, in particular the prevention of public nuisance.

Accordingly, the Sub Committee unanimously

RESOLVED

That the application for a Variation of the Premises Licence for Poplar Union, 2 Cotall Street, London E14 6TL, be **REFUSED**.

4.2 Application for Variation of a Premises Licence for Pizza Union, 25 Sandy's Row, London E1 7HW

This item was resolved prior to the hearing and therefore did not require consideration by the Licensing Sub Committee.

5. EXTENSION OF DECISION DEADLINE: LICENSING ACT 2003

The Sub Committee agreed to extend the decision deadlines for the following applications;

Premises	Hearing Date
The Tap Room, Railway Arch 162 Malcolm Place, London E2 0EU	08/01
Electric Shuffle, 3-6 Steward Street & 50 Gun Street, London E1 6FQ	08/01
Co-Op, 57-63 Chrisp Street, London E14 6LP	08/01
Super Kebab, 240 Cambridge Heath Road, London E2 9DA	22/01
Shell, 445 Wick Lane, London E3	22/01
London Cocktail Club, 253 Paradise Row, London, E2 9LE	05/02
The Town House, 5 Fournier Street, London, E1 6QE	05/02
City Supermarket, 389 Cambridge Health Road, London E2 9RA	27/02
Art Euphoria, 186 Hackney Road, London E2 7QL	27/02
Mudchute Park and Farm, Pier Street, London E14 3HP	05/03
Sketch, 68 Brick Lane, London	05/03

Premises	Hearing Date
E1 6RL	
Cost Price 41 Brick Lane London E1	05/03

The meeting ended at 8.30 p.m.

Chair, Councillor Peter Golds
Licensing Sub Committee