

LONDON BOROUGH OF TOWER HAMLETS**MINUTES OF THE LICENSING SUB COMMITTEE****HELD AT 6.43 P.M. ON TUESDAY, 29 OCTOBER 2019****THE COUNCIL CHAMBER, TOWN HALL, MULBERRY PLACE, 5 CLOVE
CRESCENT, LONDON, E14 2BG****Members Present:**

Councillor Eve McQuillan (Chair)

Councillor Shad Chowdhury

Councillor Leema Qureshi

Officers Present:

Luke Wilson

– Legal Services

Samantha Neale

– Licensing Officer

Nicola Cadzow

– Environmental Health Officer

Simmi Yesmin

– Democratic Services

Farhana Zia

– Senior Committee Services Officer

Representing applicants

	Item Number	Role
Ms Lisa Gilligan	4.1	Applicants Legal Representative
Ms Saloni Kotecha	4.1	Applicant
Ms Clare Johnson	4.2	Applicants Legal Representative
Mr Tom Rees	4.2	Applicant
Mr Henry Fairbank	4.2	Applicant
Mr Ed Osley	4.3	Applicant
Mr JJ Louw	4.3	Applicant's leaseholder
Ms Jane Palmer	4.3	Applicant's co-organiser
Mr Patrick Lindblom	4.4	Applicant

Representing objectors

	Item Number	Role
Mr Ben Williams	4.1	Local Resident
Mr Jonathan Stebbins	4.1	President of Spitalfields Market Residents Association.
Ms Rea Birch Carter	4.2	Local Resident
Mr Paul Carter	4.2	Supporting his wife.
Ms Nicola Cadzow	4.3	Environmental Protection
Ms Nicola Cadzow	4.4	Environmental Protection

1. DECLARATIONS OF DISCLOSABLE PECUNIARY INTEREST

Councillor Shad Chowdhury declared that as the ward councillor for Spitalfields and Banglatown, he knew some of the objectors speaking in Item 4.1.

He declared he had not been in communication with any of the objectors in relation to the matter before the Sub-Committee and had no pecuniary interest. He declared he would be considering the application with an open mind and had not pre-determined his decision in the matter.

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 held on the 10th, 17th and 24th September 2019 were agreed as an accurate record of the proceedings.

4. ITEMS FOR CONSIDERATION**4.1 Licensing Act 2003 Application for a Premises Licence for (Duck and Dry) 105C Commercial Street, Old Spitalfields Market, London E1 6BG**

At the request of the Chair, Ms Samantha Neale, Licensing Officer, presented the report which detailed the application for a new premises licence for Duck and Dry, 105C Commercial Street, Old Spitalfields Market, London E1 6BG. It was noted that representations had been made by local residents.

Ms Lisa Gilligan, the Applicants Legal representative, explained that the premises is a hairdressing salon catering for customers seeking a haircut, hairstyling or beauty treatment. A sale of alcohol licence had been applied for in order to give customers a unique experience of enjoying a glass of wine whilst having their beauty treatment. Ms Gilligan stated the hours applied for were within the Council's legal framework hours and therefore would not add to the cumulative impact in the area by having a negative effect on the licencing objectives. Ms Gilligan referred members to the conditions outlined on page 49 of the agenda and said careful consideration had been given to limit the sale of alcohol to patrons only and to restrict the licensable activity to the company responsible for the franchise. Ms Gilligan referred to the examples of exceptional circumstances listed at paragraph 19.8 on page 136 of the agenda and said her clients business satisfied this criteria as it is a small non-alcohol led premises applying for a licence within the framework hours.

In addressing the individual objections, Ms Gilligan clarified that toilet facilities were available within the premises and patrons would have access to these. With the consent of the objectors, she shared photographs of the reception and bar area and reiterated that the business is primarily a hairdressers and not alcohol led.

Members then heard from Mr Ben Williams, local resident, and Mr Jonathan Stebbins, President of the Spitalfields Market Residents Association. Mr Williams said he had concerns at how normal everyday activities, such as having a haircut, were associated with alcohol. He said the promotional material on the company's website suggested that bottles of Prosecco were available for sale. Mr Stebbins added that the proliferation of alcohol led businesses and the associated public nuisance was the reason why the cumulative impact zone had been introduced in the area. Mr Stebbins said that whilst residents welcomed new businesses, they had to be mindful of the area being a mixed commercial and residential area. The buildings are not sound insulated and noise travels. Mr Stebbins relayed the concerns of Ms Pamela Mossman, an objector, regarding the company website which states that group and party bookings were welcomed. Both objectors stated that the granting of licences to businesses in the area on an incremental basis meant the residents suffered. Mr Stebbins was concerned that the association of alcohol to everyday activities would set a precedent for other businesses, similar in nature, to follow suit.

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

- The capacity of the premises is ten clients at any one time in the main hairdressing salon upstairs and six clients in the nail bar downstairs in the basement.
- The premises has its own toilet facilities for client use.
- The sale of alcohol would only be to clients having a haircut, hairstyling or beauty treatment and would not be offered to friends of the client.
- Group bookings are usually on a Saturday morning for bridal parties, whereas the remainder of the week, clients are mainly individual professionals. The standard maximum time a client spends in the premises is 45 minutes to an hour. A glass of prosecco is offered and not a bottle.
- The website relates to four franchises and is not specific to this premises. The premises is small and therefore will not be encouraging large groups of people to attend. The last appointment will be approximately 6:00 or 6:30pm, with the business closing at 8:00pm.
- Scissors will be stored away from customers. Hair dye will not be used at the premises.
- The Applicant believed that it was unlikely that noise disturbance would be caused by clients laughing and joking whilst receiving treatment as most clients will not know each other.
- The premises had operated on two weekends using temporary event notices (TENs) and it had not received any noise complaints from the flats above.
- The Applicant was willing to implement a Challenge 25 policy.
- The Applicant was willing to accept a condition that no glasses or alcohol would be allowed to leave the premises.
- The Applicant was willing to place signs in the premises requesting customers to respect local residents and minimise noise.

In summing up, Ms Gilligan requested members to keep perspective in relation to her client's application and said the licence applied for would not bring the licensing objectives into disrepute. Her client had operated on the weekend with TENs and had demonstrated it was a responsible business. It was willing to accept the conditions suggested by the Sub-Committee.

Mr Stebbins for the objectors, concurred that perspective was necessary and requested members to take into consideration the mixed use of the area as it is both commercial and residential in nature. He said the incremental increase in the number of premises selling alcohol, especially the normalisation of purchasing and consuming alcohol for everyday activities, was worrisome and the more alcohol available inevitably resulted in more noise pollution.

Members adjourned the meeting at 20:54 hours for deliberations and reconvened at 21:17 hours.

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 merits. The Chair confirmed that the Sub-Committee had carefully considered all of the evidence before them and the oral representations from the Applicant's Legal Representative and local residents, with particular regard to public nuisance and protection of children from harm.

The Sub-Committee noted that the premises is in a cumulative impact zone (CIZ), and therefore, there is a rebuttable presumption that where relevant representations are received by one or more of the responsible authorities and/or other persons objecting to the application, the premises licence application will be refused.

The Sub-Committee noted that under the Council's Statement of Licensing Policy, the Applicant can rebut the above presumption if it can demonstrate that the granting of the application will not negatively add to the cumulative impact already experienced in the CIZ.

The Sub-Committee noted the representations from the residents regarding the impact of the premises on the CIZ and their concerns relating to the existing levels of public nuisance, in particular noise amplification and

disturbance. The Sub-Committee noted their concerns regarding the possibility of alcohol consumption leading to anti-social behaviour.

The Sub-Committee noted that the hours applied for were within the framework hours, with the sale of alcohol ceasing at 20:00 hours Mondays to Saturdays and 18:00 hours on Sunday. The Applicant's legal representative stated that specific conditions had been proposed, as per page 49 of the agenda, which would mitigate the risks to the licensing objectives. Furthermore, the Applicant's representative submitted that the application rebutted the CIZ presumption as exceptional circumstances were present. The Applicant's representative referred to the examples of possible exceptional circumstances given in the Council's Statement of Licensing Policy on page 136 of the agenda. It was noted that the present application involved a small premises with a capacity of less than fifty persons, it was not an alcohol led business and it would operate within the framework hours.

The Sub-Committee was satisfied that there were exceptional circumstances and the premises would not negatively add to the cumulative impact in the area. The Sub-Committee concluded that the licensing objectives will be promoted and the conditions will adequately mitigate the risk of public nuisance and harm to children.

Accordingly, the Sub-Committee unanimously

RESOLVED

That the application for a New Premises Licence for Duck and Dry, 105C Commercial Street, Old Spitalfields Market, London E1 6BG be **GRANTED** with conditions.

Sale of Alcohol (on sales only)

Monday to Saturday 10:00 – 20:00 hours

Sunday 10:00 – 18:00 hours

Hours Premises Open to the Public

Monday to Saturday 08:00 – 20:00 hours

Sunday 10:00 – 18:00 hours

Conditions

- 1.1 Alcohol may only be sold to and consumed by patrons receiving haircuts, hairstyling and beauty treatment.
- 1.2 There shall be no self-service of alcohol by patrons.
- 1.3 There shall be no off sales of alcohol.
- 1.4 Licensable activities authorised by this premises licence can only be carried out by Blooming Beautiful Limited.
- 1.5 The Premises shall ensure that no drinks are taken outside of the premises.

- 1.6 There shall be no vertical drinking.
- 1.7 There shall be no outdoor seating.
- 1.8 A sign shall be placed in the premises asking customers to respect local residents and minimise noise.
- 1.9 The Premises is to implement and maintain a Challenge 25 policy.

4.2 Licensing Act 2003 Application for variation of a Premises Licence for The Old George Public House, 379 Bethnal Green Road, London, E2 0AN

At the request of the Chair, Ms Samantha Neale, Licensing Officer, presented the report which detailed the application for variation of a premises licence for The Old George Public House, 379 Bethnal Green Road, London E2 0AN. It was noted that representations had been made by local residents.

Ms Clare Johnson, the Applicant's Legal Representative, explained that a variation of the premises licence was being applied for to include an external bar servery. Ms Johnson said that the Applicant had worked with the responsible authorities and had agreed conditions, as outlined on page 7 of second supplemental agenda. She confirmed that the Applicant had agreed to the bar servery being at the farthest point away from residential properties and the addition of a condition for the garden area to close at 21:00 hours so as to respect the needs of neighbours.

Members then heard from Ms Carter, a local resident. Ms Carter said that she welcomed the efforts made by the Applicant and the conditions agreed with the responsible authorities, however, she had concerns in relation to the condition allowing smokers to use the garden area after 21:00 hours. Ms Carter read out her statement in which she described the effect of noise nuisance on families living in the adjacent properties and those behind the premises. Ms Carter said the potential of ten smokers smoking outside, talking and laughing, would result in noise travelling into their flats. She was concerned that noise and chattering of smokers would be amplified to an intolerable level and would prevent children from sleeping.

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

- A noise management document had been agreed with the Responsible Authorities which included the pub management's commitment to establish good relations with its neighbours. The Applicant offered to retain the existing arrangement which allowed smokers to smoke in the designated area in front of the pub rather than in the garden area after 21:00 hours.

Members adjourned the meeting at 19:57 hours for deliberations and reconvened at 20:08 hours.

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 merits. The Chair confirmed that the Sub-Committee had carefully considered all of the evidence before them and the oral representations from the Applicant's Legal Representative and local residents with particular regard to public nuisance.

The Sub-Committee noted the premises is in a cumulative impact zone (CIZ) and the application is to vary the current licence to include an external bar servery to close at 21:00 hours. The Sub-Committee noted the Licensing Authority and Environmental Protection had agreed conditions with the Applicant and had withdrawn their objections. They had agreed the external bar should be at the farthest point away from the residential properties and garden area should close at 21:00 hours.

The Sub-Committee noted the concerns of the local residents with regard to public nuisance as the garden area faces directly towards residential flats. Local residents were particularly concerned about the noise caused by smokers in the garden area after 21:00 hours. In response, the Applicant offered to remove the condition which allowed patrons to smoke in the garden area after 21:00. The Sub-Committee was satisfied that the risk of noise nuisance to neighbouring properties would be adequately mitigated by a condition that the garden area close at 21:00 hours. The Sub-Committee concurred that smokers should not be permitted to smoke in the garden area and should continue to use the designated area at the front of the premises.

The Sub-Committee was satisfied that the CIZ rebuttable presumption had been satisfied in that the variation to the application, as amended, will not negatively add to the cumulative impact already experienced in the area.

The Sub-Committee found there were exceptional circumstances to justify the variation in this case.

Accordingly, the Sub-Committee unanimously

RESOLVED

That the application to vary the premises licence for The Old George Public House, 379 Bethnal Green Road, London E2 0AN be **GRANTED** with conditions.

Films, Live Music, recorded music and performance of dance, late night refreshment (All indoors)

Sale by retail of Alcohol (on and off sales)

Sunday to Thursday from 10:00 hours to midnight

Friday and Saturday from 10:00 hours to 02:00 hours

Hours Premises Open to the Public

Sunday to Thursday from 10:00 hours to 00:30 hours

Friday and Saturday from 10:00 hours to 02:30 hours

Additional Conditions

- 1.1 The plan of the premises is amended to include a new external bar servery.
- 1.2 Loudspeakers shall not be located in the entrance lobby or outside the premise building.
- 1.3 All windows and external doors shall be kept closed when regulated entertainment takes place, except for the immediate access & egress of persons.
- 1.4 Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
- 1.5 The external bar servery will close at 21:00 hours.
- 1.6 The outside drinking area/external courtyard shown on the plan attached to the premises licence will close to all patrons at 21:00 hours.
- 1.7 No drinks will be permitted in the external courtyard/outside drinking area after 21:00 hours.
- 1.8 No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises, which gives rise to nuisance.
- 1.9 A direct telephone number for the manager at the premises shall be publicly available at all times the premises are open. The telephone number is to be made available to residents and businesses in the vicinity.

4.3 **Licensing Act 2003 Temporary Event Notice for Unit E4, 12 Stour Road, London E3 2NT**

At the request of the Chair, Ms Samantha Neale, Licensing Officer, introduced the report which detailed the application for a Temporary Event Notice (TEN) for Unit E4, 12 Stour Road, London E3 2NT. It was noted that an objection had been received from the Environmental Protection Team.

Mr Edward Osley, the Applicant, explained the TEN was for a dance night with local DJ's playing music. The TEN applied for was for the weekend of 2-3 November 2019. Mr Osley explained that the event would be taking place in a warehouse which was situated away from Swan Wharf, the residential area. He said that the event would finish at 6:00am, with guests able to make their journey home via public transport. Mr Osley added that the sale of alcohol would cease at 4:00am and music would be turned off at 5:00am, allowing guests to sober up before leaving the premises. Mr Osley said that he was willing to negotiate the hours of operation with the Environmental Protection Officer, Ms Cadzow.

Ms Cadzow, the Environmental Health Officer, expressed concerns in relation to the proximity of the premises to residential properties and said that several complaints had been received from residents in the past, although not specifically in relation to the premises in question. Ms Cadzow said that she did not agree with the time lapse between the ending of the sale of alcohol and patrons leaving the premises. She noted that it was usual to have a half hour drinking up time prior to the premises closing. Ms Cadzow said that she was willing to discuss a reduction in the hours of operation with the Applicant however she noted that no contact had been received from the Applicant prior to the meeting.

The Sub-Committee adjourned the meeting at 7.39pm to allow the Applicant and the Officer representing Environmental Health to consider whether an agreement could be reached.

The meeting was reconvened at 8:08 pm and it was noted that an agreement had been reached between the parties.

Accordingly, it was

RESOLVED

That the application for a Temporary Event Notice for Unit E4, 12 Stour Road, London E3 2NT be **GRANTED**.

The sale by retail of alcohol (on sales only)

Saturday 2 November from 21:00 hours to 01:30 hours on Sunday 3 November 2019.

4.4 Licensing Act 2003 Temporary Event Notice for Hurk, Unit 8, 29 Whitepost Lane, London E9 5EN

At the request of the Chair, Ms Samantha Neale, Licensing Officer, introduced the report which detailed the application for a Temporary Event Notice (TEN) for Hurk, Unit 8, 29 Whitepost Lane, London E9 5EN. It was noted that objection had been received from the Environmental Protection Team.

Mr Patrick Lindblom, on behalf of the Applicant, explained that the TEN was for a Halloween event on the weekend of 2-3 November 2019. He briefly explained the concept of the premises, the good relations he had with local residents, the need for the additional hours and the measures that were in place to mitigate any concerns of public nuisance, in particular noise nuisance. It was noted that the premises currently had framework hours and had been trading for the past four months.

Member then heard from Ms Nicola Cadzow, Environmental Health Officer. She expressed concerns in relation to the close proximity of the premises to residential properties, the potential noise breakout from music and customer accessing and egressing during noise sensitive hours. She believed that the hours were excessive and that the Applicant would benefit from a gradual increase in hours to build experience for late night events.

After some discussion, the Sub-Committee adjourned the meeting at 7.15pm to allow Mr Lindblom and Ms Cadzow to consider whether an agreement could be reached.

The meeting was reconvened at 7.20pm and it was noted that an agreement had been reached between the parties.

Accordingly, it was

RESOLVED

That application for a Temporary Event Notice for Hurk, Unit 8, 29 Whitepost Lane, London E9 5EN be **GRANTED**.

The sale by retail of alcohol (on sales only)

Saturday 02 November 2019 from 00:00 hours (midnight) to 01:00 hours
Sunday 03 November 2019 from 00:00 hours (midnight) to 01:00 hours

The provision of regulated entertainment – Indoors

Saturday 02 November 2019 from 00:00 hours (midnight) to 01:00 hours
Sunday 03 November 2019 from 00:00 hours (midnight) to 01:00 hours

The opening hours of the premises

Saturday 02 November 2019 from 00:00 hours (midnight) to 01:30 hours
Sunday 03 November 2019 from 00:00 hours (midnight) to 01:30 hours

The conditions on the current licence are to be imposed during the temporary event.

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
The Gate, 27 Commercial Road, London E1 1LD (MA)	19/11	06/11
Sugoi, Unit 2, 7 Arch Gales Gardens, London E2 0EJ (MA)	19/11	12/11
Queens Head, 8 Flamborough Street, London E1 (KD)	19/11	06/11
Rule Zero, 3 Succession Walk, 4 Roach Road, London E3 2RX (CH)	26/11	24/10
Yo Yo Oriental Supermarket, 61a Alie Street, London E1 8EB (MA)	26/11	28/10
Silver Sockeye, Wapping Pier, King Henry's Stairs, Wapping High St, London E1W 2NR (MA)	03/12	31/10
Funky Cellar, Old Spitalfields Street, 10a Lamb Street London E1 6EA (MA)	03/12	13/11
Papa Johns, 6 Cable Street, London E1 8JG (CH)	04/12	14/11
Lucky Dogs, Brick Lane, London E1 6RL (LMJ)	04/12	25/11
Hoh Sek Noodles, Cloisters Walk, St Katherines's Dock, London E1W 1LD (LMJ)	14/01	20/11
MKTG Inc, 4 Chance Street, London E1 6JT (CH)	14/01	19/11
E Pellicci, 332 Bethnal Green Road, London E2 0AG (CH)	28/01	28/11
Jack the Chipper, 74	28/01	02/12

Premises	Hearing Date	Decision by
Whitechapel High St, London E1 (MA)		
3 Mien, 64 Middlesex Street, London E1 7EZ (LMJ)	28/01	09/12

The meeting ended at 9.20 p.m.

Chair, Councillor Eve McQuillan
Licensing Sub Committee