

LONDON BOROUGH OF TOWER HAMLETS**MINUTES OF THE LICENSING SUB COMMITTEE****HELD AT 2.30 P.M. ON TUESDAY, 10 SEPTEMBER 2019****THE COUNCIL CHAMBER, TOWN HALL, MULBERRY PLACE, 5 CLOVE
CRESCENT, LONDON, E14 2BG****Members Present:**

Councillor Peter Golds (Chair)

Councillor Shad Chowdhury

Councillor Zenith Rahman

Officers Present:

Lavine Miller-Johnson	–	(Licensing Officer)
Samantha Neale	–	(Licensing Officer)
Luke Wilson	–	(Legal Services)
Mohshin Ali	–	(Senior Licensing Officer)
Nicola Cadzow	–	(Environmental Health Officer)
Simmi Yesmin	–	(Democratic Services)

Representing applicants	Item Number	Role
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None

Representing objectors	Item Number	Role
Samantha Neale	4.1	(Licensing Authority)
Nicola Cadzow	4.1 & 4.3	(Environmental Health)
PC Mark Perry	4.1	(Metropolitan Police)
Mohshin Ali	4.3	(Licensing Authority)
David Knight	4.3	(Resident)
David Spurring	4.3	(Resident)

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. MINUTES OF THE PREVIOUS MEETING(S)

The minutes of the Licensing Sub-Committees held on 9 and 23 July 2019 were agreed as a correct record of proceedings.

4. ITEMS FOR CONSIDERATION

4.1 Application for a New Premises Licence for Papa John's, 1A Westward Parade, Pepper Street, London E14 9DZ

The Sub-Committee was advised that the Applicant was not present at the meeting and it had not been in contact with Democratic Services or Licensing Services. It was noted that the notification letter was sent to the Applicant ten working days before the meeting via 1st class post and via email. The agenda was also sent five working days before the meeting via 1st class post and via email. Despite these correspondences, no communication had been received from the Applicant.

Members adjourned the meeting to allow the Applicant to attend. A telephone call was also made to the Applicant, however, there was no response. Members were satisfied that sufficient notice of the meeting was given to the Applicant and noted that the Applicant had made no contact with any of the relevant officers. The Sub-Committee decided to consider the application in the Applicant's absence.

At the request of the Chair, Ms Lavine Miller-Johnson, Licensing Officer, introduced the report, which detailed the application for a new premise licence for Papa John's, 1A Westward Parade, Pepper Street, London E14 9DZ. It was noted that there was already an existing licence at the premises. It was further noted that there were objections from officers representing the Metropolitan Police, Environmental Health and the Licensing Authority.

In the absence of the Applicant, Members of the Sub-Committee noted and considered the written application contained in the agenda.

At the request of the Chair, Ms Nicola Cadzow, Environmental Health Officer, referred to her representation on page 78 of the agenda and explained the potential impact of the noise that was likely to occur during the noise sensitive hours that had been applied for. She confirmed that there were residents in close proximity and believed that customers of the premises were likely to cause disturbance to local residents. She explained that there was not sufficient information in the operating schedule to show how the Applicant would promote the four licensing objectives and therefore suggested that the application be refused.

Members heard next from Ms Samantha Neale, Licencing Officer, who suggested that the licensed hours be reduced and further conditions imposed to strengthen the licence, if granted. She drew Members attention to her

representation on pages 83 and 84 of the agenda, which detailed the proposed amendments. It was noted that the premises was in a residential area and the proposed conditions in the operating schedule were not sufficiently robust to promote the licensing objectives. Ms Neale believed that reduced hours and the addition of a condition to prohibit idling of delivery vehicles would help alleviate noise concerns.

Members also heard from PC Mark Perry, Police Licensing Officer, who agreed with Ms Cadzow's representation and emphasised the fact that the Applicant had not turned up to the hearing and not responded to any of the officer objections. He believed the application did not have sufficient information and therefore suggested that the application be refused.

In response to questions from Members, the following was noted:

1. Alexa Square was a densely populated residential area.
2. There was no public transport or DLR at the later hours that have been applied for.
3. There were low ambient noise levels late at night; therefore, any noise from the premises or its customers was likely to cause more impact than during the daytime.

Members adjourned the meeting at 3.10pm to deliberate and reconvened at 3.20pm.

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 licensing objectives:

1. The Prevention of Crime and Disorder;
2. Public Safety;
3. The 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 carefully considered all of the evidence before them including the written application contained in the agenda and the written and verbal representations from officers representing the Responsible Authorities present at the meeting.

The Sub-Committee noted that the premises in question is situated in a densely populated area. Members also noted the concerns raised by Responsible Authorities, in particular the potential noise nuisance that would occur from customers visiting the premises at the later hours of the night. The

Sub-Committee accepted that customers going to the premises are likely to have come from other venues and are more likely to be intoxicated which would increase the risk of noise nuisance and anti-social behaviour.

Members noted the potential public nuisance that licensed premises may cause in an area which already experiences a high level of public nuisance and anti-social behaviour. The Sub-Committee was not satisfied that the Applicant had demonstrated through its operating schedule how it would promote the licensing objectives.

Accordingly, the Sub-Committee unanimously:-

RESOLVED

That the application for a New Premises Licence for Papa John's, 1A Westward Parade, Pepper Street, London E14 9DZ be **REFUSED**.

4.2 Application for a New Premises Licence for Mailinda, 62 Mellish Sreet, London E14 8NS

This item was withdrawn by the Applicant prior to the meeting.

4.3 Application for a New Premises Licence for (Nomadic Community Gardens), Fleet Street Hill, London E1 5ES

The Sub-Committee was advised that the Applicant was not present at the meeting and it had not been in contact with Democratic Services or Licensing Services. It was noted that the notification letter was sent to the Applicant ten working days before the meeting via 1st class post and via email. The agenda was also sent five working days before the meeting via 1st class post and via email. Despite these correspondences, no communication had been received from the Applicant.

Upon receiving this information, the Sub-Committee decided to consider the application in the Applicant's absence.

At the request of the Chair, Ms Lavine Miller-Johnson, Licensing Officer, introduced the report, which detailed the application for a new premise licence for Nomadic Community Gardens, Fleet Street Hill, London E1 5ES. It was noted that there were objections from Officers representing Environmental Health and the Licensing Authority and local residents.

In the absence of the Applicant, the Members considered the written application contained in the agenda pack. It was noted the Applicant was seeking a licence to sell alcohol to cover the cost of the running the garden.

At the request of the Chair, Mr Mohshin Ali, Licensing Officer, referred to his representation on pages 251-258 of the agenda and confirmed the number of complaints that had been received about this venue and the types of

disturbances experienced by residents. He detailed the complaint history and stated that the licensing objectives would be undermined if the application was granted.

Members heard next from Ms Cadzow, who referred to her statement on page 264 of the agenda and raised concerns about the likely effect of live and recorded music which would be authorised between 08:00 hours and 23:00 hours if the application was granted. She also referred to the noise complaints received about the venue and confirmed that Environmental Health continues to receive complaints of noise and public nuisance.

Members also heard from Dr David Knight and Mr David Spurring, local residents, who expressed concerns about the crime, anti-social behaviour and noise disturbance that is experienced as a result of the Nomadic Community Gardens. They expressed concerns at the close proximity of the Gardens to residential homes and the children's playground area and noted that there were no toilet facilities at the venue. They confirmed that they had made efforts to communicate with the operators of the Gardens but these efforts had been unsuccessful. Members also noted the strong concerns about the drug use and anti-social behaviour in the area.

In response to questions from members, the following was noted:

- Temporary Event Notice applications for the venue have been granted but residents have not been notified of these events.
- There were no gardening projects currently running at the venue.
- There was an increase in graffiti and live music events at the venue.
- There were high levels of anti-social behaviour and public nuisance.
- Although the Applicant had not applied for live/recorded music, if sale of alcohol licence is granted, then due to the deregulation of the Live Music Act, live/recorded music would be permitted at the premises.
- Residents had directly witnessed drug use at the venue.
- If the licence was granted, residents believe this would encourage further noise nuisance, drug abuse and public nuisance.

Members adjourned the meeting at 3.45pm to deliberate and reconvened at 4pm.

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. The 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 carefully considered all of the evidence before them including the application contained in the agenda pack and heard representations at the meeting from Officers representing the Licensing Authority and Environmental Health, and local residents.

The Sub-Committee took into account the objectors' concerns about the likely increase in public nuisance, crime and anti-social behaviour if the application were to be granted.

The Sub-Committee considered that there was not sufficient evidence in the application to demonstrate or satisfy the Sub-Committee that granting of the application would promote the licensing objectives, in particular the prevention of public nuisance and prevention of crime and disorder.

Members reached a decision and the decision was unanimous. Members refused the application.

Accordingly, the Sub-Committee unanimously:

RESOLVED

That the application for a New Premises Licence for Nomadic Community Gardens, Fleet Street Hill, London E1 5ES be **REFUSED**.

5. EXTENSION OF DECISION DEADLINE: LICENSING ACT 2003

The Chair agreed to extend the decision deadlines for the following applications;

Premises	Hearing Date	Decision by
Containerville, 455-459 Hackney Road, London E2 9DY (MA)	15/10	19/08
Make it Group, 5 Hancock Rd, London E3 3DA (MA)	15/10	28/08
Bier Café Ltd, 2 Gales Garden, London E2 0EJ (SN)	29/10	29/08
Old George, 379 Old	29/10	29/08

Premises	Hearing Date	Decision by
Bethnal Green Road London E2 (KD)		
Panetteria Number 54, 54 Hanbury Street, London E1 5JL (CH)	12/11	23/09
Bhalobashar B”B Pool Lounge, 9-13 Osborn St, London E1 6TD (CH)	12/11	16/10

The meeting ended at 4.00 p.m.

Chair, Councillor Peter Golds
Licensing Sub Committee