

LONDON BOROUGH OF TOWER HAMLETS
MINUTES OF THE LICENSING SUB COMMITTEE
HELD AT 6.30 P.M. ON TUESDAY, 7 JUNE 2022

**COMMITTEE ROOM 1, TOWN HALL, MULBERRY PLACE, 5 CLOVE CRESCENT,
LONDON, E14 2BG**

Members Present in Person:

Councillor Kamrul Hussain
Councillor Suluk Ahmed
Councillor Rebaka Sultana

Apologies:

None

Officers Present in Person:

Mohshin Ali	(Senior Licensing Officer)
Jonathan Melnick	(Principal Lawyer-Enforcement)
Simmi Yesmin	(Democratic Services Officer, Committees, Governance)

Representing applicants	Item Number	Role
Thomas O'Maoileoin	4.2	(Legal Representative)
Toby Brown	4.2	(Applicant – Old Spitalfields Market)

Representing objectors	Item Number	Role
Nicola Cadzow	4.2	(Environmental Health Officer)
Andrew Woods	4.1	(Legal Representative on behalf of Premises Licence Holder)

1. DECLARATIONS OF INTEREST

Councillor Suluk Ahmed, declared a personal interest in 4.2 on the basis that he was a ward councillor for Spitalfields and Banglatown, however he confirmed that he had not discussed this application prior to the hearing.

2. RULES OF PROCEDURE

The rules of procedures were noted.

3. MINUTES OF THE PREVIOUS MEETING(S)

The minutes of the meetings held on 5th April and 19th April 2022 were agreed and approved as a correct record.

4. ITEMS FOR CONSIDERATION

4.1 Application to Review the Premise Licence for Silver Sockeye, AKA The Terrible Thames) Wapping Pier King Henry's Stairs Wapping High Street London E1 2NR

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 Silver Sockeye, AKA The Terrible Thames, Wapping Pier King Henry's Stairs Wapping High Street, London E1 2NR. It was noted that the applicant had withdrawn their application following mediation.

The Sub Committee adjourned the meeting at 6.45pm and reconvened at 6.50pm.

The Licensing Objectives

Consideration

The Sub-Committee had been informed that the applicant for the review had reached an agreement with the premises licence holder and thus wished to withdraw the application. This had also been confirmed by the licence holder.

The Sub-Committee was advised that there is, however, no power to withdraw the review and that the hearing must nonetheless be held to determine it pursuant to s.52(2) of the Licensing Act 2003. Given that there were no relevant representations from any other person and that the parties do not wish any further action to be taken, therefore the Sub-Committee is satisfied that no further steps are needed to ensure the promotion of the licensing objectives.

The decision of the Sub-Committee is therefore to take no action.

Accordingly, the Sub Committee;

RESOLVED

That the application for a review of the premises licence for Silver Sockeye, AKA The Terrible Thames, Wapping Pier King Henry's Stairs Wapping High Street, London E1 2NR be resolved that **no further action is required.**

4.2 Application for a Variation of a Premises Licence for Rapha Racing Cycle Club, Cafe & Store, Spitalfields Market, 61-63 Brushfield Street, London E1 6AA

At the request of the Chair, Mr Mohshin Ali, Licensing Officer, introduced the report which detailed the application for a variation of the premises licence for Rapha Racing Cycle Club, Café & Store, Spitalfields Market, 61-63 Bushfield Street, London E1 6AA. It was noted that prior to the meeting a number of objections had been withdrawn including the representation from Licensing Authority, the two Resident Associations and six residents. However, the objections from Environmental Health and four individual residents remained.

At the request of the Chair, Mr Thomas O'Maoileoin, Legal Representative on behalf of the Applicant explained that there had been a lot of work done to engage and work with the objectors, which had resulted in most of the representations being withdrawn. There had, however, been some difficulty in contacting all the objectors due to the Jubilee celebrations. As a result of discussions between the applicant and those making representations, a substantial set of conditions had been agreed taking into account the concerns that had been raised. The Sub-Committee were told that the applicant was trying to change the nature of the premises to a more food led restaurant rather than a drinking establishment which it currently was.

Mr O'Maoileoin informed the Sub-Committee that the Premises currently had a few restrictions on the licence. The quid pro quo if the variation was to be granted was that the licence would become much more restrictive and, as a result of the conditions prohibiting vertical drinking and for alcohol to be sold only with meals, served seated at a table and by waiter/waitress service only. He explained that these conditions would ensure that the Premises could operate only as a restaurant. He also confirmed that these agreed conditions would apply at all times. He also highlighted that the external area would mirror the same conditions as inside of the premises with limited smokers and would be supervised by staff at all times.

Mr O'Maoileoin reiterated the fact that both the Residents Associations had withdrawn their objections, together with the Licensing Authority and some of the residents and that there had been no objections from the Police. He said that there were no objections in regard to the updated plans that had been submitted but the remaining objections related to the extended hours. It was noted that the premises was currently operating as a bar with no restrictions but if the variation were to be granted, there premises would operate as a restaurant and have conditions attached restricting and controlling the premises.

Mr O'Maoileoin then referred to the Cumulative Impact Zone policy and suggested that it met some of the exceptional circumstances to be granted an application in the CIZ, it was a food led premises, hours applied for were less than framework hours, had relevant good practices in place and staff would

be undergoing continuous training. He stated that if the licence was granted it would not negatively add to the problems of the CIZ.

Members then heard from Ms Nicola Cadzow, Environmental Health Officer. She told the Sub-Committee that she had tried to contact the Applicant without success. She referred to her representation on page 198 of the agenda and explained her concerns about the potential for noise breakout and public nuisance, that there remained concerns from other residents, and that the Premises were in the CIZ. She acknowledged that the hours were within framework hours but there were still concerns about noise from the external terrace area during noise sensitive hours applied for.

Ms Cadzow was of the view that the application failed to comply with the prevention of public nuisance, noise breakout and egress and did not support the application as the increase in hours would be a negative impact in the area.

In response to questions from Members the following was noted;

- It was confirmed by Ms Cadzow that she had not been made aware of any concerns about the operation of the Premises in the past. She was not aware of any noise complaints or anti-social behaviour associated with the Premises.
- The Spitalfields market had currently 100 market stalls, ten licence operators, security on-site 24 hours per day, seven days per week, that the management team were on-site from 08:00 hours to 21:00 hours every day, that they had direct access to the CCTV system from his phone, and that his office was adjacent to the Premises
- That an agreement had been reached with the resident at number 59 that noise would not be audible within their property. That being so, it was not feasible that there would be noise nuisance to any other person
- That if the licence were to be granted, the licence would be transferred in due course to a new operator when a new lease of the Premises was granted.
- That the operation of the external area would cease at 22:00 hours and be subject to conditions.
- If granted the licence would be a stronger licence, much more controlled with conditions and mechanisms in place if the operators didn't comply with conditions.
- The proposed conditions only permitted the Premises to operate as a restaurant, and were aware that any breach would be likely to lead to a review or a termination of the operators lease.

Concluding remarks were made by both parties.

The Licensing Objectives

Consideration

The Sub-Committee considered an application by OSM Ltd. to vary the premises licence held in respect of Rapha Racing Cycle Club, Café & Store, 61-63 Brushfield Street, London E1 (“the Premises”). The Premises are currently licensed for the sale by retail of alcohol from 11:00 hours to 21:00 hours Monday to Sunday for consumption on the Premises and for the showing of films from 08:00 hours to 21:00 hours Monday to Sunday. The times at which the Premises are open to the public are 08:00 hours to 21:30 hours.

The variation sought was to update the plans and to extend the permitted hours for the sale of alcohol to 23:00 hours seven days per week. The application attracted representations against it from two of the responsible authorities (Licensing and Environmental Health), from nine residents, and two residents’ associations (SMRA and SPIRE). The representations were predominantly concerned with the potential impact of the variation upon the licensing objectives of the prevention of public nuisance and the prevention of crime and disorder.

The Sub-Committee was informed that as a result of discussions between the applicant and those making representations, a substantial list of conditions had been agreed. This led to the Licensing Authority, both residents’ associations, and six of the residents to withdraw their representations.

The Sub-Committee heard from Mr. O’ Maoileoin on behalf of the Applicant. He explained that there had been a lot of work done to engage and work with the objectors and which had resulted in most of the representations being withdrawn. There had, however, been some difficulty in contacting all because of the Jubilee celebrations. He informed the Sub-Committee that the Premises currently have few restrictions on the licence. The quid pro quo if the variation were to be granted was that the licence would become much more restrictive and, as a result of the conditions prohibiting vertical drinking and for alcohol to be sold only with meals, the Premises could operate only as a restaurant. He also confirmed that these agreed conditions would apply at all times.

Mr. O’ Maoileoin addressed the Sub-Committee on the Brick Lane CIZ, where the Premises are located, and commented that the Premises met the majority of the possible exceptions described. The Premises would not be alcohol-led, they were small (albeit with more than fifty covers), and would be operating within the Council’s preferred hours. There was no late-night refreshment provided nor were off-sales permitted.

During questions the Sub-Committee heard from Toby Brown, the Spitalfields Market Manager, as to how the agreed conditions would be implemented. He told the Sub-Committee that there were currently 100 market stalls, ten licence operators, security on-site 24 hours per day, seven days per week, that the management team were on-site from 08:00 hours to 21:00 hours every day, that he could access the CCTV system directly from his phone, and that his office was adjacent to the Premises. The site itself was an old bank, with two foot thick brick walls. An agreement had been reached with the resident at number 59 that noise would not be audible within their property. That being so, it was not feasible that there would be noise nuisance to any

other person; the properties above the Premises were residential. In addition, the number of licensed premises within the Market had reduced over the preceding decade and the layout was gradually changing so that the perimeter would be retail units rather than food.

The Sub-Committee heard from Nicola Cadzow on behalf of the Environmental Health Service. She told the Sub-Committee that she had tried to contact the Applicant without success. She repeated her representation that she was concerned about the potential for noise breakout and public nuisance, that there remained concerns from other residents, and that the Premises were in the CIZ. She confirmed that she had not been made aware of any concerns about the operation of the Premises in the past. She was not aware of any noise complaints or anti-social behaviour associated with the Premises.

None of the residents whose representations remained were present. Their objections were read and noted by the Sub-Committee. Their representations were concerned with the potential impact on the CIZ, with particular reference to the potential impact of public nuisance. None, however, referred to having experienced any problems with this venue in the past.

Mr. O' Maoileoin confirmed that if granted, the licence would be transferred in due course to a new operator when a new lease of the Premises was granted.

None of the representations commented upon the proposed variation to the plans. The Sub-Committee noted the presumption against granting variations within the CIZ. In this instance, however, the Sub-Committee was satisfied that the Applicant had satisfied it that there would be no additional impact on the CIZ. In the first instance, none of the representations made any specific reference to problems arising from the operation of the Premises. Although the Sub-Committee understood that the Premises were not currently operating, it would have expected there to have been some record of complaints.

The Sub-Committee also took account of the fact that the Premises were not food-led and that the Cumulative Impact Policy does not limit the possible exceptions; each case must be decided on its merits. The Premises, which can currently operate as a bar, would no longer be able to do so. The use of the outside area had been made subject to conditions so as to ensure no impact on the CIZ at later hours. There were limits on the number of smokers and a condition requiring that doors and windows be closed after 22:00 hours. There were appropriate conditions to reduce or eliminate noise disturbance to neighbouring properties. The Premises would be operating within framework hours. In addition, as the conditions only permitted the Premises to operate as a restaurant, any breach would be likely to lead to a review. Furthermore, however, those conditions could not be removed without an application to vary the licence, which would be highly likely to lead to a further Sub-Committee hearing.

The Sub-Committee also considered that there was a benefit in this particular case of having a licence that contained robust conditions that brought it up to

date and which would ultimately give greater protection to the CIZ than was currently afforded by the present licence. The decision of the Sub-Committee is therefore to grant the application to vary the plans, to extend the terminal hour to 23:00 hours Monday to Sunday and to extend the opening times as sought, and to impose the agreed conditions (subject to the removal of any duplicated conditions or those replaced as discussed at the hearing).

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

Accordingly, the Sub Committee;

RESOLVED

That the application for a variation of the premises licence for Rapha Racing Club, Café & Store, Spitalfields Market, 61-63 Brushfield Street, London E1 6AA be **GRANTED with conditions**

Sale of Alcohol (on sales only)

Monday to Sunday from 11:00 hours to 23:00 hours

Opening hours of the premises

Monday to Sunday from 11:00 hours to 23:30 hours

To update the plans of the premises as set out in the application.

Conditions

1. Alcohol shall not be removed from the premises, save for consumption in any delineated external area as shown on the plan attached to the licence.
2. Staff will be trained in the laws relating to under age sales, and that training shall be documented and repeated at 6 monthly intervals.
3. A refusals book will be maintained at the premises, and made available to an officer of a responsible authority upon request.
4. A first aid box will be available at the premises at all times.
5. The exterior of the building shall be cleared of litter at regular intervals.
6. Any outside area used by customers wishing to dine, drink or smoke shall be clearly delineated and covered by the CCTV system which will be installed at the premises.
7. The outside area shall be monitored by staff when it is in use. The

area will be cleaned regularly.

8. Suitable receptacles shall be provided for smokers to dispose of cigarette butts.
9. Signs will be displayed in the area requesting customers keep noise to a minimum.
10. Customers shall not be permitted to take alcohol beyond the boundary of the outside area.
11. No noise generated on the premises shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
12. A direct telephone number for the premises shall be available at all times and shall be made available to residents in the vicinity.
13. Amplified music shall not be played at a level which is audible within surrounding residential properties;
14. The extract system will be treated, filtered and cleaned internally and vented through the premises and out to atmosphere above the Market roof, not into the Market space. The extract fan will be located in the basement. As such it should have no adverse effect on the air quality at your windows nor produce any noise.
15. 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.
16. 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 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.
17. 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.
18. 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
19. Challenge 25 proof of age scheme shall be operated at th 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.
20. When the designated premise 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.
21. 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.
22. There shall be no vertical drinking at the premises.
23. All windows and external doors shall be closed at 22:00hrs, except for the immediate access and egress of persons;
24. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly;
25. A direct telephone number for the manager at the premises shall be available at all times the premises is open. This telephone number is to be made available to residents in the vicinity;
26. Substantial food and 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;
27. No bottles or glassware shall be placed in the external bins between 23:00hrs and 07:00hrs the following day

28. The rear ground floor terrace area shall only be used between the hours of 07:00hrs and 23:00hrs (22:30hrs on Sundays);
29. Licensable activities in the terrace area to the rear of the premises within the Spitalfields Market shall stop at 22:00hrs;
30. The rear ground floor terrace area to the rear of the premises within the Spitalfields Market shall be limited to 42 patrons;
31. The sale and supply of alcohol for consumption in the outside terrace shall only be by waiter or waitress service, served only to a person seated taking a table meal there and for consumption by such a person as ancillary to their meal;
32. Licensable activities in the outside terrace shall be limited to the sale of alcohol and the provision of late night refreshment. No regulated entertainment shall be permitted;
33. 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;
34. Patrons permitted to temporarily leave and then re-enter the premises to smoke shall be restricted to a designated smoking area as marked on the plan;
35. Notices shall be prominently displayed in the smoking area requesting patrons to respect the needs of local residents and use the area quietly;
36. Patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke, shall be limited to 10 persons at any one time;
37. One or more butt bin shall be provided in the designated smoking area.

5. EXTENSION OF DECISION DEADLINE: LICENSING ACT 2003

Members agreed to extend the decision deadlines for the applications below to the dates stated; Licensing applications were extended due to the impact of the pandemic, and were adjourned under regulation 11 of the Licensing Act 2003 (Hearings) Regulations 2005, it was in the public interest to do so, and did not require representation from parties to the applications.

Premises	Extended to:
Redchurch Studio, 58 Redchurch Street E2 7DP	31/08/2022
Oranj 14 Bacon Street London E1 6LF	31/08/2022
Unit 6 Frobisher Passage, Canary Wharf, London E14 4HA	31/08/2022

In2Sport, 40 Harbord Square, London, E14 9QH	31/08/2022
Studio Spaces Ltd), 110 Pennington Street, London E1W 2BB	31/08/2022
The Hungry Tummy, 24a Wentworth Street, London E1 7TF	31/08/2022
Oval Venues Ltd.- Oval Cafe, 11-12 The Oval	31/08/2022
Cheshire St Minimart, 68a Cheshire Street, London E1	31/08/2022
The Breakhouse Café, Unit 17 Bloc Riverbank, 455 Wick Lane London E3 2TB	31/08/2022

The meeting ended at 8.00 p.m.

Chair, Councillor Kamrul Hussain
Licensing Sub Committee