

**LONDON BOROUGH OF TOWER HAMLETS****MINUTES OF THE LICENSING SUB COMMITTEE****HELD AT 2.30 P.M. ON MONDAY, 3 JUNE 2019****THE COUNCIL CHAMBER, TOWN HALL, MULBERRY PLACE, 5 CLOVE  
CRESCENT, LONDON, E14 2BG****Members Present:**

Councillor Peter Golds (Chair)

Councillor Ehtasham Haque

Councillor Eve McQuillan

**Officers Present:**

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

<b>Representing Applicants</b>	<b>Item Number</b>	<b>Role</b>
Matthew Phipps	3.1	(Legal Representative)
Andrew Bamber	3.1	(Compliance Consultant)
Tom Gill	3.1	(Applicant)
Jubel Miah	3.2	(Applicant)
Jumon Islam	3.2	(Applicant's Representative)

<b>Representing Objectors</b>	<b>Item Number</b>	<b>Role</b>
Ben Dobbs	3.1	(Local Resident)
Samantha Neale	3.2	(Licensing Officer)

**Apologies**

None

- 1. 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 (Munich Cricket Club) Unit E2, Hertsmere Road, Canary Wharf, London E14 4AE**

At the request of the Chair, Mr Mohshin Ali, Licensing Officer, introduced the report, which detailed the application for a new premise licence for Munich Cricket Club, Unit E2 Hertsmere Road, Canary Wharf, London E14 4AE. It was noted that an objection had been received from a local resident. Mr Ali explained that the hours for licensable activities had been reduced from the hours initially applied for and various conditions had been offered by the Applicant.

Mr Matthew Phipps, Legal Representative on behalf of the Applicant, explained that the applicants had no relation to the previous occupiers of the premises and that it was a new application with proposed new hours for licensable activity. He referred Members to page 91 of the agenda which detailed the reduction in the hours sought. These hours mirrored the planning hours.

Mr Phipps noted that all Responsible Authorities had been consulted and there had been no objections as the Applicant had provided a robust set of conditions. Mr Phipps then highlighted the conditions set out in pages 22-25 of the agenda.

Mr Phipps explained that there was only one representation from an individual resident. The concerns that had been raised were in relation to noise being audible, however, an acoustic report had been prepared, with testing taken over a four day period. The positioning of speakers, the installation of a noise limiter and relevant works would help minimise any noise escape. Mr Phipps referred to the licensable hours for other premises in the area and highlighted that the hours applied for were in line with other premises in the local vicinity.

Mr Phipps noted that there was a dispersal policy, there would be no admission after 23:30 hours and SIA door staff would help reinforce these conditions which would help alleviate the concerns raised.

Mr Andrew Bamber, Compliance Consultant, reaffirmed what was said by Mr Phipps and then gave a brief background of his job roles and experiences to date. He said that on the whole he was very impressed with the management culture at Munich Cricket Club.

Members then heard from Mr Ben Dobbs, resident objector. Mr Dobbs acknowledged the efforts made by the Applicant, however, his primary concern was the longer hours for licensable activities which meant customers would be drinking for longer and leaving at later hours. This would increase the risk of noise disturbance from inside and outside the premises. It was noted that the premises was part of a residential building with flats directly above the premises. There were approximately 220 residents living in the building. Mr Dobbs noted that the building was a conversion of an old warehouse which had original wooden floorings and beams running across

the whole building. It was not a modern building and sound distribution went from the basement upwards.

Mr Dobbs expressed his concerns about noise nuisance related to recorded and live music. He said that recorded music was one of the main causes of vibration within the fabric of the building. He also expressed concern about people leaving late and music being played up until the end of the terminal hour. Mr Dobbs explained that the reason why he was the single objector was because other residents in the building were not aware of this application until after the end of the consultation period. Mr Dobbs stated that the Applicant's acoustic report had been prepared on the basis of testing from an apartment two floors removed from the premises.

In response to questions, the following was noted:

- That Mr Dobbs lived in one of the flats directly above the premises.
- That Mr Dobbs had experienced moderate to high noise nuisance when living above other licensed premises in the building.
- That the previous business at the premises was a restaurant with minimal background music. The change of the premises use to a restaurant/bar would likely cause an increase in noise.
- That the seating area outside had the capacity to accommodate up to 80 people.
- That there were bare floor boards with vertical timber beams running through the building.
- That an acoustic report had been undertaken and the relevant suggested works would be carried out to ensure premises was suitable for use.
- That the acoustic report states that this venue would not undermine the amenities in the local area.
- The Sub-Committee suggested that there be no vertical drinking outside the premises, a limitation on the number of smokers to 10 people at any one time and there be no drums played at the premises. The Applicant agreed to all these suggested conditions.
- The Applicant confirmed that live music would only be played on Thursdays and Saturdays until 22.30 hours.
- That the capacity of the venue was 200 people. Door staff would manage egress.

Members adjourned the meeting at 3.30pm for deliberations and reconvened at 3.50pm.

### **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 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. Prevention of Public Nuisance; and
4. The Protection of Children from Harm

### **Consideration**

Each application must be considered on its own merits and the Chair stated that the Sub Committee had carefully considered all of the evidence before them and had heard representation from the Applicant and his Legal Representative and from 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 following conditions suggested by the Sub Committee: that there be no vertical drinking outside the premises, limiting the number of smoker to 10 at any one time, no live music after 22:30 hours and no drums to be played at the premises. These conditions, together with those proposed by the Applicant in their operating schedule, gave Members the assurance that public nuisance would be prevented.

Members were also satisfied that a modification of the hours on the licence would alleviate any concerns arising from the local resident objector and avoid any future disturbances.

Members reached a decision and the decision was unanimous. Members granted the application subject to conditions to help promote the licensing objectives.

Accordingly, the Sub Committee unanimously

### **RESOLVED**

That application for a New Premises Licence for Munich Cricket Club, Unit E2 Hertsmere Road, Canary Wharf, London E14 4AE be **GRANTED** with conditions.

#### **Sale of Alcohol (on sales only)**

Sunday to Wednesday from 11:00 hrs to 23:30 hrs.

Thursday from 11:00 hrs to 00:00 hrs (midnight)

Friday and Saturday from 11:00 hrs to 00:30 hrs (the following day)

#### **Provision of Regulated Entertainment (Recorded music)**

Sunday to Wednesday from 11:00 hrs to 23:30 hrs.

Thursday from 11:00 hrs to 00:00 hrs (midnight)

Friday and Saturday from 11:00 hrs to 00:30 hrs (the following day)

#### **Hours Premises Open to the Public**

Sunday to Wednesday from 11:00 hrs to 00:00 hrs (midnight).  
Thursday from 11:00 hrs to 00:30 hrs (the following day)  
Friday and Saturday from 11:00 hrs to 01:00 hrs (the following day)

#### Non-standard Timings

From the end of the permitted hours on New Year's Eve until 02:00 on New Year's Day.

#### Conditions

- 1.1 No licensable activities shall take place at the premises until premises licence 20080 (or such other number subsequently issued for the premises) has been surrendered.
- 1.2 From 20:00 until the premises closes to the public daily there shall be a personal licence holder on duty on the premises.
- 1.3 There shall be no admittance or re-admittance to the premises after 23:30 on Thursday, Friday and Saturday evenings except for patrons permitted to temporarily leave the premises to smoke.
- 1.4 A direct telephone number for the manager at the premises shall be available at all times the premises is open.
- 1.5 Until 22:30 daily, substantial food shall be available in all parts of the premises where alcohol is sold or supplied for consumption on the premises.
- 1.6 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.
- 1.7 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 an authorised officer throughout the entire 31 day period.
- 1.8 A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.

- 1.9 A minimum of 2 SIA licensed door supervisors shall be on duty at the premises from 20:00 until close of business on Thursday, Friday and Saturday evenings. An incident log shall be kept at the premises, and made available on request to an authorised officer of the Council or the Police. It must be completed within 24 hours of the incident and 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 faults in the CCTV system, searching equipment or scanning equipment any refusal of the sale of alcohol any visit by a relevant authority or emergency service.

- 1.10 In the event that a serious assault is committed on the premises (or appears to have been committed) the management will immediately ensure that:

The police (and, where appropriate, the London Ambulance Service) are called without delay;

All measures that are reasonably practicable are taken to apprehend any suspects pending the arrival of the police;

The crime scene is preserved so as to enable a full forensic investigation to be carried out by the police; and

Such other measures are taken (as appropriate) to fully protect the safety of all persons present on the premises.

- 1.11 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.

- 1.12 Loudspeakers shall not be located in the entrance lobby or outside the premises building.

- 1.13 All windows and external doors shall be kept closed after 22:00 hours, or at any time when regulated entertainment takes place, except for the immediate access and egress of persons.

- 1.14 All outside tables and chairs shall be rendered unusable by 22:30 each day. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
- 1.15 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.
- 1.16 Patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke, shall not be permitted to take drinks or glass containers with them.
- 1.17 Patrons permitted to temporarily leave and then re-enter the premises to smoke shall be restricted to a designated smoking area as shown on the plan.
- 1.18 The premises licence holder shall ensure that any patrons drinking and/or 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.
- 1.19 No fumes, steam or odours shall be emitted from the licensed premises so as to cause a nuisance.
- 1.20 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. The edges of the treads of steps and stairways shall be maintained so as to be conspicuous.
- 1.21 A Challenge 25 proof of age scheme shall be operated at the premises 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.
- 1.22 There shall be no vertical drinking outside the premises.
- 1.23 There shall be no more than 10 patrons smoking outside the premises at any one time.
- 1.24 There shall be no live music after 22:30 hours.
- 1.25 No drums are to be used on the premises.

**3.2 Application for a New Premises Licence for: Royal PFC 178a Whitechapel Road London E1 1BJ**

At the request of the Chair, Mr Mohshin Ali, Licensing Officer, introduced the report, which detailed the application for a new premise licence for Royal

PFC, 178a Whitechapel Road, London E1 1BJ. It was noted that an objection had been received on behalf of the Licensing Authority.

Mr Jumon Islam, a friend representing the Applicant Mr Jubel Miah, explained that the premises has been trading for the past 10 years with a premises licence for the provision of late night refreshments, however, there had recently been a change in the company operating the business . The annual licence fee was paid on 3 January 2019 and subsequently accepted by the Licensing Authority.

Mr Islam explained that the Applicant was unaware that the licence needed to be transferred over to the new company. The Applicant believed the licence was still valid as the name of the premises had remained the same.. Mr Miah explained that as soon as they were informed that the licence had lapsed they stopped selling late night refreshments. Mr Islam stated that longer hours had been applied for due to customer demand, hospital staff that work shifts and in preparation for the opening of Crossrail. It was noted that Mr Miah had SIA security accreditation and the premises had a CCTV camera system in operation.

Members then heard from Ms Samantha Neale, Licensing Officer representing the Licensing Authority, who explained that Four Brothers (UK) Limited had dissolved and there had been no transfer of licence; therefore, the licence had lapsed. When Licensing Services became aware of the lapse, it sent a warning letter to the applicant, and on 1 March 2019 at 11:20pm, a successful test purchase was made at the premises.

Ms Neale explained that the annual fee was paid, however, at the time the fee was received, the Licensing Authority's Administration Team were not aware the company had changed and therefore a licence was automatically issued.

Ms Neale noted that the hours sought by the Applicant were longer than the previous licence. She added that the Licensing Authority had concerns that management would not be sufficiently responsible to carry out licensable activities. Ms Neale pointed out that there were fewer conditions in the operating schedule than what were in the previous licence and therefore the Applicant was not promoting the licensing objectives.

In response to questions the following was noted:

- That the Applicant had made an error by not transferring the licence.
- That longer hours had been applied for due to customer demand.
- That there had been no incidents of crime, disorder or public nuisance over the previous 10 years.
- That the annual licence fee was paid in January 2019 and the licence had been sent out by the Administration Team.
- That the premises had stopped trading beyond 11pm since 1 March 2019.
- That this premises had been the first fried chicken shop to reach Gold Star Level for Health & Safety.



- The Applicant agreed to reduce the hours applied for to the hours of the previous licence.
- There had been no complaints in relation to the premises and there were no evidence of anti-social behaviour, crime or disorder linked to the premises.
- Members suggested that a member of the management team attend the personal licence holder training. The Applicant was willing to undertake such training.

Members adjourned the meeting at 4.35pm for deliberations and reconvened at 4.55pm.

### **The Licensing Objectives**

In considering the application, Members were required to consider the same in accordance with the Licensing Act 2003 (as amended), the Licensing Objectives, the Home Office Guidance and the Council's Statement of Licensing Policy and in particular to have regard to the promotion of the four licensing objectives:

1. The Prevention of Crime and Disorder;
2. Public Safety;
3. Prevention of Public Nuisance; and
4. The Protection of Children from Harm

### **Consideration**

Each application must be considered on its own merits and the Chair stated that the Sub Committee had carefully considered the representation made by the Applicant and his friend and also heard from the Licensing Officer representing the Licensing Authority.

Members noted the errors made in the lead up to the application, however, Members also noted that the premises had been trading for the past 10 years without any problems or enforcement action. Members were of the view that a reduction in the hours applied for, to the same hours as the previous licence at the premises, was appropriate. The Applicant accepted a return to the previous premises licence hours and agreed to a further condition that management undertake licensing training.

Members were satisfied that the conditions imposed on the licence would help alleviate the concerns raised by the Officer representing the Licensing Authority and promote the licensing objectives.

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, Royal PFC, 178a Whitechapel Road, London E1 1BJ be **GRANTED** with conditions.

**The Provision of Late Night Refreshments**

Sunday to Thursday from 23:00 hrs to 00:30 hrs (the following day)  
Friday and Saturday from 23:00 hrs to 01:30 hrs (the following day)

**Hours Premises Open to the Public:**

Sunday to Thursday from 11:00 hrs to 00:30 hrs (the following day)  
Friday and Saturday from 11:00 hrs to 01:30 hrs (the following day)

**Conditions**

1. CCTV camera system covering both internal and external to the premises is to be installed.
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. That an incident report book be kept and record all incidents of crime and disorder associated with the premises.
5. Signs to be prominently displayed both inside and outside asking customers to respect local residents and to be quiet when leaving the premises.
6. A member of the management team should undergo the Personal Licence Holder training – proof of this is to be produced to Licensing Services within two months of the licence being issued.

**4. EXTENSION OF DECISION DEADLINE: LICENSING ACT 2003**

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

Premises	Hearing Date
Printers & Stationers, 21a Ezra St, London E2 7RH (CH)	18/06
Angel and Crown, 170 Roman Road, London E2 0RY (LMJ)	18/06
Hotel, 419 – 437 Hackney Road, London E2 8PP (MA)	09/07
Lean Kitchen, Railway Arch 4, Gales Gardens, London E2 0EJ (CH)	09/07
Genesis Vegan Rest, 146 Commercial St, London E1 6NU (SN)	23/07
The London Shuffleboard Club, 28 Redchurch St, London E2 7DP (SN)	23/07

The meeting ended at 4.50 p.m.

Chair, Councillor Peter Golds  
Licensing Sub Committee