

Meeting of the

LICENSING SUB COMMITTEE

Tuesday, 8 April 2014 at 6.30 p.m.

SUPPLEMENTAL AGENDA

The Council Chamber, Town Hall, Mulberry Place, 5 Clove Crescent,
London, E14 2BG

	PAGE NUMBER	WARD(S) AFFECTED
3. MINUTES OF THE PREVIOUS MEETING(S) To confirm as a correct record the minutes of the Licensing Sub-Committees held on 4 th , 13 th & 19 th March 2014.	1 - 26	
3 .1 Application for a Variation of a Premises Licence for City Supermarket, 389 Cambridge Heath Road, London E2 9RA	27 - 28	Bethnal Green North

Additional documents submitted on behalf of the
Metropolitan Police

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If you require any further information relating to this meeting, would like to request a large print, Braille or audio version of this document, or would like to discuss access arrangements or any other special requirements, please contact:

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LONDON BOROUGH OF TOWER HAMLETS

MINUTES OF THE LICENSING SUB COMMITTEE

HELD AT 6.40 P.M. ON TUESDAY, 4 MARCH 2014

THE COUNCIL CHAMBER, TOWN HALL, MULBERRY PLACE, 5 CLOVE
CRESCENT, LONDON, E14 2BG

Members Present:

Councillor Ann Jackson (Chair)

Councillor Marc Francis
Councillor Md. Maium Miah

Other Councillors Present:

Councillor Joshua Peck

Officers Present:

Paul Greeno	- (Senior Advocate, Legal Services)
Alex Lisowski	- (Licensing Officer)
Ian Moseley	- (Trading Standards Officer)
Simmi Yesmin	- (Senior Committee Officer, Democratic Services)

Applicants In Attendance:

James Anderson	- (Coborn Arms)
Steve Gallagher	- (Coborn Arms)
Angela O'Donovan	- (Coborn Arms)
Seema Kansal	- (Preem)
Azmal Hussain	- (Preem)

Objectors In Attendance:

Roy Sully	- (Resident)
Toby Bennett	- (Resident)
Hugo Lane	- (Resident)
Sandy Critchley	- (Resident)
James Imrie	- (Resident)

Apologies

None

1. DECLARATIONS OF DISCLOSABLE PECUNIARY INTEREST

There were no declarations of disclosable pecuniary interest.

2. RULES OF PROCEDURE

The rules of procedure were noted.

3. MINUTES OF THE PREVIOUS MEETING(S)

The minutes of the Licensing Sub Committee meeting held on 28th January 2014 were agreed and approved as a correct record.

4. ITEMS FOR CONSIDERATION**4.1 Application for a Variation of a Premises Licence for the Coborn Arms, 6-8 Coborn Road, London, E3 2DA**

At the request of the Chair, Mr Alex Lisowski, Licensing Officer, introduced the report which detailed the application for a variation of the premises licence for Coborn Arms, 6-8 Coborn Road, London E3 2DA. It was noted that there had been objections from local residents.

At the request of the Chair, Mr James Anderson, Legal Representative for the Applicant briefly summarised the nature of the application, and the history of the premises. He stated that this was a pub in need of investment, and Youngs wanted to invest to refurbish and extend the premises. It was noted that a meeting with residents had taken place and as a result they had amended the plans/proposed layout of the premises and have reduced the size of the extension.

Mr Anderson explained that the extension would be using unused space to make into a dining area, the washrooms would be moved to the back of the premises and the kitchen area would be increased. It was noted that the bar area would remain the same and where it was.

It was further noted that the capacity of the premises would increase from 95 to 140 people. It would still remain a pub subject to refurbishment. Rear of the premises would be used for dining however patrons could eat anywhere in the premises. Mr Anderson stated that the Applicants were mindful of the concerns raised by local residents and believe to have addressed them by reducing the proposed extension applied for.

It was further noted that there would be no change to the licensable hours or the front of the premises. Mr Anderson concluded that the Applicants were aiming to provide a better community pub bringing people to into the pub which has been lost over the years. It was noted that the majority of the

concerns raised by local residents were in relation to the size of the extension which had now been reduced by half.

Members then heard from Mr Hugo Lane, Roy Sully, Toby Bennett and Councillor Joshua Peck (on behalf of Shirley Day) who all expressed similar concerns of public nuisance, anti-social behaviour and crime and disorder, and parking issues. They all paid particular attention to the likely increase in smokers standing outside the premises causing noise nuisance into the early hours of the morning. There were concerns over the lack of consultation on the amended plans/application.

Residents welcomed the changes however requested that the hearing be adjourned in order for the residents to consider the new proposal made by the Applicant.

Mr Anderson stated that the application process had been made since July 2013 and there had been a reduction not an increase and therefore did not believe that the hearing should be adjourned.

At this point Mr Paul Greeno, Senior Advocate, advised Members if they were to defer consideration of this application they would have to demonstrate that it was in the public interest to do so. It was noted that a variation application is open for the applicant to make changes as long as it's not a form of increase. At 7.15pm Members decided to retire to make a decision whether to defer the application. Members reconvened at 7.20pm and the Chair stated that Members had decided to consider the application and had refused to grant an adjournment.

In response to questions from Members the following was noted;

- The increase in capacity would be from 95 to 145
- Additional seating would be made available in the dining area
- Sky Sports would be removed.
- The Orangery proposed open area would now be fully enclosed.
- Drinks would not be allowed to be taken outside the premises after 11pm.
- There was no history of complaints or problems linked to the premises.
- Experienced staff would be employed to manage the outside area and staff would ask customers leave quietly.
- That there had been one consultation meeting with local residents.
- That an earlier consultation meeting had been requested by the applicant, however this was not welcomed by residents.
- It was noted that the Applicants were not expecting further deliveries to be delivered at the premises but would be expecting to get larger orders.
- That empty bottles would be taken out after 9am.
- That a designated parking bay would be available for taxis to use when dropping off or picking up customers.
- The forecourt would remain the same with a capacity of 38 and would be strictly managed.

- It was noted that there had not been complaints of noise or disturbance made to responsible authorities
- Residents described the nuisance as constant low level noise.
- That the forecourt was very busy and heavily used by customers.

Members retired to consider their decision at 7.55.pm and reconvened at 8.15pm.

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 Licensing Guidance and the Council's Statement of Licensing Policy.

Consideration

Each application must be considered on its own merits and after careful consideration the Chair stated that the Sub Committee had decided to grant the application. Members' had carefully listened to representation made by the Applicant's Representative and noted and considered the written objections contained in the agenda and the verbal objections made at the meeting by Cllr Joshua Peck and local residents. However Members' believed that there was insufficient evidence to refuse the application as there were no reported complaints of public nuisance or crime and disorder. It was noted that there was wat had been referred to as a low level of noise concerns that had not been reported to the appropriate authorities. As it was low level concerns, Members did not consider that that was sufficient to refuse in this case. Had these concerns been reported then they would have been investigated by responsible authorities. Further Members considered that the representations made were more appropriately Planning considerations and should therefore be considered by that regime.

The Chair advised that even though a Premises Licence had been granted, the applicant was still required to get planning consent. Member's also suggested a number of informatives to help promote the licensing objectives.

Decision

Accordingly, the Sub-Committee unanimously –

RESOLVED

That the application for a Variation of a Premises Licence for, Coborn Arms, 6-8 Coborn Road, London E3 2DA be **GRANTED**.

To vary the layout of the premises in accordance with the amended plans supplied by the applicant. All licensable activities, permitted hours and opening hours to remain as existing.

In-formatives

- Alcohol to be served with food in the dining area
- Restrict the number of smokers outside to 5 people after 11pm
- To have a designated bay for taxi's to park when picking or dropping off patrons.

4.2 Application for a Premises Licence for Preem, Ground Floor and Basement, 118 - 122 Brick Lane, London E1 6RL

At the request of the Chair, Mr Alex Lisowski, Licensing Officer, introduced the report which detailed the application for a new premises licence for Preem, 118-111 Brick Lane, London E1 6RL. It was noted that there had been objections from the Metropolitan Police, Trading Standards, Licensing Authority and local residents. It was noted that the Licensing Authority had given their apologies for the meeting but wanted their representation on page 148 – 151 to be noted and considered.

Mr Greeno advised Members that the Special Cumulative Impact Policy was subject to a rebuttable presumption and it was for the applicant to satisfy Members through the operating schedule how they would promote the licensing objectives and not add to the existing concerns in the area.

At the request of the Chair, Ms Seema Kansal, Legal Representative for the applicant stated that the Special Cumulative Impact Policy was a rebuttable presumption. She highlighted the nature of the business and stated that customers would be coming into the premises, will be seated and will be dining inside and therefore anti-social behaviour would be minimised as alcohol would be served inside the premises.

Ms Kansal stated that there was no direct evidence of anti-social behaviour linking to the premises. It was noted that toilet facilities were available on the premises and therefore this would address concerns of urination. She concluded that the applicant was an experienced licence holder, and had assisted the Police on a number of occasions with CCTV footage.

At the request of the Chair PC Cruickshank referred to his statement on 154-157 and stated that by staying open until 03:00 would cause anti-social behaviour and public nuisance. He made reference to the cumulative impact zone and the crime statistics in the area. He concluded that the hours applied for were excessive and the hours exceed the vast majority of other restaurants hours in Brick Lane. That more people in the cumulative impact zone during late hours would increase the likelihood of for ASB and disorder.

Members then heard from Ian Moseley, Trading Standards Officer, who explained that the premises had been reviewed previously and there had been breaches of touting and insufficient management of the premises. He stated that the managerial control at the premises was not adequate. The erection of an illegal extension the use of fake blue notices and sales of alcohol during suspension indicated a disregard for legal requirements. The

extension of capacity and hours compared to the existing licence represents a risk of additional strain on the management resulting in further breaches of the law and an increase in public nuisance in the area.

Members also heard from Ms Sandy Critchley and James Imrie, local residents who also expressed concerns about the anti-social behaviour in the area, the applicant's mismanagement, breaches of existing conditions and the effect on the cumulative impact zone.

In response to questions, the Applicant stated he would not be touting anymore and would take positive steps to promote the licensing objectives, would employ additional staff to help customers leave quietly and have voice activated CCTV system and would not allow drunk people to enter the premises.

Members retired to consider their decision at 8.45pm and reconvened at 8.55pm.

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 Licensing Guidance and the Council's Statement of Licensing Policy.

Each application must be considered on its own merits and after careful consideration the Chair stated that the Sub Committee had carefully listened to both the Applicant's Representative and submissions from the Police, Trading Standards and local residents. Members did not think it was appropriate to grant the application as Members felt that it would undermine the Licensing Objectives of crime and disorder.

In making the decision Members noted that the premises was within the area of the Special Cumulative Impact Zone but did not consider whether the applicant had addressed the rebuttable presumption as Members had noted that there had been a number of Licensing breaches including touting; serving alcohol during a period of suspension; and opening outside terminal hours. Members were also concerned that the applicant considered that the retail sale of alcohol was a supply of refreshment and therefore covered by the hours applied for the provision of late night refreshment. Such are different licensable activities however. Therefore Members' decided to refuse the application.

Decision

Accordingly, the Sub-Committee unanimously –

RESOLVED

That the application for a New Premises Licence for, Preem, Ground Floor and Basement, 118-122 Brick Lane, London E1 6RLbe **REFUSED**.

5. ANY OTHER BUSINESS THAT THE CHAIR CONSIDERS URGENT

There was no other business.

The meeting ended at 9.00 p.m.

Chair, Councillor Ann Jackson
Licensing Sub Committee

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LONDON BOROUGH OF TOWER HAMLETS

MINUTES OF THE LICENSING SUB COMMITTEE

HELD AT 6.30 P.M. ON THURSDAY, 13 MARCH 2014

**THE COUNCIL CHAMBER, TOWN HALL, MULBERRY PLACE, 5 CLOVE
CRESCENT, LONDON, E14 2BG**

Members Present:

Councillor Peter Golds (Chair)

Councillor Khaled Uddin Ahmed
Councillor David Edgar

Officers Present:

Paul Greeno – (Senior Advocate, Legal Services)
Alex Lisowski – (Licensing Officer)
Simmi Yesmin – (Senior Committee Officer, Democratic Services)

Applicants In Attendance:

Simon Taylor - (Field Day)
Dan Craig - (Field Day)
Mandy Beattie - (Field Day)
Max Alderman - (Old George Public House)

Objectors In Attendance:

C R Wyer - (Resident)

Apologies

None

1. DECLARATIONS OF DISCLOSABLE PECUNIARY INTEREST

There were no declarations of disclosable pecuniary interest.

2. RULES OF PROCEDURE

The rules of procedure were noted.

3. MINUTES OF THE PREVIOUS MEETING(S)

That the minutes of the Licensing Sub Committee meetings held on 4th February (10.30am & 2pm) & 11th February 2014 were confirmed and agreed as a correct record.

4. ITEMS FOR CONSIDERATION

4.1 Application for a Time Limited Premises Licence for Victoria Park, London E3

At the request of the Chair, Mr Alex Lisowski, Licensing Officer, introduced the report which detailed the application for a Time Limited premises licence for Victoria Park, London E3. It was noted that there had been an objection from a local resident.

At the request of the Chair, Mr Simon Taylor, Legal Representative for the Applicant stated that this application was for a four year licence for a music event which had been running every year since 2007 in Victoria Park. He stated that the organisers were highly experienced and have been holding larger events in Hyde Park and Isle of Wright. He referred to the plans and policies contained in the agenda and highlighted the planning process leading up to events.

He stated that the timing and venue of the event would be the same as previous years. It was also noted that there has been significant multi-agency/responsible authorities input where conditions have been agreed. It was noted that changes to this years event and the improvements were around egress policy, would have more stewards positioned on the dispersal route and a MLA sound system to manage sound system even better than previous years and would be employing sound operatives to free up Council's Environmental Officers to allow them to attend to complaints etc.

Mr Taylor concluded that there had only been two objections one of which had been withdrawn as personalised conditions were agreed with the objector. It was noted that Ms C R Wyer, the remaining objector was not able to attend the mediation meeting but the applicant was happy for those conditions to be offered to Ms Wyer too.

Members then heard from Ms C R Wyer, Objector, who stated that she was not able to attend the mediation meeting as she was unavailable on that day. She described the noise nuisance associated with the event and gave examples of how it affected her in her home. She stated that calling to complain to Environmental Health was not worth it as they would have often said the noise levels were within the legal limit. She also expressed concerns about the times of the event, when people are leaving the event, and the fact that the application was a four year licence.

In response to questions the following was noted;

- That if the licence was granted for 4 years, all interested parties had the option to review the licence at any time during the four years.
- That the event had been successfully running at Victoria Park for 7 years and the Applicants hoped that Members had confidence in them to continue to run the event for the next 4 years.
- That the noise would be minimised by using the MLA sound system by controlling the sound directionality.
- That the Applicants had good relations with Council's Arts & Events Team, Responsible Authorities and had liaison with local residents.
- That Ms Wyer could hear the noise in her flat which was audible to the extent where couldn't hear the TV.
- That the previous event in 2013 had been the best run event to date and complaint levels had decreased, therefore the Applicants were expecting to see more continued improvements.
- Members raised concerns about the 4 year licence, it was noted that due to a long period of successful events and sufficient control processes in place a 4 year licence application was appropriate.
- That this year's event would take place on 7th & 8th June 2014.

Members retired to consider their decision at 7.20pm and reconvened at 7.30pm.

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 Licensing Guidance and the Council's Statement of Licensing Policy.

Consideration

Each application must be considered on its own merits and after careful consideration the Chair stated that the Sub Committee had decided to grant the application with all the condition agreed with various Responsible Authorities. Members' had carefully listened to Applicant's representative and considered Ms C R Wyer's concerns. Members' believed that the stringent conditions agreed would help address the concerns raised by Ms Wyer. Members did have concerns about granting a 4 year licence however were assured that interested parties did have the option to review the licence at any time during the 4 years if there were any problems as a result of these events.

Members requested that a direct telephone number to the Tower Hamlets Council's Environmental Health be provided to Ms Wyer and more consultation to take place with residents before the events and residents are told when the events are taking place.

Decision

Accordingly, the Sub-Committee unanimously –

RESOLVED

That the application for a Time Limited Premises Licence for a period of four years from 1st May 2014 to 30th September 2017 for a capacity of 39,999. A maximum of three event days per year to run consecutively on either a Friday, Saturday and Sunday or Saturday, Sunday and Monday be **GRANTED** with conditions .

Sale of Alcohol (on sales only)

- Friday from 12:00 hours to 22:45 hours
- Saturday from 11:00 hours to 22:45 hours
- Sunday and Monday from 11:00 hours to 22:15 hours

The Provision of Regulated Entertainment (Plays, Films, indoor Sporting Events, Performance of dance, Live Music, Recorded Music and similar)

- Friday and Saturday from 12:00 hours to 23:00 hours
- Sunday and Monday from 12:00 hours to 22:30 hours

Hours Premises is open to the Public

- Friday from 12:00 hours to 23:30 hours
- Saturday from 11:00 hours to 23:30 hours
- Sunday and Monday from 11:00 hours to 23:00 hours

Conditions

Conditions agreed with Local Resident

- To ensure that the license conditions relating to the use of white noise reversing alarms are fully complied with throughout the tenancy at Victoria Park.
- To investigate any further improvements to the sound system design that may reduce the impact on the residents property.
- A representative of Environmental Protection to visit the property during the event live period to take noise measurements and qualitatively assess the impact of event noise on the property, and for all parties to use this information to drive further improvements in the management of the event.
- To offer the opportunity to visit the site during the live period to show the licensees management controls and experience of the event.

- Contact numbers to be given of the applicants and officers.

Conditions agreed with Responsible Authorities

1. The “Music Noise Level” (MNL) measured as a LAeq over any 15-minute from an agreed permanent noise monitoring position shall not exceed 75 dBA 15-minutes. The following three permanent noise monitoring positions have been agreed (as detailed below), but should it be found that these are not representative of the site layout or residential noise impact, then they may be relocated with the agreement of the licensee and environmental health.

The three agreed Permanent Noise Monitoring Locations

- i) Waterside Close, at the residential façade.
 - ii) Empire Wharf (within Victoria Park) in-line with the building arch.
 - iii) Wetherell Road (Iveagh Close) Day Nursery (within Victoria Park).
2. Low frequency noise shall be controlled so as not to cause a nuisance.
 3. A competent Noise Consultant (as defined in the Noise Council’s “Code of Practice on Environmental Noise Control at Concerts”) shall be appointed by the licensee of the event. This means a person with the ability to monitor noise competently and with the authority to control sound levels to ensure compliance with these noise conditions.
 4. A direct means of communication between the Noise Consultant and the Officers of the Environmental Health Department must be made available. There must also be a separate radio channel dedicated to noise control.
 5. The sound systems and other noise sources shall be positioned so as to minimise noise disturbance, in consultation with the Council’s Environmental Health Department.
 6. Sound tests shall be carried out in conjunction with the Councils Environmental Health Department before the event. This will determine the maximum noise levels that can prevail at agreed proxy monitoring positions so as to ensure compliance with the noise limits defined in condition 1.
 7. A permanent noise monitor shall be placed at all “front of house” sound mixer positions, this must be able to measure 15 minute LAeq periods or less and print or store the results, Officers must be able to view all the results at the mixer position during the event. A copy of any noise measurements undertaken at permanent sound mixer or the 3 residential monitoring locations must be forwarded within 10 working days to the Environmental Health Department.

8. The Noise Consultant shall be able to demonstrate an up to date calibration certificate for all noise meters used according to BS7580: 1992 and be a minimum type 2 grade instrument according to BS5969: 1981.
9. Erection, dismantling and cleaning operations should only be undertaken during Council Policy working hours Mon. – Fri 8.00 a.m. – 6.00 p.m. and Saturday 8.00 a.m. – 1.00 p.m. unless otherwise agreed by prior consent. If work or operations are agreed outside of the above hours contact telephone number (not an answer phone) must be provided for the person in charge of these operations.
10. White noise "Broadband" reversing alarms shall be used on any forklift truck or vehicle likely to affect any residential property.
11. Any complaints received should be directed via a central complaints handling system and directed to our Officers and all concerned immediately by secure phone or SMS, not via an insecure wireless radio system. The Council's complaints procedure for taking and logging complaints must be followed at all times.
12. The licensee shall comply with any reasonable instructions given by the licensing authority that seek to control noise nuisance.
13. The noise-consultant must have a sufficient number of competent staff with the necessary authority, confirmed in writing by the licensee, to control the noise levels. This number should be agreed with Environmental Health in advance of the event.
14. No alcohol shall be taken off the licensed area.
15. Any mobile dispensing servers (MDS) will be accompanied by persons not involved directly in serving alcohol. These other persons('shepherds') will be responsible, jointly with the sellers and security personnel, for ensuring that mobile units comply with the Challenge 21 policy used on site, including preventing proxy sales; and for the prevention of sales to intoxicated customers.
16. The licensee must ensure that all staff involved in MDS operations are fully aware of and understand the requirements of the Licensing Act 2003 and all related conditions applicable to the event.
17. MDS operators must carry a clear indication that a Challenge 21 protocol is in operation.
18. A Challenge 21 Policy shall be implemented, so that before being served alcohol, identification bearing their photograph, date of birth, and a holographic mark is checked. This will include, for example;
 - a. A photo car driving licence
 - b. A passport

- c. A proof of age card bearing the PASS hologram.
19. That a Operating Schedule and Security Plan have to be sent to Police 3 months prior to the event.
 20. That the Operating Schedule and Security Plan has to be agreed by Police by 1 month prior to the event. If in the event there is no agreement an ESAG meeting will be called.
 21. That the event managers and organizers will comply with any reasonable request made by the Police event command team during the course of the event.

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

At the request of the Chair, Mr Alex Lisowski, Licensing Officer, introduced the report which detailed the application for a variation of the premises licence for The Old George Public House, 379 Bethnal Green Road, London E2 0AN. It was noted that there had been objections from local residents. It was noted that the Applicant had agreed conditions with the Metropolitan Police, and the timings were now to remain the same as the current hours and therefore the only variation required was to remove some of the existing conditions on the Premises Licence.

Members then heard from Mr Max Alderman, Applicant who stated that there were general concerns from residents regarding the change in hours and therefore he had agreed to remove the hours applied for and the hours now remain the same as the current hours. It was also noted that he wanted to remove some of the conditions to regularise embedded restrictions prior to the Licensing Act 2003. It was further noted that he had agreed conditions with the Police.

There were no objectors present at the meeting and there were no questions from Members. Members deliberated at the meeting and made their decision.

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 Licensing Guidance and the Council's Statement of Licensing Policy.

Each application must be considered on its own merits and after careful consideration the Chair stated that the Sub Committee had listened to Applicant and noted the written submissions. Members were satisfied that the removal of the existing conditions and incorporating the new additional conditions would help promote the licensing objectives.

Decision

Accordingly, the Sub-Committee unanimously –

RESOLVED

That the application for a Variation of the Premises Licence for, The Old George Public House, 379 Bethnal Green Road, London E2 0AN be **GRANTED**.

Conditions to be Removed from the Premises Licence

- Christmas/New Year etc conditions: “Note: However, New Years Eve is subject to the Regulatory Reform (Special Occasion Licensing) Order 2002. Which means that while that order is in effect the premises may remain open for the twelve hours between 11pm on New Years Eve and 11am on New Years Day”.
- Children in Bars conditions (Pre Licensing Act 2003)
- Remove capacity: “The maximum number of persons accommodated at any one time in the ground floor bar shall not exceed 100”. and replace with risk assessed capacity dependent on use
- The conditions relating to the times the license authorises the carrying out of licensable activities relating the sale by retail of alcohol.
- The restrictions on the doors being open due to revised layout: “The outer lobby door between the bar area and Wear Place shall be kept locked back in the open position during the whole time that the premises are occupied”.
- The outer lobby door between the bar area and Bethnal Green Road shall be kept locked back in the open position during the whole time that the premises are occupied.
- The restriction on the number of persons on the premises to be changed to risk assessed basis dependent on the activity taking place.
- There will be no admission to the premises by the public after 11.30pm.

Additional Conditions to be imposed on the Premise Licence

1. Install and maintain CCTV system

2. The CCTV system shall incorporate a recording facility and any recordings shall be retained and stored in a suitable and secure manner for a minimum of 31 days.
3. A system shall be in place to maintain the quality of the recorded image and a complete audit trail maintained.
4. The system will comply with other essential legislation, and all signs as required will be clearly displayed.
5. The system will be maintained and fully operational throughout the hours that the premises are open for any licensable activity.
6. There must also be someone on the premises, who can download the images and present them on request by a police officer or other responsible authority
7. One camera to be placed outside the entrance and on entry
8. An Incident Book to be maintained, to include refusals . To be signed at the end of licensable hours by the manager / DPS
9. Two SIA staff to be employed on a Friday and Saturday from 2100 until closing, if the premises remains open after midnight.
10. Use of F696 for external promoters and DJs;
11. No drinking vessels / bottles to be taken outside on the pavement.”

5. ANY OTHER BUSINESS THAT THE CHAIR CONSIDERS URGENT

There was no other business.

The meeting ended at 8.00 p.m.

Chair, Councillor Peter Golds
Licensing Sub Committee

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LONDON BOROUGH OF TOWER HAMLETS

MINUTES OF THE LICENSING SUB COMMITTEE

HELD AT 6.10 P.M. ON WEDNESDAY, 19 MARCH 2014

**THE COUNCIL CHAMBER, TOWN HALL, MULBERRY PLACE, 5 CLOVE
CRESCENT, LONDON, E14 2BG**

Members Present:

Councillor Carli Harper-Penman (Chair)

Councillor Ann Jackson
Councillor David Snowdon

Other Councillors Present:

Councillor Peter Golds

Officers Present:

Kathy Driver	- (Principal Licensing Officer)
Luke Elford	- (Lawyer – Enforcement and Litigation Team)
Nishaat Ismail	- (Committee Officer, Democratic Services, DLPG)
Simmi Yesmin	- (Senior Committee Officer, Democratic Services)

Applicants In Attendance:

James Manero	- (489 Hackney Road)
Amechi Ihenacho	- (489 Hackney Road)
Carsten Raun	- (Oktoberfest)

Objectors In Attendance:

Peter Owens	- (Resident)
Damian Kelleher	- (Resident)
Luke Streatfeild	- (Resident)
Blanca Brava	- (Resident)
Gareth Hargreaves	- (Resident)
Glen McCarthy	- (Resident)

Apologies

None

1. DECLARATIONS OF DISCLOSABLE PECUNIARY INTEREST

There were no declarations of disclosable pecuniary interest.

2. RULES OF PROCEDURE

The rules of procedure were noted.

3. ITEMS FOR CONSIDERATION**3.1 Application for a New Premises Licence for 489 Hackney Road, London, E2 9ED**

At the request of the Chair, Ms Kathy Driver, Principal Licensing Officer, introduced the report which detailed the application for a new premises licence for 489 Hackney Road, London E2 9ED. It was noted that there had been objections from local residents.

At the request of the Chair, Mr James Manero, Applicant stated that upon mediation with the Metropolitan Police the application had been amended and the hours had been reduced. He stated that he understood the concerns of residents and it was of a mutual interest that customers did not cause public nuisance as it would affect his business and the livelihood of local residents and their right to peace and quiet. Mr Manero highlighted that there was limited information in the objections from residents and the common theme in the objections where in relation to live music being played till 05:00 hours. He explained that the hours had now been reduced and proposed conditions would alleviate any remaining concerns.

It was noted that live music would be transmitted through the in-house music system and a noise limiting device would be installed. That the ground floor and lower ground floor would be for licensable activities and not the mezzanine, which was currently being used as a computer repair shop. It was further noted that during operational hours there would be a designated area for smokers limited to 10 people at any one time, this would be controlled by a SIA door supervisor and a receptionist.

Mr Manero explained that no drinks would be taken outside the premises and this would be managed by the receptionist and signs displayed around the premises. He then gave a brief summary of his experience of working in and managing bars. He concluded that this would be a high end classic cocktail bar for a capacity of 40 people for a mature clientele which would not add to problems in the area.

Member then heard from Peter Owens, Damian Kelleher, Luke Streatfield and Blanca Brava, local residents who expressed similar concerns of increased anti-social behaviour, litter, public nuisance, change in amenity, and primarily noise disturbance from customer smoking outside and when leaving the premises late at night.

In response to questions the following was noted

- That the designated smokers' area would be managed by a SIA door supervisor and a receptionist who would control the number of smokers outside and manage safety and noise disturbance.
- That the applicant was happy to limit smokers to 5 people at any one time.
- That SIA door supervisor would check if customers were taking drinks outside.
- That there was a lobby to help insulate noise
- That commercial waste collection was approximately around 3.30pm
- That acoustic music would be played such as jazz, blues & folk music
- That the applicant had agreed to remove live music from the application.

Members retired to consider their decision at 6.40pm and reconvened at 7.05pm.

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 Licensing Guidance and the Council's Statement of Licensing Policy.

Consideration

Each application must be considered on its own merits and after careful consideration the Chair stated that the Sub Committee had decided to grant the application in part with reduced hours and conditions. Members' had carefully listened to Applicant and representations made by residents and believed that the amended hours during week days and conditions restricting the number of smokers, removal of live music and SIA security staff to manage the outside of the premises would help address the concerns raised by residents and help promote the licensing objectives.

Decision

Accordingly, the Sub-Committee unanimously –

RESOLVED

That the application for a New Premises Licence for, 489 Hackney Road, London E2 9ED be **GRANTED IN PART** with conditions.

Sale of Alcohol (on sales only)

Sunday to Thursday from 12:00 hours to 23:00 hours

Friday & Saturday from 12:00 hours to 00:45 hours (the following day)

The Provision of Late Night Refreshments (indoors)

Friday & Saturday from 23:00 hours to 00:45 hours (the following day)

The Provision of Regulated Entertainment in the form of Films & Recorded Music (indoors)

Sunday to Thursday from 12:00 hours to 23:00 hours

Friday & Saturday from 12:00 hours to 00:45 hours (the following day)

Hours Premises is open to the Public

Sunday to Thursday from 12:00 hours to 23:15 hours

Friday & Saturday from 12:00 hours to 01:00 hours (the following day)

Conditions

1. No drinks to be taken outside the premises
2. Smoking area to be limited to 2 persons at any one time
3. No deliveries or collections of waste/recycling/bottles during the hours of 20:00 hours to 08:00 hours.
4. 1 SIA door staff to be present and on duty on the premises from 21:00 hours to the terminal hour.
5. Mezzanine area is not to be licensed.
6. Prominent and clearly legible notices shall be displayed at all exists of the premises requesting patrons to respect the needs of local residents and to leave the premises and area quietly.
7. Dedicated telephone number be made available to residents, to enable residents to liaise directly with management.
8. There shall be the provision and installation of a noise limiting devise to all amplified sound systems within the premises whether existing or installed in the future and maximum noise levels of such devise are to be set and agreed beforehand with the Environmental Health Officer and if no agreement can be reached the matter is to be remitted back to the Licensing Sub Committee to consider and set an appropriate level.

3.2 Application for a Time Limited Premises Licence for Oktoberfest 2014, Millwall Park (off East Ferry Road, London, E14)

At the request of the Chair, Ms Kathy Driver, Principal Licensing Officer, introduced the report which detailed the application for a Time Limited

premises licence for Oktoberfest 2014, Millwall Park, London E14. It was noted that there had been objections from local residents and a Councillor.

There were concerns raised in relation to the damage to the Park after the event took place last year, Mr Luke Elford, Legal Advisor, explained that this was not a relevant consideration of the Licensing Sub Committee and would need to be raised with the relevant Council department.

At the request of the Chair, Mr Carsten Raun, Applicant stated that there would be 10,000 guests over the weekend event and customers would mainly be from the borough. He explained that there would be a family day on the Sunday which proved to be a success last year. It was noted that it was a well run event last year with no complaints from any responsible authorities. Mr Raun concluded that this year he would introduce more toilet facilities at the DLR station and more stewards along the dispersal route which would improve the concerns raised by residents.

Members then heard from Councillor Peter Golds, speaking on behalf of Councillor Gloria Thienel, and local residents Mr Gareth Hargreaves and Glen McCarthy who addressed similar concerns of anti-social behaviour, public nuisance, public urination on public and private spaces, and the increase in litter as a result of the event.

In response to questions the following was noted;

- That there were no incidents of crime or disorder or public nuisance reported to any responsible authority
- That feedback from the police after the event last year was positive and as a result they would be reducing the number of officers attending this year's event.
- That no confiscations were made during entry searches last year.
- That it was a cultural event and those attending the event were between the ages of 25-75.
- That there were no DLR closures scheduled during the event and there had been no problems at last year's event.
- That there would be an increase in the stewards from 6 to 8, this year and signage would be displayed directing customers to the exist routes.
- That track mats would be used and there would be no driving on the grass.
- That there event was age restricted to 18 years and over, except for Sunday during the family event when children would be allowed when accompanied by adults.
- That there was one bar area in the tent and therefore easy to manage.
- That there was 16 SIA security staff at last years event.
- That there would be an additional two stewards this year to patrol outside the tent.

Members retired to consider their decision at 7.55pm and reconvened at 8.50pm.

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 Licensing Guidance and the Council's Statement of Licensing Policy.

Each application must be considered on its own merits and after careful consideration the Chair stated that the Sub Committee had carefully listened to representations made by both the Applicant and Objectors. Members were not satisfied that they could grant the licence as per the application and were concerned about the management plan, however this was not sufficient enough to refuse the application and therefore believed that an amendment to the start time during the week days and additional conditions would help prevent the concerns raised by local residents in relation to anti-social behaviour, and public nuisance in the area.

Decision

Accordingly, the Sub-Committee made a majority decision. Councillor David Snowdon wished for his dissent to be recorded –

RESOLVED

That the application for a Time Limited Premises Licence for, Oktoberfest 2014, Millwall Park, London E12 be **GRANTED** with conditions.

Sale of Alcohol (on sales only)

Thursday and Friday from 18:00hrs to 22:30hrs

Saturday from 14:00hrs to 22:30hrs

Sunday from 12:00hrs to 18:30hrs

The Provision of Regulated Entertainment:

Live Music (indoors)

Thursday and Friday from 18:00hrs to 22:00hrs

Saturday from 14:00hrs to 22:00hrs

Sunday from 12:00hrs to 18:30hrs

Recorded Music (indoors)

Thursday and Friday from 18:00hrs to 22:45hrs

Saturday from 14:00hrs to 22:45hrs

Sunday from 12:00hrs to 19:00hrs

Hours premises is open to the public:

Thursday and Friday from 18:00hrs to 23:00hrs

Saturday from 14:00hrs to 23:00hrs

Sunday from 12:00hrs to 19:00hrs

Conditions

1. A total of 37 SIA door supervisors to be present at the event.
2. 16 Stewards, (two of which are to be allocated to Millwall Rugby Club)
3. Only plastic glasses are to be used.
4. Public toilets are to be provided by the licensee at Island Gardens DLR station and Crossharbour bus garage.
5. Prominent and clearly legible notices shall be displayed at all exists of the premises requesting patrons to respect the needs of local residents and to leave the premises and area quietly.
6. Dedicated telephone number for the Event Organisers and LBTH Environmental Health are to be displayed at all exists of the park.

3.3 Application for a Temporary Event Notice for (Brick Lane Celebrity Chef Event), Brick Lane (between Chicksand Street and Fournier Street), London E1

This item was resolved prior to the meeting.

The meeting ended at 9.05 p.m.

Chair, Councillor Carli Harper-Penman
Licensing Sub Committee

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Simmi Yesmin

From: Alan.D.Cruickshank@met.pnn.police.uk
Sent: 27 March 2014 11:06
To: Mohshin Ali; Simmi Yesmin
Subject: 389 Cambridge Heath Road

Dear Mohshin , Simmi

Please find below, an e-mail sent by Will Norman of Thames Reach, who works with vulnerable street drinkers.

Regards

Alan Cruickshank PC 189HT

Regarding the application to extend trading hours at 389 Cambridge Heath Rd.

The Tower Hamlets SORT team works with rough sleepers and those leading a street lifestyle in LB Tower Hamlets. Most of those we work with have drug and alcohol needs which either contribute to, or are the cause of, their homelessness. Alcohol is if anything the more damaging substance and we are seeing an increasingly high prevalence of chronic alcohol dependency. There is a particular problem with super strength cider and lager which can be as cheap as 60p per can.

When this alcohol is purchased late at night it causes former rough sleepers to stay out drinking, causing anti social behaviour and often not using the hostel beds they are referred into. The area in question is very close to a specialist service for chronic drinkers and no more than a quarter mile from another high support project for rough sleepers. The area is also an anti social behaviour hotspot.

We could not, in any way, support the application for extended opening hours. Furthermore it seems totally unnecessary in a largely residential area.

Thanks

Will Norman

Tower HamletsSORT Lead Manager

ThamesReach I 07595056474 I 02070846682

william.norman@thamesreach.org.uk

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WITNESS STATEMENT

CJ Act 1967, s.9; MC Act 1980, ss.5A(3)(a) and 5B; Criminal Procedure Rules 2005, Rule 27.1

Statement of **Sulalmaan Iqbal**..... URN:

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Age if under 18 **Over 18**..... (if over 18 insert 'over 18') Occupation: **Police Staff**

This statement (consisting of 1..... pages each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated anything in it which I know to be false, or do not believe to be true.

Signature: PCSO Sulalmaan Iqbal 7210471..... Date: 27/03/2014.....

Tick if witness evidence is visually recorded (supply witness details on rear)

I am the above named officer and I am currently based at Bethnal Green Police Station where I am attached to the Bethnal Green North ward in the role of Dedicated Ward Officer. I have been a Police Community Support Officer since September 2009.

This statement is regarding City Supermarket Off Licence, 389 Cambridge Heath Road E2.

City Supermarket is situated only a few minutes away from Edward Gibbons House, 1 Parmiter Street E2. Edward Gibbons House is a Wet Hostel and usually houses released prisoners, alcoholics and drug addicts.

Parmiter Street used to be a Public Set Priority (PSP) in 2012 due to the high volume of alcohol related Anti social behaviour and drug dealing. As the Safer Neighbourhood Team that covers this area we usually receive complaints from residents regarding Street drinkers congregating on Cambridge Heath Road/ Cambridge Heath Station and Parmiter Street. In the last six months we have issued Anti social behaviour contracts (ABC) to some of the Priority Prolific Offenders (PPO) that congregate in these hot spots (HTRT00392568, HTRT00391452).

The Anti social behaviour issues surrounding this location were discussed in the latest Safer Neighbourhood Team walkabout which was on 21/03/2014. Senior Leadership Team members, Housing Associations, Youth Offending Teams and local residents all attended this walkabout. Residents raised their concerns regarding the Anti social behaviour in this location. We have regular calls from repeat callers who inform us that the issues are daily after 1700 hours.

In my professional opinion I believe by allowing the Off Licence to extend its hours it will only encourage the ASB and it will have a negative impact on local residents as well as the community.

Signature: PCSO Sulalmaan Iqbal 7210471 Signature witnessed by: