

LONDON BOROUGH OF TOWER HAMLETS**MINUTES 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
Councillor Sabina Akhtar**Officers Present:**

Kathy Driver	–	(Principal Licensing Officer)	
Ibrahim Hussain	–	Licensing Officer	
David Wong	–	(Legal Services)	
Simmi Yesmin	–	(Democratic Services Committees, Governance)	Officer,

Representing applicants	Item Number	Role
PC Mark Perry	3.1	(Police)
Ms Ozlem Darcan	3.2	(Applicant)
Mr Murat Ozbek	3.2	(Applicant)

Representing objectors	Item Number	Role
Mr Attila Szasz	3.2	(Resident)

Apologies

None

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

At the start of the hearing, it was noted that Mr Umid Hussain Khel was not present at the meeting. Mr Haroon Hamidi and his legal representative were virtually present at the meeting. However it was confirmed that they were not authorised by Mr Khel to speak on his behalf, and as he rather than they was the applicant, Mr Hamidi and his legal representative were not party to the application, and therefore were informed that they were not in the position at law to participate in the meeting in any capacity.

At the request of the Chair, Mr Ibrahim Hussain, Licensing Officer, introduced the report which detailed the application for a review of the premises licence for Tower Hamlets Pizza, 479 Cambridge Heath Road, London, E2 9BU. It was noted that the review had been sought by the Licensing Authority in relation to the prevention of public nuisance and the prevention of crime and disorder. The review was supported by the Metropolitan Police and the Immigration Department.

At the request of the Chair, Ms Kathy Driver, Licensing Officer explained that the Licensing Authority were seeking revocation of the licence. She believed that the evidence showed that imposition of additional conditions would not suffice to address concerns over crime and disorder and public nuisance that had taken place at the premises. It was noted that the report included evidence that the premises had been operating beyond licensed hours and advertising licensable activities as being available beyond licensed hours.

It was noted that the premises has had a licence since 16th January 2018 with Mr Haroon Hamidi as the previous premises licence holder. The premises licence was transferred to Mr Umid Khel on 28th May 2022. The Licensing Authority started to receive reports and complaints from local residents from 7th June 2021, stating that the premises was operating 24 hours a day. Ms Driver said that website adverts were found advertising the premises as being open from 11:00 hours to 04:30 hours, seven days a week.

Ms Driver confirmed that Mr Hamidi had been the premises licence holder at the time of the complaint and a warning letter was sent to Mr Hamidi on 7th June 2021. Members were referred to the review application in the agenda on pages 29-33 detailing the changes in operation and the number of businesses operating from the premises all advertising late night refreshments till 04:30 hours. It was noted that the licensed for these premises ended at 02:00 hours.

Mr Khel had been the premises licence holder to date since the licence transfer 28th May 2022. A number of failed test purchases were made, and a series of warning letters were sent to Mr Khel and, prior to the licence transfer, Mr Hamidi in relation to the following dates: -

- 7th June 2021
- 31st March 2022
- 12th April 2022
- 13th May 2022
- 28th May 2022

- 30th June 2022

It was confirmed that following requests for CCTV footage, none were supplied, nor were there any responses from the premises licence holder, although a member of staff did contact the Licensing Team to say that they had no CCTV footage. The premises licence holder was invited to attend the Council offices for an interview under caution in respect of offences arising from the carrying on of licensable activities beyond licensed hours, but the premises licence holder did not attend.

Further test purchases were failed by the business on 11th September 2021, 2nd April 2022 and 28th May 2022. On 8th October 2022 a further test purchase was made, in relation to which officers were told to order online, at an hour beyond 2.00am. It was also noted although the business had previously applied for longer hours to provide late night refreshment that had been refused, so the business remained restricted to the licensed hours previously set.

Ms Driver concluded that the premises licence holder had been in charge when the business failed test purchases on four occasions, he was unsuitable to run licensed premises, there were no additional conditions could be added to sufficiently address the concerns raised, and therefore the Licensing Authority were seeking revocation of the licence. It was noted that despite warnings the premises licence holder continued to operate beyond his licensed hours or provide CCTV footage on request, which was also a breach of the conditions on the licence. She suggested that the change of operator during the history of all of the stated defaults had been an attempt to shift responsibility.

Members then heard from PC Mark Perry, Metropolitan Police who agreed with what was said by Ms Driver, commenting that the premises continues to operate beyond licensed hours despite warnings, has failed to comply with conditions, and therefore has failed to uphold the Licensing Objectives to the extent that there were no conditions that could be imposed which would sufficiently address the non-compliances mentioned. The business had such a poor track record of non-compliance, that it was pointless to restrict or reduce the hours, and therefore there was no choice but to revoke the licence.

In response to questions the following was noted: -

- That the premises was still advertising as being open until 4.30am.
- The background to the review application followed a pattern of licensing breaches of conditions, warning letters, and test purchases failed, during a period in which there had been a number of different companies operating from the premises, making it difficult to maintain a process of enforcement, in that warnings and such like had had to be repeated several times. The review application was a last resort.
- That the review application was hand delivered to the premises and no response had been received from the current premises licence holder Mr Khel, the only communication received regarding the review application having been yesterday from Mr Hamidi, and communication from a member of staff calling to say that there was no CCTV footage.

Concluding remarks were made.

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:

- 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. and Mrs. 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. and Mrs. 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

At the request of the Chair, Mr Ibrahim Hussain, Licensing Officer, introduced the report which detailed the application for a new premises licence for Limehouse Library, 638 Commercial Road, London E14 7HS. It was noted that objections had been received by local residents in relation to the prevention of public nuisance.

At the request of the Chair, Ms Ozlem Darcan representing the Applicant explained that the premises was a boutique hotel and culinary arts and educational centre for tourists and business clientele, whilst retaining its heritage as a library. She gave a brief history of the premises and its heritage. She acknowledged the concerns raised by the residents and explained that the library itself had been left derelict, unoccupied and attracted anti-social behaviour prior to the development of the hotel. Since the Applicant took over the premises, it has been regenerated, refreshed, and there have been no reports of ASB. She referred to appendix 12 of the agenda which had photographs of the premises before and after its transformation.

She explained that management have taken into account the concerns of residents together with the welfare and comfort of guests, and had reached a fair balance between both. Ms Darcan referred to the concerns raised by objectors about the open terrace area. She explained that the area was insulated and covered up with glass to reduce noise etc., and that the ballroom was located in the basement, which had sound insulation. It was noted that some of the hotel rooms were in close proximity to the terrace area,

and therefore it was in the Applicant's own interest to ensure noise is not emanating from the terrace area, as it would impact not only local residents, but also hotel guests.

Ms Darcan confirmed that the terrace area would not be a club or pub or drinking area, but a quiet area for hotel guests and staff to relax in with greenery and zen like environment for guests to have a break, drink tea and coffee, and smoke., It was noted that there would be no live music or entertainment in this area.

It was noted that the terrace area was the only open area in the premises. All objectors had been invited to visit the premises. Only one resident had attended, and was impressed with the set up and operation of the premises. She addressed the issues concerning the deliveries outside the hotel. There was a loading bay for deliveries, and therefore this would not cause any additional issues with traffic and crowding on the public highway.

Mr Murat Ozbek, Applicant, referred to the objection raised regarding noise and ASB during the summer time, in relation to which he assured that this was not a typical hotel, but one with a lot of heritage and good reputation. The hotel had 75 rooms, and the main aim was that guests of the hotel feel comfortable in the hotel, so there was incentive for any noise disturbance and ASB to be prevented.

Members also heard from Mr Attila Szasz, resident objector. He briefly highlighted that he lived in very close proximity to the premises, and lived on the 3rd floor. He said he had no particular concerns or objections to the activities inside the premises, but his primary concern was limiting the noise that is likely to emanate from the premises from the terrace area, especially in the summer days when guests would be drinking outside etc., and he suggested that the area be restricted for use until 10pm.

In response to questions, the following was noted: -

- That the terrace area had a seating capacity of 40
- There was no bar area in the terrace, and drinks would be provided from elsewhere inside the premises.
- The terrace area was only a sitting area in which no vertical drinking would be permitted.
- That it was envisaged that no more than 30 people would be using the terrace area at any one time.
- There were 75 rooms in the hotel.
- That staff were trained regarding the responsible sale of alcohol.
- That 60% of the guests would be business customers, and 40% would be tourists.
- That a duty manager would be on duty 24 hours a day, and staff would monitor the terrace area at all times it was in use.

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 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.

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

The meeting ended at 8.20 p.m.

Chair, Councillor Peter Golds
Licensing Sub Committee