

**LONDON BOROUGH OF TOWER HAMLETS****MINUTES OF THE LICENSING SUB COMMITTEE****HELD AT 6.30 P.M. ON TUESDAY, 9 NOVEMBER 2021****THE COUNCIL CHAMBER, TOWN HALL, MULBERRY PLACE, 5 CLOVE  
CRESCENT, LONDON, E14 2BG****Members Present:**

Councillor Kevin Brady (Chair)

Councillor Zenith Rahman

Councillor Rajib Ahmed

**Officers Present:**

David Wong

– (Legal Services)

Mohshin Ali

– (Senior Licensing Officer)

Simmi Yesmin

– (Democratic Services Officer,  
Committees, Governance)**Representing applicants****Item Number****Role**

PC Mark Perry

4.1

(Metropolitan Police)

Fezal Yurdakul

4.2

(Licensing Agent)

Hasan Garip

4.2

(Applicant)

**Representing objectors****Item Number****Role**

Paddy Whur

4.1

(Legal Representative)

Dean James

4.1

(Applicant)

Archie Mcintosh

4.1

(Management)

Ross Melinn

4.1

(Management)

Joe Splain

4.1

(Management)

**Apologies****1. DECLARATIONS OF INTEREST**

There were no declarations of interest made.

**2. RULES OF PROCEDURE**

The rules of procedure were noted.

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

The minutes of the meeting were agreed and approved as a correct record.

**4. ITEMS FOR CONSIDERATION****4.1 Application to Review the Premises Licence for Oval Space, 29-32 The Oval, London E2 9DT**

At the request of the Chair, Mr Mohshin Ali, Licensing Officer, introduced the report which detailed the application for a review of the premises licence for Oval Space, 29-32 The Oval, London E2 9DT. It was noted that the review had been triggered by the Metropolitan Police and supported by Environmental Health.

At the request of the Chair, PC Mark Perry, Applicant and representing the Metropolitan Police, explained that reviewing a premises licence was not taken lightly and that he had worked with the original premises licence holder when the licence was first granted. He explained that a serious incident took place on 26<sup>th</sup> June 2021 when a stabbing had occurred outside the venue, police went to visit the premises and witnessed one victim who had suffered a stab wound to his leg and another who had a stab wound in his stomach. Officers entered the venue, asked to see the incident log and found 108 bags of drugs confiscated between 2020-2021. This was a large amount considering the premises had been closed during most of that period, and 50 of those bags were found inside the venue, raising concerns that there was a failure in searching, seizing and handing to the police, items which were seized. The searching techniques used had been witnessed by PC Leban, who believed it to be incredibly poor and weak.

It was also noted that from having reviewed CCTV images, the correct dispersal policy had not been carried out, people were hanging around outside the venue, SIA accredited staff were not making any effort to help disperse customers, and SIA accredited staff were not wearing their badges .

The refusal log was also checked, and found not to have been kept up to date. As a nightclub opened until 6am with 1000 guests, management are expected to exercise a duty of care towards its guests, yet there were no incident logs which was incredibly concerning, with no details of victims or perpetrators of crimes. PC Perry said that when Mr Splain (manager at the time of the incident) was asked if he would feel safe for his family or friends to come to the venue he said 'No' which was evidence that the premises were not safe.

PC Perry then referred to his statements on page 77 of the agenda which detailed a number of incidents that had occurred at the premises over the year such as a sexual assault, stabbing at the premises etc. He said that during his second visit to the premises on 26<sup>th</sup> September 2021, there were

no signs of improvements having been made, as officers witnessed customers so intoxicated that they were falling over and walking into walls. This was highlighted to management at the time but was not recorded in the incident log. It was also noted a further three bags of drugs were seen clipped onto the clipboard left in the office, and with the pending review it was hoped that management would have tightened up their procedures. Having viewed the refusals log, it was noted that only five refusals of alcohol had been made between 26th June and 26<sup>th</sup> September 2021.

PC Perry said there had been a failure in management and a failure in security with incidents of stabbings, sexual assault, and drugs. It was noted that incidents took place mainly late at night and in the early hours of the morning. PC Perry therefore asked that the hours for the premises be reduced to the Council framework hours and proposed a set of conditions to be imposed. PC Perry welcomed Mr Ross Melinn as the new manager of the premises and suggested that he needed some time to sort out the problems and demonstrate effective running of the premises.

PC Perry then showed CCTV footage of 26th June 2021 to Members of the Sub Committee. It was confirmed that all parties had seen this footage. During the viewing it was confirmed that the stabbing on 26<sup>th</sup> June 2021 had taken place outside and away from the venue, but the victims had come back outside the venue once the incident took place and had attended the venue prior to the incident .

Members then heard from Ms Nicola Cadzow, Environmental Health Officer. She explained that she was concerned about the public nuisance aspect and explained that on 31<sup>st</sup> July 2021, the Environmental Health Team had received four noise complaints from 4 different residents regarding noise nuisance and again on 5<sup>th</sup> August 2021 reporting loud music. She explained that warning letters were sent out as loud music was being played outdoors, and she then went on to read out the emails sent by residents complaining to the Noise Team.

It was noted that the Environmental Health Out of Hours Service Team visited the premises and had spoken to the manager regarding the excessive noise which they had heard when walking towards the venue. Ms Cadzow highlighted that residents were affected by the noise from the external area and from within the premises. She then referred to a further complaint on 27<sup>th</sup> September 2021, when a resident reported that the noise was louder than usual and had caused disturbance over the past few days. Ms Cadzow said that she supported the Police review application for a reduction in hours and conditions to be imposed onto the licence.

Members then heard from Mr Paddy Whur, Legal Representative on behalf of the Premises Licence Holder, he stated that there had been a misrepresentation of evidence presented to the Sub-Committee by the Police. He said the premises was not a nightclub, but a mixed-use venue for a variety of purposes, events for the LGBTQ community, business/corporate events as well as cultural funded events and that this set of premises was of importance to a number of communities in the borough.

He then introduced the premises licence holder and detailed his experiences in operating in excess of 50 different licensed premises over the years without any being reviewed. Mr Whur said the statement from Police on pages 66-67 had not been backed up with any evidence. He said that the incident shown on the CCTV footage had taken place away from the venue, the knife used was not taken into the premises, and the CCTV footage was voluntarily given to the police to help them with their investigations. Mr Whur raised concerns therefore that the incident had not been portrayed correctly to the Sub-Committee.

It was noted that in a year, 100,000 people attended the premises for different types of events, and to have only reports of 7 incidents dating back to 2019 was a good track record. It was further noted that on average customers spent approximately £13 on drinks and therefore very rarely were customers intoxicated which was witnessed on 26<sup>th</sup> September 2021 by officers.

Mr Whur explained that Mr Ross Melinn was the new Designated Premises Supervisor and manager, who had a wealth of experience in running large late night venues. He assured Members that customers are looked after, that customers who have had too much alcohol are recommended to be taken home, that they are given water bottles, and provided with waiting facilities for taxis.

He then went through and explained the incidents reported by the police on pages 76-79. He said that he did not accept what had been said by the police on many counts. Mr Whur stated that there were no issues with the conditions being proposed and that most conditions proposed had already been implemented and being operated successfully. However, he did say that if the hours were to be reduced the premises would not be viable. He reminded Members of the powers under Section 182 of the Home Office Guidance and the remedial actions available to them and stated that if the hours were reduced it was likely that the cultural activities which had previously taken place on the premises would have to stop. Mr Whur said that a reduction of the hours to framework hours would not be a proportionate way of supporting the licensing objectives. He explained that jobs were dependant on the operation of the business, and therefore urged Members to carefully look at the policies when making the decision.

Mr Ross Melinn explained that since taking over the operation of the business, staff had been trained on how to perform door searches and how to confiscate drugs and weapons safely and securely. He said that they were currently operating without a bar manager and were in the process of recruiting. He explained that drugs were kept in evidence bags and handled by two members of staff and covered by CCTV cameras when kept in the safe. It was noted that he had called 101 and was still waiting for police to come and collect the drugs that had been confiscated at the door.

Mr Whur explained that there had been reports of squatters nearby having parties, playing loud music and also a car playing loud music outside venues creating noise which may have been incorrectly attributed to the premises. It

was noted that there had been no noise complaints since the squatters had moved, and management were working with Environmental Health on keeping noise levels down. He concluded that the premises had a good track record and with Mr Ross Melinn's experience, it would be appropriate to impose the suggested conditions and not to reduce the hours as this would be disproportionate and unfair.

In response to questions from Members the following was noted;

- It was confirmed that the stabbing on 26<sup>th</sup> June occurred outside the premises.
- That there were 118 bags of drugs found from searches at the entrance, with some bags having other smaller bags inside them.
- Concerns had been raised about the number of bags of drugs found inside the premises having passed security checks.
- That the stabbing which happened in 2019 could not have been done by a sharpened credit card as stated by the premises licence holder's legal representative at the meeting as there were puncture wounds which would have had to have been caused by a knife of some sort.
- A list of upcoming events at the venue were noted which included booked events, music events, brunches, bingos and LGBTQ events.
- Not all security staff had been SIA registered door supervisors, as some were street marshals and therefore were not required to wear a badge.
- SIA accredited door staff conducted the security checks on guests and also confiscated prohibited items.
- That all staff were now trained by Mr Melinn.
- That if customers appear to be drunk, they would be removed in a safe way, with an offer to call a taxi, attempt made to ask a friend to help and water offered.
- SIA accredited door staff are visible, wear high visibility jackets and wear badges.
- That the premises rent had been increased, and the premises licence holder currently employs 50 people at the premises.
- That the business model includes 30% corporate events, 20% live events and 50% late night events.
- That there was an average of 200 events per year and half of them were late night events.
- That there were no problems with holding cultural events, and that the real risk of issues arose regarding events which go beyond 2am.
- There was some assurance given that Mr Ross Melinn was now the new DPS and manager.
- The capacity of premises was 909 persons, although the fire regulations allowed a capacity of 1200.
- That the premises licence holder accepted the conditions, but wanted the non-standard hours to remain the same.

Members felt encouraged by the positive engagement between the parties, and expressed a wish that this continue.

Concluding remarks were made by both parties.

### **The Licensing Objectives**

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

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

### **Consideration**

Each application must be considered on its own merits. The Chair confirmed that the Sub-Committee had carefully considered all the evidence before them and heard oral representation at the meeting by PC Mark Perry and from the Legal Representative representing the Premises Licence Holder and from the Management Team for Oval Space.

The Sub-Committee noted the representations of the Police, Environmental Health and the Premises Licence Holder, in particular that the conditions sought by the Police were agreed by the Premises Licence Holder. The Sub-Committee noted the respective representations regarding the Police proposal for a reduction of hours to framework hours. The Sub-Committee were satisfied that there was evidence to support the imposition of the conditions sought by the Police as a proportionate way of upholding the licensing objectives. The Police were not satisfied that there was evidence for a reduction of hours right back to framework hours, and considered that given the nature of the premises, and having heard evidence of the types of event to be held at the premises, a lesser reduction of hours was a proportionate way of upholding the licensing objectives.

The Sub-Committee also noted evidence of the changes to the way in which the premises were managed. Therefore, the Sub-Committee made a decision to grant the review application in part with a reduction in hours for the non-standard timings and imposed the additional conditions proposed by the Police onto the licence which would help alleviate the concerns raised by the Responsible Authorities and promote the licensing objectives. The Sub-Committee welcomed the efforts of the Premises Licence Holder in working with the Police to ensure a safe operation of the premises, and an upholding of the licensing objectives.

Accordingly, the Sub Committee unanimously;

### **RESOLVED**

That the application for a Review of the Premises Licence for Oval Space, 29-32 The Oval, London E2 9DT be **GRANTED IN PART**.

#### Non-standard timings

On 44 occasions in the year falling on a Friday, Saturday, Sundays and Bank Holidays, sale by retail of alcohol shall extend until 04:00 hours (the following day), the provision of regulated entertainment shall extend until 04:00 hours (the following day), and the provision of late night refreshments shall extend until 03:00 hours (the following day).

#### Conditions

1. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Tower Hamlets Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the entire 31 day period.
2. 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 are open. This staff member must be able to provide a Police or authorised council officer with copies of recent CCTV images or data with the absolute minimum of delay when requested.
3. There shall be a personal licence holder on duty on the premises at all times when the premises are authorised to sell alcohol.
4. When the designated premises supervisor is not on the premises, any or all persons authorised to sell alcohol will be authorised by the designated premises supervisor in writing. This shall be available on request by the Police or any authorised officer.
5. On any occasion that regulated entertainment is provided, not less than 1 SIA accredited door supervisor will be engaged per 100 customers.
6. Where SIA accredited door supervisors are used at the premises, a record must be kept of their SIA registration number and the dates and times they are on duty.
7. All persons entering or re-entering the premises shall be searched by an SIA accredited member of staff and monitored by the premises CCTV system.

8. A written search policy that aims to prevent customers or staff bringing illegal drugs, weapons or other illegal items onto the premises at any time shall be in place and operate at the premises.
9. 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) all ejections of patrons;
  - c) any complaints received concerning crime and disorder
  - d) any incidents of disorder;
  - e) all seizures of drugs or offensive weapons;
  - f) any faults in the CCTV system, searching equipment or scanning equipment;
  - g) any refusal of the sale of alcohol;
  - h) any visit by a relevant authority or emergency service.
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:
  - a) the police (and, where appropriate, the London Ambulance Service) are called without delay;
  - b) all measures that are reasonably practicable are taken to apprehend any suspects pending the arrival of the police;
  - c) the crime scene is preserved so as to enable a full forensic investigation to be carried out by the police; and
  - d) such other measures are taken (as appropriate) to fully protect the safety of all persons present on the premises.
11. There must be at the premises a lockable drugs box to which no member of staff, save the DPS and or duty manager, shall have access. All controlled drugs (or items suspected to be controlled drugs or contain controlled drugs) found at the premises must be placed in this box as soon as practicable. Whenever this box is emptied, all of its contents must be given to the police for appropriate disposal by calling 101 and arranging collection at least once a month.
12. The premises licence holder shall ensure that any queue to enter the premises which forms outside the premises is orderly and supervised by door staff so as to ensure that there is no public nuisance or obstruction to the public highway.
13. A Challenge 25 proof of age scheme shall be operated at the premises, whereby 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.

14. 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.
15. A written dispersal policy agreed by Central East Police Licensing annually shall be in place and implemented at the premises to move customers from the premises and the immediate vicinity in such a way as to cause minimum disturbance or nuisance to neighbours.
16. The premises shall adopt Central Easts Drug Policy.
17. The premises management shall risk assess and plan for the safe running of each event. The risk assessments and plans shall be made available to Police upon request.
18. When running music events, the venue shall operate an ID scanner for customers entering the premises.
19. All security, bar staff and management will ensure that yearly role specific industry recognised training is undertaken. Records or training to be kept and made available to Police upon request.

#### **4.2 Application for a New Premise Licence for Nilly's Café, 16 Bell Lane, London, E1 7LA**

At the request of the Chair, Mr Mohshin Ali, Licensing Officer, introduced the report which detailed the application for a new premises licence for Nilly's Café, 16 Bell Lane, London E1 7LA. It was noted that objections had been received by residents and by the Environmental Health Officer.

At the request of the Chair, Ms Fezal Yurdakul, representing the Applicant, explained that the premises was a small coffee shop selling sandwiches, English breakfasts etc and now wanted to introduce the sale of alcohol as an addition to a table meal. It was noted that alcohol would be served to customers seated at a table by a waiter and waitress service. She also explained that the off sales element of the application was to enable alcohol to be served at the tables in the outside area.

Ms Yurdakul further explained that the applicant was aware of the cumulative impact zone and the noise and anti-social behaviour in the area, and wanted to work with the community to help reduce this. With the conditions proposed, the applicant believed that the premises would not add to the cumulative impact upon the area. It was explained that staff would receive regular training, and training documents would be signed, kept and made available on request. Notices would be displayed around the premises asking customers to leave quietly, and would have the manager's contact details available. Management would ensure that no customers congregate outside the premises, and would maintain an incident log, as well as operate a Challenge 25 policy. Together with the applicant's experience and proposed conditions, it was believed that the premises could be managed without adding to the cumulative impact upon the area.

Members then heard from Ms Nicola Cadzow, Environmental Health Officer. She referred to her statement on page 233 of the agenda and stated that the premises was in the cumulative impact zone. She was aware that the premises would operate within the Council's framework hours, but raised concerns about the impact upon the area of customers accessing and egressing. She also believed that there would be a great likelihood of disturbance to residential premises during the hours sought, and there was insufficient information in the operating schedule as to how the applicant proposed preventing public nuisance.

In response to questions from Members the following was noted;

- The capacity for the premises was 34 people.
- The premises were not alcohol led, but a coffee shop.
- The applicant withdrew off sales from the application at this meeting, as he only wanted to sell alcohol to customers seated at the premises and those on the two tables outside the premises. It was confirmed by the Licensing Officer that the tables were included in the plans, and therefore those tables would be covered by a licence permitting on sales of alcohol.
- The applicant was willing to have a condition for alcohol to be sold ancillary to a meal.
- That there would be no vertical drinking.
- The applicant would ensure notices were displayed asking customers to leave quietly, to help reduce noise nuisance.

Concluding remarks were made by both parties.

### **The Licensing Objectives**

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

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

### **Consideration**

Each application must be considered on its own merits. The Chair confirmed that the Sub-Committee had carefully considered all the evidence before them and heard oral representation at the meeting by the Applicant and his Licensing Agent and from the Environmental Health Officer objecting to the application. As the resident objectors were not present at the meeting, their written objection was noted and considered by The Sub-Committee.

The Sub-Committee noted that the Applicant was seeking a new premises licence for the sale of alcohol and during the course of the meeting it was noted that they only required on sales of alcohol and did not require off sales of alcohol.

The Sub-Committee noted the concerns of objectors, whose primary concerns were that the additional licensed premises in the Brick Lane Cumulative Impact Zone would likely lead to noise nuisance arising from customers frequenting the premises during the late hours.

The Sub-Committee noted the representations from Environmental Health regarding the impact of the premises in the Brick Lane Cumulative Impact Zone (CIZ) and in particular, the concerns relating to an additional set of licensed premises in a CIZ. However, the Sub-Committee also noted the applicant's representation that the impact of the premises licence if granted, would be mitigated by the proposed conditions put forward by the applicant and those accepted by the applicant at the meeting, such as not allowing vertical drinking, and alcohol only to be served ancillary to a substantial table meal. It was also noted from the representations made on behalf of the Applicant that the premises was a relatively small, coffee shop wanting to sell wine with a meal, so from that evidence not alcohol led, with hours well within the framework hours.

The Sub-Committee was therefore satisfied that there would be no addition to the cumulative impact in the area. It was also noted that the application had been amended, and off sales were removed, with an additional condition to restrict the timing for the use of the outdoor seating area to an earlier time of 20:00 hours, as well as imposing conditions to prevent the premises from turning into a bar, which would alleviate concerns about noise nuisance.

The Sub-Committee was satisfied that the licensing objectives would be upheld, and that the conditions imposed in relation to a non-alcohol led business would effectively mitigate the risk of public nuisance and help alleviate any concerns raised by the Responsible Authority and residents.

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

Accordingly, the Sub Committee unanimously;

### **RESOLVED**

That the application for a new Premises Licence for Nilly's Café, 16 Bell Lane, London E1 7LA be **GRANTED with conditions**.

#### **Sale of Alcohol (On Sales only)**

Monday to Saturday from 08:00 hours to 22:00 hours

Sunday from 10:00 hours to 22:00 hours

Opening Hours

Monday to Saturday from 08:00 hours to 22:00 hours

Sunday from 10:00 hours to 22:00 hours

Conditions

20. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Tower Hamlets Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the entire 31 day period.
21. 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 are open. This staff member must be able to provide a Police or authorised council officer with copies of recent CCTV images or data with the absolute minimum of delay when requested.
22. When the designated premises supervisor is not on the premises, any or all persons authorised to sell alcohol will be authorised by the designated premises supervisor in writing. This shall be available on request by the Police or any authorised officer.
23. 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:
  - i) all crimes reported to the venue;
  - j) all ejections of patrons;
  - k) any complaints received concerning crime and disorder
  - l) any incidents of disorder;
  - m) all seizures of drugs or offensive weapons;
  - n) any faults in the CCTV system, searching equipment or scanning equipment;
  - o) any refusal of the sale of alcohol;
  - p) any visit by a relevant authority or emergency service.
24. Loudspeakers shall not be located in the entrance lobby or outside the premises building.
25. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.

26. A direct telephone number for the manager at the premises shall be publicly available at all times the premises is open. This telephone number is to be made available to residents and businesses in the vicinity.
27. The outdoor dining area shall close at 20:00 hours each day and the tables and chairs will be rendered out of use.
28. Alcohol shall only be served ancillary to a substantial table meal.
29. No vertical drinking on the premises shall be permitted.
30. No more than two smokers shall be allowed to smoke outside the premises at any one time.
31. 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.
32. 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.
33. The DPS will ensure all staff are trained with regard to their responsibilities in the sale of alcohol. Regular refresher training will be undertaken. Training records will be kept at the premises.

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

Nil items.

The meeting ended at 8.45 p.m.

Chair, Councillor Kevin Brady  
Licensing Sub Committee