

**LONDON BOROUGH OF TOWER HAMLETS**  
**MINUTES OF THE LICENSING SUB COMMITTEE**  
**HELD AT 6.30 P.M. ON TUESDAY, 18 JUNE 2019**

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

**Members Present:**

Councillor Leema Qureshi (Chair)

Councillor Shah Ameen

Councillor Rajib Ahmed

**Officers Present:**

Lavine Miller-Johnson	– (Licensing Officer)
David Wong	– (Legal Services)
Farhana Zia	– Senior Committee Services Officer

<b>Representing applicants</b>	<b>Item Number</b>	<b>Role</b>
Augustine De La Brosse	4.1	Applicant
Daniel Nash	4.1	Applicant's supporter
Juliette Tuke	4.1	Applicant's supporter
Tom Blume	4.1	Applicant's supporter
Melise Keogh	4.2	Applicant

<b>Representing objectors</b>	<b>Item Number</b>	<b>Role</b>
Adrian Heathfield	4.1	Objector
Ben Cook	4.1	Objector
Christopher Kul Want	4.1	Objector
Darren Campbell	4.1	Objector
Kristin Perers	4.1	Objector
Nia Wheeler	4.2	Objector
Vasiliki Spanos	4.2	Objector

**1. DECLARATIONS OF DISCLOSABLE PECUNIARY INTEREST**

No declarations of disclosable pecuniary interests were declared.

**2. RULES OF PROCEDURE**

The Rules of Procedure were noted by the Sub-Committee.

### **3. MINUTES OF THE PREVIOUS MEETING(S)**

The minutes from the 16<sup>th</sup> April, 30<sup>th</sup> April and 7<sup>th</sup> May 2019 were agreed and approved as a correct record of the meetings.

### **4. ITEMS FOR CONSIDERATION**

#### **4.1 Licensing Act 2003 Application for variation of a Premises Licence for Printers and Stationers, 21a Ezra Street, London E2 7RH**

At the request of the Chair, Ms Lavine Miller-Johnson Licensing Officer introduced the report which detailed the application for a variation of the premises licence for Printers and Stationers, 21a Ezra Street, London E2 7RH. The application was for the removal of the condition to allow drinks to be taken outside, by customers whilst seated at tables and chairs immediately in front of the wine bar. It was noted that objections had been received on behalf of residents.

At the request of the Chair, the applicant Mr Augustine De La Brosse explained he was the proprietor of the wine bar which he had acquired in 2003. However, he had leased the premises to a tenant from 2013 to June 2018. Mr De La Brosse stated that owing to complaints he had received about the previous tenant, he had now taken control of his premises and wanted to expand his business so he could respond to demand and compete with others in the area; by providing patrons the facility to drink outside.

He said the area was a typical London destination where customers can appreciate the charms of the conservation area and congregate to enjoy a drink. Mr De La Brosse acknowledged the area was a mixture of commercial and residential premises and both needed to co-exist. Mr De La Brosse said his business was the smallest of its neighbours and therefore adding tables and chairs outside the premises would not contribute to the wider noise issues cited by the Objectors, and he intended to comply with the conditions agreed with the responsible authorities, such as the installation of CCTV cameras and planters to clearly define the outside space. Mr De La Brosse said he would not be trading after 9:00 p.m.

Members heard from supporters of Mr De La Brosse, who stated that Mr De La Brosse was a respected and conscientious businessman, whose presence in the community was beneficial to locals and would help to galvanise the area.

The Sub-Committee took into account the objectors' concerns relating to public nuisance and public safety, in particular the impact of noise nuisance on family life, due to the close proximity of their homes to the street below. The Sub-Committee heard from several objectors who stated the noise nuisance they had experienced in recent years had become intolerable. They feared the area would become a magnet for crowds to come and drink in the street. The objectors provided photographic evidence of what the street looked like on a typical weekend, with crowds congregating in the street outside other premises. They said that due to the design and layout of the

street, plus the back of the large Victorian primary school, the noise did not disperse easily, as it acted like an echo chamber, multiplying the noise from the street.

Concern was also raised with regard to Public Safety, as the street is a narrow cobbled street, with passing traffic. The objectors expressed concern about drinkers sitting on the kerbside and the potential risk to life, when fast moving vehicles pass through.

In response to questions from Members the following was noted:

- The primary school backs onto Ezra Street and is a large Victorian structure. The premises are on the opposite side of the school. The school is not affected however due to the design and layout of the street and the large Victorian school noise created by street drinkers does not disperse easily and acts as an echo chamber.
- In response to the size of the street, it was acknowledged that it is a narrow cobbled street, with passing vehicles. Street drinkers sat on the kerbside and there was a potential risk to life, when fast moving vehicles passed through.
- The objectors stated that if the sub-committee were minded to grant the variation, despite strict conditions, it would be impossible to monitor as people congregated in large crowds. It would not be easy to identify which premises they were patrons of. In response the applicant stated it would be easy to monitor as the space outside would be clearly separated with planters. Mr De La Brosse said that his business is presently closed and the issues cited by the objectors were geographical and not solely the responsibility of his premises.

Members adjourned the meeting at 19:25 hours to deliberate 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. Prevention of Public Nuisance; and
4. The Protection of Children from Harm

### **Consideration**

Each application must be considered on its own merit. The Sub-Committee had carefully considered all of the evidence before them and considered written and verbal representations presented at the meeting from both the Applicant and his supporters and the Objectors with particular regard to the licensing objectives of the prevention of public nuisance, the prevention of crime and disorder and public safety.

The Sub-Committee noted the application was for the variation of the premises licence, to allow customers to drink outside whilst seated at tables and chairs immediately in front of the wine bar called Printer and Stationers, 21a Ezra Street, London E2 7RH. The applicant, Mr Augustine De La Brosse said he was the proprietor of the wine bar since 2003. However, he had leased the premises to a tenant from 2013 to June 2018. Mr De La Brosse stated that owing to complaints he had received about the previous tenant, he had now taken control of his premises and wanted to expand his business so he could respond to demand and compete with others in the area; by providing patrons the facility to drink outside. He said the area was a typical London destination where customers can appreciate the charms of the conservation area and congregate to enjoy a drink. Mr De La Brosse acknowledged the area was a mixture of commercial and residential premises and both needed to co-exist. Mr De La Brosse said his business was the smallest of its neighbours and therefore adding tables and chairs outside the premises would not contribute to the wider noise issues cited by the Objectors, and he intended to comply with the conditions agreed with the responsible authorities, such as the installation of CCTV cameras and planters to clearly define the outside space. Mr De La Brosse said he would not be trading after 9:00 p.m.

Members heard from supporters of Mr De La Brosse, who stated that Mr De La Brosse was a respected and conscientious businessman, whose presence in the community was beneficial to locals and would help to galvanise the area.

The Sub-Committee took into account the objectors' concerns relating to public nuisance and public safety, in particular the impact of noise nuisance on family life, due to the close proximity of their homes to the street below. The Sub-Committee heard from several objectors who stated the noise nuisance they had experienced in recent years had become intolerable. They feared the area would become a magnet for crowds to come and drink in the street. The objectors provided photographic evidence of what the street looked like on a typical weekend, with crowds congregating in the street outside other premises. They said that due to the design and layout of the street, plus the back of the large Victorian primary school, the noise did not disperse easily, as it acted like an echo chamber, multiplying the noise from the street.

Concern was also raised with regard to Public Safety, as the street is a narrow cobbled street, with passing traffic. The objectors expressed concern about drinkers sitting on the kerbside and the potential risk to life, when fast moving vehicles pass through.

Members reached a decision and the decision was unanimous. Members refused the application on the basis of the evidence heard and the concerns raised about noise disturbance due to Ezra Street being a relatively narrower street in the locality, which would tend to trap noise more, causing a worse likelihood of public nuisance if the application were granted. Furthermore due to Ezra Street being a relatively narrower street in the locality, allowing outside drinking in Ezra Street would make it harder for people to pass and re-pass without them stepping into the road thus having implications for public safety.

Accordingly, the Sub-Committee unanimously:-

### **RESOLVED**

That the application for variation of the premises licence for Printers and Stationers, 21a Ezra Street, London E2 7RH be **REFUSED**.

#### **4.2 Licensing Act 2003 Application for a Premises Licence for Angel & Crown, 170 Roman Road London E2 0RY**

At the request of the Chair, Ms Lavine Miller-Johnson, Licensing Officer introduced the report which detailed the application for a new premises licence for Angel and Crown, 170 Roman Road, London E2 0RY, which is currently a disused pub. The application was for the sale of alcohol (on & off sales) and for the provision of regulated entertainment (recorded music), seven days a week. It was noted that objections had been received on behalf of residents.

At the request of the Chair, the Applicant, Ms Melise Keogh stated she had applied for a new premises licence in the hope of bringing the pub back into use and reinvigorating the High Street. Ms Keogh said she had spoken to many residents and community organisations which supported her venture. She said she had conducted a survey with the help of the Roman Road Trust which found there was overwhelming support and need for this type of establishment in the community. Ms Keogh said the pub would be a community pub, with a focus of allowing community groups and individuals to meet, socialise and interact with each other. She stated she had worked with the Responsible Authorities to ensure the pub would meet the licensing conditions of any licence granted. Ms Keogh said she had been in dialogue with objectors in an effort to allay their fears and answer their concerns. She said she was aware of the problems caused by the previous licensee. However, she was experienced in pub management and took her responsibilities seriously.

The Sub-Committee noted the concerns of the objectors namely Ms Nia Wheeler and Ms Vasiliki Spanos, who are tenants of the flat directly above the pub. Ms Spanos confirmed the Applicant had been in contact with them, but felt the issues of public nuisance and public safety had not been fully addressed. Ms Spanos stated the cellar hatch was directly at the entry point to the flat, and as such she feared that if the cellar hatch was ever left open, for any reason, this could result in a serious accident. Ms Spanos stated that

Ms Keogh had offered entry and egress via the pub, but did not believe this was a good solution, as staff and/or any other person could have access to the private hallway and flats upstairs via the inner door connecting to the pub. Ms Keogh offered the tenants the option of having a key-card entry point and stated she would be happy to discuss this further with the objectors.

The Sub-Committee also noted Ms Spanos' concern about the later opening times of the pub and the public nuisance this would cause. She said her flatmate and herself feared for their safety especially with regard to drunk patrons of the pub loitering near their doorstep, causing a public nuisance.

In answer to questions from Members the following was noted:

- The applicant had communicated with the objectors and had offered a solution to entry and egress, during times when the cellar hatch was open to receive deliveries. Ms Keogh said that when the door to the flats was installed in 2015, no safety concerns had been raised by the Planning Department that the door opened directly over the cellar hatch. She offered the objectors entry via the pub with a secure key-card entry system.
- The current opening times for the pub on Friday and Saturday were until 19:00 hours, and Ms Keogh had applied for opening times until 00:00 hours for Friday and Saturday. Ms Keogh stated every effort would be made to disperse patrons quickly at closing time, which including any loitering or anti-social behaviour at the back door. Ms Keogh said she was experienced in pub management and on busy nights, security guards would be employed.
- In response to the number of smokers outside, Ms Keogh confirmed it would be no more than 10 smokers, as per the agreed condition with Environmental Health.
- In respect to the capacity of the pub, Ms Keogh said it would be no more than 100 people, although she was waiting for this to be confirmed by Health and Safety officials. Ms Keogh stated she would work hard to mitigate risks and comply with the licensing objectives.
- Ms Keogh confirmed CCTV footage would be retained for 30 days and would also cover the back door.

Members adjourned the meeting at 20:37 hours to deliberate and reconvened at 21:18 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. Prevention of Public Nuisance; and
4. The Prevention of Children from Harm

### **Consideration**

Each application must be considered on its own merit. The Sub-Committee had carefully considered all of the evidence before them and considered written and verbal representations presented at the meeting from both the Applicant and Objectors with particular regard to the licensing objectives of the prevention of public nuisance, the prevention of crime and disorder and public safety.

The Sub-Committee noted the Angel and Crown was a disused pub at 170 Roman Road, London E2 0RY. The Applicant, Ms Melise Keogh stated she had applied for a new premises licence in the hope of bringing the pub back into use and reinvigorating the High Street. Ms Keogh said she had spoken to many residents and community organisations which supported her venture. She said she had conducted a survey with the help of the Roman Road Trust which found there was overwhelming support and need for this type of establishment in the community. Ms Keogh said the pub would be a community pub, with a focus of allowing community groups and individuals to meet, socialise and interact with each other. She stated she had worked with the Responsible Authorities to ensure the pub would meet the licensing conditions of any licence granted. Ms Keogh said she had been in dialogue with objectors in an effort to allay their fears and answer their concerns. She said she was aware of the problems caused by the previous licensee. However, she was experienced in pub management and took her responsibilities seriously.

The Sub-Committee noted the concerns of the objectors namely Ms Nia Wheeler and Ms Vasiliki Spanos, who are tenants of the flat directly above the pub. Ms Spanos confirmed the Applicant had been in contact with them, but felt the issues of public nuisance and public safety had not been fully addressed. Ms Spanos stated the cellar hatch was directly at the entry point to the flat, and as such she feared that if the cellar hatch was ever left open, for any reason, this could result in a serious accident. Ms Spanos stated that Ms Keogh had offered entry and egress via the pub, but did not believe this was a good solution, as staff and/or any other person could have access to the private hallway and flats upstairs via the inner door connecting to the pub. Ms Keogh offered the tenants the option of having a key-card entry point and stated she would be happy to discuss this further with the objectors.

The Sub-Committee also noted Ms Spanos concern about the later opening times of the pub and the public nuisance this would cause. She said her flatmate and herself feared for their safety especially with regard to drunk patrons of the pub loitering near their doorstep, causing a public nuisance.

Members reached a decision and the decision was unanimous. Members agreed to grant the licence, with reduced opening times and the conditions consistent with the operating schedule stated on pages 176-179 of the agenda. Plus the conditions agreed with the responsible authorities on pages 350-351 of the agenda. Members believed the concerns of the objectors could be resolved by dialogue with the Applicant.

Accordingly, the Sub-Committee unanimously;

### **RESOLVED**

That the application for a new premises licence for Angel and Crown, 170 Roman Road, London E2 0RY be **GRANTED** with reduced opening times and conditions offered in the operating schedule and agreed conditions with the responsible authorities.

#### Provision of Recorded Music (indoors)

Sunday to Thursday from 09:00 hours to 22:00 hours

Friday and Saturday from 09:00 hours to 22:30 hours

#### Sale of Alcohol (on and off sales)

Sunday to Thursday 09:00 hours to 22:00 hours (with half an hour drinking time until 22:30 hours)

Friday and Saturday 09:00 hours to 22:30 hours (with half an hour drinking time until 23:00 hours)

#### The Opening hours of the premises

Sunday to Thursday from 08:00 hours to 22:30 hours

Friday and Saturday from 09:00 hours to 23:00 hours

#### Non-Standard Timings

An additional hour after times stated above is requested on evenings preceding public holidays e.g. Christmas Eve and New Year's Eve.

### **Conditions consistent with Operating Schedule**

1. The premises shall install and maintain a comprehensive CCTV system. 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 30 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the entire 31 day period.

2. Notices advising that CCTV has been installed on the premises are clearly visible to the public within the licensed premises.
3. An incident log shall be kept at the premises, and be available on request to the Police or an authorised officer. It must be completed within 24 hours of any incident and will record the following:
  - a) all crimes reported to the venue;
  - b) any complaints received concerning crime and disorder
  - c) any incidents of disorder;
  - d) any refusal of the sale of alcohol
4. We will provide our staff with training on how to identify and refuse service to intoxicated people, and such training will be documented.
5. After 7pm on Fridays and Saturdays one SIA registered security staff must be on duty at the premises until the premises are closed and the last customers have left the premises. The security must sign in and out in the record book at the start and end of their shifts and must clearly be identifiable as security.
6. Staff are trained and know how to identify signs of drug use or supply (Drugs Awareness Guidance and Drugs Policy is available for review upon request.)
7. A Zero-Tolerance drugs policy will be adopted.
8. No supply of alcohol may be made under the premises licence at a time where there is no designated premises supervisor in respect of the premises licence, or at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.
9. The licensee will be a member of the local Pub Watch scheme.
10. Routine staff checks of facilities to guarantee cleanliness and security, and there will be notices in toilets so customers know that random checks are carried out regularly.
11. Where glass bottles are used for consumption of alcohol on the premises, they will be retained or disposed of on the premises.
12. No customers will be admitted, or permitted to leave when carrying open bottles or glasses.
13. Arrangements with local taxi operators shall be in place.
14. Fire safety equipment will be kept in good working order. The fire brigade will be called at once to any outbreak of fire, however slight, and the details recorded.
15. All exits will be kept clear of obstacles and trip hazards.

16. Adequate and appropriate supply of first aid equipment and materials will be available on the premises.
17. There will be at least 1 trained first aider on duty when the public are present.
18. Valid public liability insurance will be held and a copy of the schedule kept available at the premises for inspection by an authorised officer on request.
19. Doors and windows are kept closed (except for ingress and egress) while regulated entertainment is taking place on the premises after 20:00 hours.
20. Notices will be display prominent, clear and legible at all exits requesting patrons to respect the needs of local residents and to leave the premises and the area quietly.
21. Customers will be asked to leave quietly and considerately upon closing.
22. During the final hour of opening the music will be discernibly quieter.
23. Any request by an authorised officer of the Council in relation to reducing noise levels will be complied with.
24. Adequate and suitable (lidded) receptacles to receive and store refuse from the premises will be provided. Receptacles for refuse storage will be maintained in a clean condition.
25. Litter/ash bins will be provided in the immediate vicinity outside the premises and litter will be regularly cleared from the vicinity.
26. A record shall be kept detailing all refused sales of alcohol. The record should include the date and time of the refused sale and the name of the member of staff who refused the sale. The record shall be available for inspection at the premises by the police or an authorised officer at all times whilst the premises is open.
27. 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.
28. Any restrictions on the admittance of individuals according to age (e.g. Children) will be displayed on or immediately outside the premises.
29. Compliance with the Portman Group's Retailer Alert Bulletins will be upheld.

30. Staff will receive a thorough induction training on how to identify persons who may appear to be under age 25, as well as the correct steps in obtaining and verifying identification and refusing service to those that fail to provide sufficient appropriate identification.

### **Conditions agreed with the Responsible Authorities**

#### **Conditions with the Environmental Protection Team**

31. Noise Limiter must be fitted to the musical amplification system set at a level determined by and to the satisfaction of an acoustic consultant who is a member of the Institute of Acoustics so as to ensure that no noise nuisance is caused to local residents or businesses. The operation panel of the noise limiter shall then be secured by a key or password to the satisfaction of the acoustic consultant and access shall only be by persons authorised by the Premises Licence Holder. No alteration or modification to any existing sound system(s) should be affected without prior agreement with an acoustic consultant. No additional sound generating equipment shall be used on the premise without being routed through the sound limiter device.
32. Patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke, shall be limited to 10 persons after 20:00 hours
33. No collections of waste or recycling materials (including bottles) from the premises shall take place between 22:00 hours and 08:00 hours on the following day.
34. No deliveries to the premises shall take place between 22:00 hours and 08:00 hours the following day.
35. No Music or Amplified Sound shall be generated on the premises to give rise to a nuisance to neighbouring residents.
36. Loudspeakers shall not be located in the entrance lobby or outside the premise building.

#### **Conditions agreed with the Police**

37. CCTV equipment is installed inside/outside the premises and ensure that it is maintained in working order.
38. The cameras are to be of sufficient quality so that people's faces are clearly identifiable from the footage.
39. The cameras are to be placed in such a way as they cover areas of the pub specified by the Police.
40. Notices advising that CCTV has been installed on the premises are clearly visible to the public within the licensed premises.

41. CCTV equipment is set to record from the time that the premises open to the public until the premises close and all members of the public have left. While the premises are open to the public a member of the staff must be on duty who can operate the CCTV system.
42. The system is to record the footage and keep it for a minimum of 30 days. A copy of CCTV footage is to be made available to Police or the Local Authority upon request and supplied within 24 hours.
43. An incident record book is to be kept at the premises, this book will record all disorder and crimes that occur either in the premises or involve the premises customers in the vicinity of the premises, or any other incident of note. The incident book is to be signed off every day by the manager even if there is nothing to report.
44. A refusals log is to be kept that documents all refusals of the sale of alcohol and any duty of care action taken.
45. The windows will be kept clear so that it is possible to see inside the pub from the outside save for 3 panes of frosted glass that bear the name of the pub.
46. No alcohol to be taken outside the venue, save for those customers seated at tables outside.
47. All alcohol taken outside will be in polycarbonate containers.
48. The side door to the premises closest to residents will be closed and not used after 10pm save for fire evacuation purposes.
49. The premises will abide by a security plan and drugs policy agreed with Tower Hamlets Police Licensing.
50. The premises will operate a Challenge 25 scheme.
51. People smoking outside will be limited to 10 people from 8pm onwards.
52. The premises management are responsible for risk assessing all events held at the venue.

#### Security Plan:

The premises will employ 2 SIA security staff on Thursday, Friday and Saturday Nights from 8 p.m. until 30 minutes after the venue has closed.

The security will wear high visibility jackets.

Security will search all customers' bags and those people they feel it is necessary to search.

The premises will not allow customers to wear hooded tops.

On Thursday / Friday and Saturday nights toilets will be checked every 30 minutes for drugs, these checks will be recorded on a sheet.

There will be prominent signs stating that the venue operates a CCTV policy and that the toilets are regularly checked for drugs.

An ID Scanner will be used for all people entering the venue on Thursday / Friday and Saturday nights.

The outside area for customers will be separated from the public highway by raised flower beds.

The manager will contact the local Safer Neighbourhood Team on a monthly basis to report any issues or concerns.

All staff to be trained in WAVE training:-

- i. Go to: [www.nbcc.police.uk](http://www.nbcc.police.uk)
- ii. Search for WAVE
- iii. Select WAVE Presentation
- iv. Download "WAVE Industry PPT V14.pptx" which is the last option.

The meeting ended at 9.20 p.m.

Chair, Councillor Leema Qureshi  
Licensing Sub Committee