

LONDON BOROUGH OF TOWER HAMLETS**MINUTES OF THE LICENSING SUB COMMITTEE****HELD AT 2.30 P.M. ON TUESDAY, 24 SEPTEMBER 2019****THE COUNCIL CHAMBER, TOWN HALL, MULBERRY PLACE, 5 CLOVE
CRESCENT, LONDON, E14 2BG****Members Present:**

Councillor Rajib Ahmed (Chair)
Councillor Mohammed Ahab Hossain
Councillor Leema Qureshi

Officers Present:

Luke Wilson – (Legal Services)
Mohshin Ali – (Senior Licensing Officer)
Simmi Yesmin – (Democratic Services)

Representing applicants	Item Number	Role
Robert Sutherland	3.1	(Legal Representative)
James Gurr	3.1	(Applicant)
Rahana Begum	3.2	(Applicant)
Shahab Uddin	3.2	(Applicant's Partner)

Representing objectors	Item Number	Role
Michele Scarr	3.1	(Resident)

Apologies

None

1. DECLARATIONS OF DISCLOSABLE PECUNIARY INTEREST

There were no declarations of interests made.

2. RULES OF PROCEDURE

The rules of procedure were noted.

3. ITEMS FOR CONSIDERATION

3.1 Application for a New Premises Licence for (Ozone Coffee Roastery) 8 Pritchards Road, London E2 9AP

The start of the meeting was delayed slightly to allow the objector to attend but no contact had been received so the Chair decided to proceed in the absence of the objector.

At the request of the Chair, Mr Mohshin Ali, Licensing Officer, introduced the report which detailed the application for a new premises licence for Ozone Coffee Roastery, 8 Pritchard's Road, London E2 9AP. It was noted that an objection had been received by a local resident.

At the request of the Chair, Mr Robert Sutherland, Legal Representative on behalf of the Applicant, explained that they wanted to make the following changes to the application: a reduction in the hours for the sale of alcohol to 23:00 hours from Monday to Saturday, the removal of regulated entertainment and late night refreshments and an amendment of the Challenge 21 policy to a Challenge 25 policy.

Mr Sutherland explained that the Applicant had made a substantial investment of £1.75 million in the premises. The premises included a roasting facility, the Applicant's European Headquarters and a restaurant. It was noted that the first floor of the building would be used as the Head Office and a Training Facility.

Mr Sutherland noted that the Applicant had another licensed premises based in Islington. The premises has had no complaints or licence reviews despite residents living directly above the premises. It was noted that the new premises was a 100 cover restaurant, that customers would be seated and there would be waiter/waitress service. A condition limiting the number of smokers to 8 had been agreed with Environmental Health. It was also agreed that the designated area for smokers would be on Emma Street, which would be covered by CCTV cameras. Mr Sutherland noted that Emma Street was primarily a commercial area.

Mr Sutherland concluded by highlighting Mr Gurr's experience to date. In response to a question from the Sub-Committee, the Applicant confirmed that it would accept an additional condition that no drinks would be allowed outside the premises.

The Chair was advised that the objector had just contacted Democratic Services to inform that she was running late and was on her way to the meeting. The Chair adjourned the meeting at 3.00pm and reconvened at 3.10pm to allow the objector to attend.

Mr Sutherland briefly summarised his earlier submission and the amendments to the original application for the benefit of the objector.

Members then heard from Ms Michele Scarr, local resident, who explained that she lived 10 meters away from the premises. She stated that she was in the middle of a developing area with a number of new licensed premises in

close proximity. She believed this was turning a once quiet area into a busy and noisy area.

Ms Scarr raised concerns about the smoking area not being managed and questioned how the number of smokers outside the premises would be controlled. She suggested that there should be a designated person or security staff supervising the outdoor area.

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

- CCTV footage would be kept for 31 days.
- The Applicant agreed to reduce the number of smokers to 5 persons at any one time after 9pm.
- There were 100 covers at the restaurant.
- The busiest days are likely to be Wednesdays and Fridays.
- It would be a food-led premises.
- The outdoor area would be managed by a host person who would be stationed at the entrance of the premises.
- There would be approximately 20 members of staff at the restaurant and an additional 30 staff in the Roastery and Head Office.
- There was a single point of entry and exit. The host person would monitor people leaving and entering the premises.
- The Applicant had 22 years of experience in the hospitality industry.
- No Responsible Authorities had objected to the application.

In summing up, Ms Scarr stated that an additional licensed premises would make the area very noisy. She was concerned that the outdoor area would not be managed properly and stated that residential areas were not suited for late night venues.

Mr Sutherland noted that the designated area for smoking was on Emma Street which was a commercial area. He stated that residents would not be affected. Mr Sutherland added that the hours had been amended and were within the Council's Framework Hours. The application had now been tailored to restrict drinks from being taken outside the premises and to limit the number of smokers being allowed to smoke outside the premises.

Members adjourned the meeting at 3.30pm for deliberations and reconvened at 3.45pm.

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:

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 merits. The Chair confirmed that the Sub-Committee had carefully considered all of the evidence before them and the oral representations from the Applicant, the Applicant's Legal Representative and the Objector present at the meeting.

Members welcomed the efforts made by the Applicant in offering some robust conditions and also accepting and agreeing to the conditions suggested by the Sub-Committee that there be no drinking outside the premises and a limit of five customers permitted to smoke outside the premises after 21:00 hours. These conditions, together with those proposed by the Applicant in their operating schedule and those agreed with Environmental Health, gave Members the assurance that public nuisance, particularly noise nuisance, would be prevented.

Members were satisfied that a modification of the hours on the application offered by the Applicant would also help alleviate any concerns arising from the local resident objector and reduce the risk of disturbances.

The Sub-Committee was satisfied that the licensing objectives will be promoted and the conditions will adequately mitigate the risk of public nuisance and crime and disorder.

Accordingly, the Sub Committee unanimously

RESOLVED

That the application for a New Premises Licence for Ozone Coffee Roastery, 8 Pritchard's Road, London E2 9AP be **GRANTED** with conditions.

Sale of Alcohol (on sales only)

Monday to Saturday from 08:00 hrs to 23:00 hrs.

Sunday from 08:00 hrs to 22:30 hrs

Hours Premises Open to the Public

Monday to Saturday from 07:00 hrs to 23:30 hrs.

Sunday from 07:00 hrs to 23:00 hrs

Non-standard Timings

- All licensable activities shall be extended from the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day
- Opening hours shall be extended from the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.

Conditions

- 1.1 The premises licence holder shall ensure that customers do not take or consume drinks outside the premises.
- 1.2 During the hours of operation, the licence holder shall ensure sufficient measures are in place to remove and prevent litter or waste arising or accumulating from customers in the area immediately outside the premises, and that this area shall be swept and or washed and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements by close of business.
- 1.3 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.
- 1.4 Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and to leave the area quietly.
- 1.5 All waste shall be properly presented and placed out for collection no earlier than 30 minutes before collection times.
- 1.6 Notices shall be prominently displayed at any area used for smoking requesting patrons to respect the needs of local residents and use the area quietly.
- 1.7 The premises licence holder shall ensure that any patrons smoking outside the premises do so in an orderly manner and are supervised by staff so as to ensure that there is no public nuisance or obstruction of the public highway.
- 1.8 A direct telephone number for the manager at the premises shall be publically available at all times the premises is open. This telephone number is to be made available to residents and businesses in the vicinity.
- 1.9 The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Police Licensing Team. 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 preceding 31 day period.
- 1.10 A staff member from the premises who is conversant with the operation of the CCTV shall be on the premises at all times when the premises are

open to the public. This staff member shall be able to show Police recent data or footage with the absolute minimum of delay when requested.

- 1.11 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:
- All crimes reported to the venue;
 - All ejections of patrons;
 - Any complaints received concerning crime and disorder;
 - Any incidents of disorder;
 - All seizures of drugs or offensive weapons;
 - Any refusal of sale of alcohol.
- 1.12 There shall be no striptease or nudity and all persons shall be decently attired at all times unless the premises are operating under the provisions of a Sexual Entertainment Licence.
- 1.13 A challenge 25 proof of age scheme shall be operated at the premise 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.
- 1.14 The approved arrangements at the premises, including means of escape provisions, emergency warning equipment, the electrical installation and mechanical equipment, shall at all material times be maintained in good condition and full working order.
- 1.15 The means of escape provided for the premises shall be maintained unobstructed, free of trip hazards, be immediately available and clearly identified in accordance with the plans provided.
- 1.16 All emergency exit doors shall be available at all material times without the use of a key, code, card or similar means.
- 1.17 All emergency doors shall be maintained effectively self-closing and not held open other than by an approved device.
- 1.18 The edges of the treads of steps and stairways shall be maintained so as to be conspicuous.
- 1.19 Curtains and hangings shall be arranged so as not to obstruct emergency safety signs or emergency equipment.
- 1.20 No noise generated on the premises, or by its associated plant or equipment, shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
- 1.21 Loudspeakers shall not be located in the entrance area marked in Blue on the plan attached to this Licence or outside the premise building.

- 1.22 No collections of waste or recycling materials (including bottles) from the premises shall take place between 22:00 hours and 08:00 hours on the following day.
- 1.23 No deliveries to the premises shall take place between 22:00 hours and 08:00 hours the following day.
- 1.24 Patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke, shall be limited to 8 persons at any one time. Between 21:00 hours and closing time patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke, shall be limited to 5 persons at any one time.

3.2 Application for a New Premises Licence for: Spice Hut, 221 East India Dock Road, London E14 0ED

It was noted that the objector was not present at the meeting, It was confirmed that the objectors had not contacted Democratic Services or the Licensing Authority so therefore the Chair decided to proceed in their absence.

At the request of the Chair, Mr Mohshin Ali, Licensing Officer, introduced the report which detailed the application for a new premises licence for Spice Hut, 221 East India Dock Road, London E14 0ED. It was noted that objections had been received by two local residents.

At the request of the Chair, Ms Rahana Begum, Applicant, explained that the application was for late night refreshments only and was made due to customer demand. She explained that it was a small business and the extended hours, if granted, would help cover costs and overheads.

It was noted that there would be no regulated entertainment at the premises and there would be notices displayed around the premises asking customers to leave quietly and respect the needs of local residents. Ms Begum explained that they could keep doors shut to prevent noise escape from the premises. She confirmed that there would be CCTV cameras in operation at all times and CCTV footage would be retained for 31 days.

It was noted that the objectors were not present at the meeting. Therefore, Members noted and considered their written objections contained in the agenda pack.

In response to questions, the following was noted:

- East India Dock Road is a busy high street and any noise from the premises is unlikely to be louder than the noise from the passing traffic on the main road.
- Staff were trained to deal with conflict and disorder.
- There were 36 covers at the premises.
- They mostly sold takeaway meals.

- The CCTV cameras were in operation 24 hours, with two cameras positioned outside the premises.

Members adjourned the meeting at 3.55pm for deliberations and reconvened at 4.10pm.

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:

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 merits. The Chair confirmed that the Sub-Committee had carefully considered all of the evidence before them including the written objections contained in the agenda pack and the oral representations from the Applicant present at the meeting.

The Sub-Committee was satisfied that the licensing objectives would be promoted and that the conditions on the licence would effectively mitigate the risk of noise nuisance and crime and disorder. The Sub-Committee was also satisfied that the conditions imposed would help alleviate any concerns arising from the local resident objectors.

Therefore Members made a decision and the decision was unanimous. Members granted the application with conditions.

Decision

Accordingly, the Sub-Committee unanimously –

RESOLVED

That the application for a New Premises Licence for, Spice Hut, 221 East India Dock Road, London E14 0ED be **GRANTED** with conditions.

The Provision of Late Night Refreshments

Sunday to Thursday from 23:00 hrs to 01:00 hrs (the following day)
Friday and Saturday from 23:00 hrs to 02:00 hrs (the following day)

HOURS PREMISES OPEN TO THE PUBLIC:

Sunday to Thursday from 11:00 hrs to 01:00 hrs (the following day)

Friday and Saturday from 11:00 hrs to 02:00 hrs (the following day)

Conditions

1. The premises shall install and maintain a CCTV camera system covering both inside and outside the premises.
2. The CCTV recordings are to be maintained for 31 days and to be provided upon request to either a Police Officer or an officer of any other Responsible Authority. 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.
3. At all times when the premises is open, a person who can operate the CCTV system must be present on the premises, who can download the images and present on request by a Police Officer or an officer of any other Responsible Authority.
4. An incident log shall be kept at the premises and record all incidents of crime and disorder associated with the premises. The incident log shall be made available on request to an authorised officer of the Council or the Police.
5. Signs shall be prominently displayed both inside and outside the premises asking customers to respect local residents and be quiet when leaving the premises.

4. EXTENSION OF DECISION DEADLINE: LICENSING ACT 2003

There were no applications that required extensions to decision deadlines.

The meeting ended at 4.15 p.m.

Chair, Councillor Rajib Ahmed
Licensing Sub Committee