

**LONDON BOROUGH OF TOWER HAMLETS****RECORD OF THE DECISIONS OF THE LICENSING SUB COMMITTEE****HELD AT 6.30 P.M. ON TUESDAY, 11 OCTOBER 2022****THE COUNCIL CHAMBER, TOWN HALL, MULBERRY PLACE, 5 CLOVE  
CRESCENT, LONDON, E14 2BG****Members Present:**

Councillor Peter Golds (Chair)

Councillor Leelu Ahmed (Member)  
Councillor Sabina Akhtar (Member)**1. DECLARATIONS OF INTEREST**

There were no declarations of interest.

**2. RULES OF PROCEDURE**

The rules of procedure were noted.

**3. ITEMS FOR CONSIDERATION****3.1 Application to Review the Premise Licence for (Tower Hamlets Pizza)  
479 Cambridge Heath Road, London, E2 9BU**The Licensing Objectives

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

- The Prevention of Crime and Disorder;
- Public Safety;
- The Prevention of Public Nuisance; and
- The Protection of Children from Harm.

Consideration

The Sub-Committee considered an application for review by Kathy Driver representing the Licensing Authority in relation to the late night refreshment licence for Tower Hamlets Pizza, 479 Cambridge Heath Road, London E2 9BU. The Premises are currently authorised for the provision of late night refreshments as follows:

Sunday to Tuesday            23:00 hours to 01:00 hours (the following day)  
Friday and Saturday        23:00 hours to 02:00 hours (the following day)

From the evidence presented by Ms. Driver and PC Mark Perry, Metropolitan Police the Sub-Committee were very concerned about the number of repeated offences of trading past the existing licensed hours. This concern was exacerbated by the fact that from the evidence presented with the application, the business was advertising the sale of hot food beyond licensed hours on its website, as well as via online delivery platforms.

The Sub-Committee also considered evidence of noise disturbance to local residents from persons attending the premises beyond the licensed hours for late night refreshment, so as to give rise to public nuisance.

The Sub-Committee were disappointed that the Premises Licence Holder, Mr. Khel was absent from this meeting without explanation, as this meant that they were unable to ask him questions about why the above non-compliances had occurred. The decision made therefore had to be without having any evidence from Mr. Khel. The Sub-Committee decision was made on the basis of the evidence for the application. There was no basis for considering an adjournment given to the Sub-Committee by the Premises Licence Holder, Mr. Khel, and under regulation 20 of the Licensing Act 2003 (Hearings) Regulations 2005, where a party who has not indicated that they will not be attending a Licensing Sub-Committee hearing, fails to attend or be represented at the hearing, the Sub-Committee may proceed in that party's absence. Whilst noting the attendance of Mr. Hamidi and the trainee lawyer representing them, the Sub-Committee could not hear from any of those individuals, because none of them could say that they had authorisation from Mr. Khel to speak on his behalf, and the trainee lawyer confirmed that his instructions came from Mr. Hamidi, hence none of these individuals could be said to represent Mr. Khel.

Due to the repeated failure to keep to the licensed hours for the provision of late night refreshment, and failure to uphold the licensing objectives, the Sub Committee had no trust or confidence in the Premises Licence Holder's ability to continue to operate under the licence without the issues stated above recurring. So serious was this, that in the circumstances, the Sub-Committee felt that nothing short of revocation of the licence would ensure that the licensing objectives would no longer be compromised by the Premises Licence Holder's business. premises licence with immediate effect.

Accordingly, the Sub Committee unanimously;

### **RESOLVED**

That the application for a review of the premises licence for Tower Hamlets Pizza, 479 Cambridge Heath Road, London E2 9BU be **GRANTED with the revocation of the premise licence with immediate effect.**

### **3.2 Application for a New Premise Licence for Limehouse Library Hotel, 638 commercial Road, London, E14 7HS**

### **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 of the evidence before them and heard the oral representations at the meeting virtually and in person from the Applicants and an objector.

The Sub-Committee noted the concerns raised by the resident objectors in relation to the potential increase in noise and public nuisance, as residential dwellings were in close proximity as well as lack of privacy and quiet enjoyment of their own homes. It was noted that the main concerns related to the open terrace area, but the Sub-Committee were assured that appropriate measures would be taken to ensure any noise breakout would be kept to a minimum, as there was no actual bar area on the terrace, there were hotel rooms adjoining the terrace area, and therefore it would not be in the hotel's interest to have noise emanating from that particular area.

As a matter of evidence, the Sub-Committee could only consider evidence of actual events, not speculation as to what might happen.

The Sub-Committee noted the Applicant's agreement to a condition that there be no vertical drinking in the terrace area. The Sub-Committee took into account the Applicant's comment that a duty manager would be present at all times when the terrace area is in use. The objector requested a reduction in the hours for the use of terrace area, the applicants did not feel this would be justified as the terrace area was the only open area in the hotel and the hours applied for in their opinion offered the best balance for residents and guests of the hotel.

Members noted number of robust conditions offered by the Applicant in the operating schedule. They also considered that a reduction in the use of the terrace area to 23:00 hours from Mondays to Sundays provided a reasonable and proportionate limit on the hours in which any noise would come from the terrace area.

Members were confident that the reduction in the hours applied for the terrace area, together with the robust set of conditions offered and agreed with

Responsible Authorities, would ensure that the licensing objectives would be promoted.

Therefore, Members made a unanimous to grant the application with conditions.

Accordingly, the Sub-Committee unanimously;

### **RESOLVED**

That the application for a New Premises Licence for Limehouse Library Hotel, 638 Commercial Road, London E14 7HS be **GRANTED with conditions.**

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

Monday to Sunday 24 hours – Lobby Lounge for Hotel Guests

#### Restaurant

Monday – Wednesday 12:00 – 23:30 hours

Thursday – Saturday 12:00 – 00:00 hours (midnight)

Sunday 12:00 – 23:00 hours

#### Terrace Area

Monday – Sunday 12:00 – 23:00 hours

#### Ballroom

Monday – Sunday 09:00 – 00:00 hours (midnight)

#### **Provision of Regulated Entertainment**

Live Music (indoors) – In the basement ballroom only

Monday – Sunday 09:00 – 00:00 hours (midnight)

#### Non-Standing timings

Christmas Eve & New Year's Eve 09:00 – 01:00 hours

#### Recorded Music (indoors & outdoors)

Monday – Sunday 06:30 – 00:00 hours (midnight)

#### Lobby Lounge – (unamplified background music)

Monday to Sunday 24 hours a day

#### Restaurant – (unamplified background music)

Monday – Wednesday 06:30 – 23:30 hours

Thursday – Saturday 06:30 – 00:00 hours (midnight)

Sunday 06:30 – 23:00 hours

#### Terrace Area - (unamplified background music)

Monday – Wednesday 09:00 – 23:30 hours

Thursday – Saturday 09:00 – 00:00 hours (midnight)

Sunday 09:00 – 23:00 hours

#### Ballroom (amplified music)

Monday – Sunday 09:00 – 00:00 hours (midnight)

#### Non-Standing timings

Christmas Eve & New Year's Eve 09:00 – 01:00 hours

**Performance of Dance (indoors in the ballroom)**

Monday – Sunday – 12:00 – 00:00 hours (midnight)

**Non-Standing timings**

Christmas Eve & New Year's Eve 09:00 – 01:00 hours

**Late Night Refreshments (Indoors)**

Monday – Sunday – 23:00 – 00:00 hours (midnight)

**Non-Standing timings**

Christmas Eve & New Year's Eve 23:00 – 01:00 hours

**Opening times**

Monday – Sunday – 24 hours (00:30 hours to non residents)

**Conditions**

1. The ballroom will be hired for private use only. All functions will be pre-booked, and no members of the general public will be permitted entry.
2. 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 are open and conducting licensable activities. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Recordings shall be made available upon the request of Police or authorised officer throughout the preceding 31 day period, such copies shall in any event be provided within forty-eight (48) hours. Notices shall be displayed advertising that CCTV is in operation.
3. An incident log shall be kept at the premises, and made available on request to an authorised officer of the Council or the Police, which will record the following:
  - (a) All crimes reported
  - (b) All ejections of patrons
  - (c) Any complaints received
  - (d) Any incidents of disorder
  - (e) Any faults in the CCTV system.
  - (f) Any refusal of the sale of alcohol
  - (g) Any visit by a relevant authority or emergency service.
4. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
5. No deliveries will be received or removal of rubbish, especially glass, take place between 23.00 and 08.00 daily.

6. The Challenge 25 proof of age policy will be operated and only a photographic driving licence, a valid passport, a valid UK Armed Forces photographic identity card with the bearer's photograph on it or Home Office approved proof of age card with the bearer's photograph and the PASS logo / hologram on it will be accepted as proof of age.
7. Training for all staff on underage sales will be documented and repeated at regular intervals. The training will ensure staff understand the principle of Challenge 25. The scheme shall be made available for inspection at the request of the Licensing Authority, Trading Standards and Metropolitan Police.
8. The premises will display publicity materials relating to the Challenge 25 scheme.
9. Loudspeakers shall not be in the entrance lobby or outside the premise building or at the roof top bar.
10. 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 & egress of persons.
11. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises, which gives rise to a public nuisance or to affect neighbouring properties
12. No substantial deliveries to the premises shall take place between 22:00 hours and 08:00 hours the following day.
13. No idling of vehicle by drivers, delivery vehicles passengers, pick up or uber drivers outside the hotel or at Norway Place or use the residential parking of Earl Atlee and Park Height Court building thereby giving rise to noise that would cause public nuisance or affect the residents.
14. After 22:00 hours daily, 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.
15. Patrons are to use the entrance by Norway Place and not gather or congregate by Wharf Place which is the exit access road for the residents.
16. Notices shall be prominently at all exits requesting and advising patrons to respect the needs of residents and businesses and leave the area quietly
17. The garden in front of the hotel forecourt is to be used as smoking designated area.
18. There shall be no vertical drinking in the terrace area.

**4. 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.

<b>Premises</b>	<b>Extended to:</b>
Kilikya's Café Bar Restaurant, Unit C4, Ivory House, East Smithfield, London, E1W 1AT	<b>31/01/23</b>
Noodle & Beer, Unit 6, 31 Bell Lane, London, E1 7LA	<b>31/01/23</b>
Marios, Unit 3a, 139 Three Colt Street London E14 8AP	<b>31/01/23</b>
Jack the Chipper, 96 Whitechapel High Street, London, E1 7RA	<b>31/01/23</b>

The meeting ended at 8.20 p.m.