

LONDON BOROUGH OF TOWER HAMLETS**MINUTES OF THE LICENSING SUB COMMITTEE****HELD AT 6.35 P.M. ON THURSDAY, 15 JULY 2021****COMMITTEE ROOM ONE - TOWN HALL, MULBERRY PLACE, 5 CLOVE
CRESCENT, LONDON, E14 2BG****Members Present:**

Councillor Kevin Brady (Chair)

Councillor Eve McQuillan

Councillor Kyrsten Perry

Officers Present:

David Wong	–	(Legal Services)	
Corinne Holland	–	(Licensing Officer)	
Simmi Yesmin	–	(Democratic Services Committees, Governance)	Officer,

Representing applicants**Item Number****Role**

Adam Shaw	3.1	(Legal Representative)
Azmal Hussain	3.1	(Applicant)
Mark Jerrerys (Virtual)	3.3	(Applicant)
Ben Murphy (Virtual)	3.3	(Applicant)

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

Lavine Miller-Johnson	3.1	(Licensing Officer)
Ibrahim Elias (Virtual)	3.1	(Environmental Health Officer)
PC Mark Perry	3.1/3.3	(Metropolitan Police)

Apologies**1. DECLARATIONS OF INTEREST**

Councillor Krysten Perry declared a personal interest in items 3.3, Application for a Temporary Event Notice for Mudchute Park and Farm, Pier Street, London E14 3HP on the basis that she had an allotment in Mudchute Farm. However, she had not discussed this application with any interested parties prior to the meeting.

2. RULES OF PROCEDURE

The rules of procedure were noted.

3. ITEMS FOR CONSIDERATION

3.1 Application for a New Premises Licence for Italian Graffiti Food Centre, 124 - 126 Brick Lane, London E1 6RU

At the request of the Chair, Ms Corinne Holland, Licensing Officer, introduced the report which detailed the application for a new premises licence for Italian Graffiti, 124-126 Brick Lane, London E1 6RU. It was noted that objections had been received by Responsible Authorities representing the Licensing Authority, Metropolitan Police and Environmental Health.

It was noted that the previous tenants had gone into liquidation and the license had lapsed hence the reason for a new application.

At the request of the Chair, Mr Adam Shaw, Legal Representative on behalf of the Applicant explained that they had modified the application and were seeking to mirror the same terms of the previous licence. He explained that the premises was a restaurant and not a bar, it was not alcohol led and offered a table meal service. Mr Shaw stated that the applicant would keep training logs, and accept conditions to limit noise nuisance. With the agreement of the Chair and objectors a supporting document was tabled at the meeting which detailed the amended application with a reduction in hours and a set of proposed conditions.

Members paused for a moment to familiarise themselves with the additional document presented at the meeting.

Members then heard from Ms Lavine Miller-Johnson, Licensing Officer, she explained that the premises was in the Cumulative Impact Zone (CIZ) and there was no mention in the original application as to how the licensing objectives would be upheld, with no mention of how the outdoor area would be managed and controlled as the previous licensee did not have the outdoor area licensed for food and drinks. She also highlighted that the hours applied for in the amended application were still excessive for weekdays and were beyond the Council's framework hours. Ms Miller-Johnson said there was no booking system in place and no restrictions on the number of smokers.

Members heard from Mr Ibrahim Elias, Environmental Health Officer, who explained that his objection was based on the excessive hours applied for, especially in a CIZ area as the hours were beyond the Council's framework hours. He stressed that there were residential premises in close proximity,

and if a licence was granted there was a likelihood that there would be noise break out from access and egress. He also commented that the application as it stood did not provide sufficient information as to why this application should be granted, bearing in mind that the premises were in the CIZ.

Members lastly heard from PC Mark Perry, Metropolitan Police who explained that the application as originally set out before its revision was poor, and the Applicant had made no effort to consult with the police prior to the application. However, he did welcome the new hours and the agreement of conditions amongst other things in the revised application. PC Perry highlighted the fact that it was still a new application for licensed premises in the CIZ, therefore the Applicant would need to rebut the presumption against granting an application in the CIZ. He said that the external area should have restriction on its use and be closed by 10pm. PC Perry also considered that there should be SIA accredited door supervisors on duty on Thursdays, Fridays and Saturdays to manage and control access and egress, as well as the external area. PC Perry suggested that management should demonstrate they are able to operate responsibly before they are granted a licence for such excessive hours.

In response to questions the following was noted;

- That the external area had a capacity of 30-40 people.
- That all neighbouring residents were the Applicant's tenants, and so the Applicant would not want them to be disturbed by noise.
- That the Applicant was willing to consider conditions for the external area.
- The full capacity of the premises was 150 people.
- That the premises had been trading as a restaurant for the past 21 years.
- The Applicant would prefer the external area open for the same hours as the indoor restaurant.
- That the external area was a closed off area at the back of the premises with a rooftop.
- That security staff should be on duty from 8pm until closing time on the weekends.
- The Applicant was happy to have a limit on the number of smokers to be allowed to smoke outside the premises at any one time.
- That there would be no off sales or takeaway sale of alcohol.
- There were no reports of recent noise nuisance complaints

Concluding remarks were made by all 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. Prevention of Public Nuisance; and
4. The Protection of Children from Harm

Consideration

Each application must be considered on its own merits. The Sub Committee had carefully considered all of the evidence before them, including written and verbal representations from the Applicant and his Legal Representative and from the Officers representing the Licensing Authority, Environmental Health and Metropolitan Police with particular regard to the prevention of public nuisance.

Members noted that the premises did previously have a premises licence which had lapsed as the corporate premises licence holder at the time went into liquidation. The Sub-Committee noted the representations made by the Responsible Authorities regarding addition to the cumulative impact of another set of licensed premises in the Brick Lane Cumulative Impact Zone (CIZ), particularly public nuisance concerns, namely the likely disturbance to residents nearby.

Members welcomed the amended application submitted by the Applicant, with a reduction of licensable hours. The Applicant's proposal of reduced hours and conditions to restrict the number of smokers outside the premises, restrict the closing time of the external area, and to prohibit off sales of alcohol, gave the Sub-Committee the assurance that this venue would not add to the cumulative impact in the CIZ. It was also noted that the premises was a restaurant, so not alcohol led.

The Sub-Committee was satisfied that the above conditions imposed, as well as those already put forward by the responsible authorities in the event of a grant of this application, would alleviate the concerns raised by the responsible authorities and support the licensing objectives.

Accordingly, the Sub Committee unanimously;

RESOLVED

That the application for a New Premises Licence for Italian Graffiti Food Centre, 124-126 Brick Lane, London E1 6RU be **GRANTED with conditions.**

Sale of Alcohol (on sales)

Monday to Sunday from 10:00 hours to 01:30 hours (the following day)

Late Night Refreshments

Friday and Saturday from 23:00 hours to 01:30 hours (the following day)

Hours premises are open to the public:

Monday to Sunday from 10:00 hours to 02:00 hours (the following day)

Conditions

1. There shall be no off sales of alcohol.
2. There shall be no more than 10 smokers outside the premises at any one time.
3. The area marked as 'outdoor serving' at the rear of the premises on the plan will be rendered unusable at 23:00 hours each day.
4. 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.
5. 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 copies of recent CCTV images or data with the absolute minimum of delay when requested.
6. There shall be a personal licence holder on duty on the premises at all times when the premises are authorised to sell alcohol.
7. 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.
8. A minimum of one (1) SIA accredited door supervisors shall be on duty on Fridays and Saturdays from 8pm until the premises close.
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) They call the police (and, where appropriate, the London Ambulance Service) 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. The 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.
12. 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.
13. 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.
14. No person shall be employed to solicit for custom or be permitted to solicit for custom for business for the premises in any public place within a 500 meters radius of the premises.
15. Clear Signage to be placed in the restaurant windows stating that the premises supports the Council's 'No Touting' policy.
16. The premises will have a written dispersal policy, available on request to any responsible authority.
17. The supply of alcohol at the premises shall only be to a person seated taking a table meal there and for consumption by such a person as ancillary to their meal.
18. The supply of alcohol shall be by waiter or waitress service only

19. All staff members engaged, or to be engaged, in selling alcohol on the premises shall receive full training pertinent to the Licensing Act, specifically in regard to age-restricted sales, and the refusal of sales to persons believed to be under the influence of alcohol or drugs. This shall take place every 6 months.
20. All such training is to be fully documented and signed by the employee and the person delivering the training. Training records shall be kept at the premises and made available upon request to either Police Officers or an authorised officer of Tower Hamlets Council.
21. Clear signage is to be displayed prominently and maintained at all exits of the premises requiring patrons to leave and enter the premises and area quietly out of respect for local residents.
22. 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.
23. Loudspeakers shall not be located in the entrance and exit of the premises or outside the building.
24. All windows and external doors shall be kept closed after **(21:00)** hours, or at any time when regulated entertainment takes place, except for the immediate access and egress of persons.
25. A direct telephone number for the manager at the premises shall be publicly available at all times the premises is open. This telephone number and/or is to be made available to residents and businesses in the vicinity.
26. During the hours of operation of the premises, the licence holder shall ensure sufficient measures are in place to remove and prevent litter or waste arising or accumulating from customers in the area immediately outside the premises, and that this area shall be swept and or washed, and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements by close of business.
27. No deliveries to the premises shall take place between **(23.00)** and **(08.00)** hours on the following day.

3.2 Application for a premises licence variation for Travelodge 20 Middlesex Street London E1 7EX

This item was withdrawn by the Applicant prior to the meeting.

3.3 Application for a Temporary Event Notice for Mudchute Park and Farm, Pier Street, London E14 3HP

At the request of the Chair, Ms Corinne Holland, Licensing Officer, introduced the report which detailed the application for a Temporary Event Notice (TEN) for Mudchute Park and Farm, Pier Street, London E14 3HP. It was noted that objections had been received by the Police.

It was noted that the TEN was for a small music festival with a live DJ for 24th July from 1pm to 11pm.

At the request of the Chair, Mr Mark Jefferys, Applicant explained that the proposed event would be a safe and successful event for ages between 18-35 to enjoy food and drink, in Mudchute Farm. He said that the event would be on the upper paddock of the farm which was a fenced off area. It was noted that upon entry there would be a search conducted by SIA accredited staff, the entrance and exit point would be on Pier Street away from residential properties. Mr Jefferys explained that they had support from the farm itself, and he and his team had over four years of experience in the events industry and work in collaboration with well known artists. He was confident that they would deliver a successful event. He then referred Members to the supporting documents contained in the supplemental agenda which included risk assessments and policies and plans that would be in place for the event. Mr Jefferys concluded that he was happy to work with the Council during this event.

PC Mark Perry, Metropolitan Police said that the event was to be a music festival for 18-25 year olds. He was concerned that the police had not been contacted in advance of the application. He said that he had no confidence in the Applicant and was of the view that the risk assessment documents submitted were not specific to the event.

PC Perry questioned where the event had been advertised, who would be attending, had the DJs been vetted to find out about their experience, their fan followings etc. Also concerns were raised as to how age groups attending, and potential for alcohol and drugs issues would be monitored. He also expressed concern that people would be preloading on alcohol before attending the festival and what measures were in place to prevent public nuisance.

Further concerns were raised, that if the TEN application was to be granted, the Sub-Committee could not impose any conditions on it, hence there would be nothing to hold the Applicant to account for any issues arising at the event in relation to the licensing objectives. The Sub-Committee were urged to refuse the application.

In response to questions from Members the following was noted;

- That there would be one member of first aid staff and three medical staff on site.
- There would be six SIA accredited security staff on duty.
- Security staff would be at the entrance to the site.
- That tickets were sold electronically and in advance of the event.

- The event was not advertised externally, only on social media websites for followers.
- That ID's would be checked upon attendance.
- That the Applicant had worked with DJs over the years and have experience of working with them in the past without any problems, with no issues over health and safety or crime and disorder.
- That the Applicant were willing to work with police on risk assessments.
- That the Applicant had built up a following over the years and relies on repeat business, so a lot of the guests would be already known to the Applicant.
- That the number of security staff and medical staff on site was sufficient for the number of guests for the event, but if there was an incident then the security staff could be outnumbered.
- That 208 tickets had already been sold without knowing if this application was going to be granted.
- Concerns raised as to what safeguards were in place if more than 500 guests tuned up to the event?

Concluding remarks were made by both parties.

The Licensing Objectives

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

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

Consideration

Each application must be considered on its own merits. The Chair confirmed that the Sub-Committee had carefully considered all of the evidence before them and heard oral representations at the meeting made by the Applicants and from the Officer representing the Metropolitan Police with particular regard to the prevention of public nuisance.

The Sub-Committee noted the representations from the Police regarding their concerns relating to the Temporary Event Notice and the impact and likely disturbance this would cause to residents nearby. It was also noted there had been a lack of contact with the Police during the application process.

The Sub-Committee were concerned about public safety and were of the view that there was insufficient evidence to justify a granting of an application. The

Sub-Committee believed that the Applicants had failed to adequately address the concerns raised by the Police and the Sub-Committee.

The Sub-Committee were aware that they could not impose any conditions on to a TEN, and therefore were not confident that granting the application for a TEN as presented would support the licensing objectives.

Decision

Accordingly, the Sub Committee unanimously;

RESOLVED

That the application for a Temporary Event Notice for Mudchute Park and Farm, Pier Street, London E14 3HP be **REFUSED**.

4. EXTENSION OF DECISION DEADLINE: LICENSING ACT 2003

Nil items.

The meeting ended at 8.15 p.m.

Chair, Councillor Kevin Brady
Licensing Sub Committee