

LONDON BOROUGH OF TOWER HAMLETS**MINUTES OF THE LICENSING SUB COMMITTEE****HELD AT 2.00 P.M. ON THURSDAY, 27 OCTOBER 2022****THE COUNCIL CHAMBER, TOWN HALL, MULBERRY PLACE, 5 CLOVE
CRESCENT, LONDON, E14 2BG****Members Present:**

Councillor Peter Golds (Chair)

Councillor Faroque Ahmed

Councillor Asma Begum

Officers Present:

Corinne Holland

– (Licensing Officer)

Jonathan Melnick

– (Principal Lawyer-Enforcement)

Simmi Yesmin

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

Michael Buckworth

4.1

(Legal Representative)

Sophie Parkin

4.2

(Applicant)

Father Ray Warren

4.2

(Witness)

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

Genevieve Woods

4.1

(Resident Objector)

Javier Melian

4.2

(Other Persons - Objector)

David Cleghorn

4.2

(Resident Objector)

Apologies

None

1. DECLARATIONS OF INTEREST

There were no declarations of interest.

2. RULES OF PROCEDURE

The rules of procedure were noted.

3. MINUTES OF THE PREVIOUS MEETING(S)

The minutes of the meetings 8th, 22nd and 27th September 2022 were agreed and approved as a correct record.

4. ITEMS FOR CONSIDERATION

4.1 Application for a new Premise Licence for Unit 3 Hampton Tower, South Quay Plaza, 75 Marsh Wall, London, E14 9WS

At the request of the Chair, Ms Corinne Holland, Licensing Officer, introduced the report which detailed the application for a new premises licence for Unit 3 Hampton Tower, South Quay Plaza, 75 Marsh Wall, London, E14 9WS. It was noted that objections had been by local residents in relation to the prevention of public nuisance. The application sought authorisation for the sale by retail of alcohol for consumption on the Premises from 11:30 hours to 22:30 hours seven days per week.

The application attracted one representation from a local resident, Genevieve Woods, on the basis of the prevention of public nuisance. Ms. Woods did not seek refusal of the licence; rather, the issue between the parties was as to the imposition of additional conditions. A number of conditions had been agreed between the applicant and the responsible authorities.

The Sub-Committee heard from Mr. Buckworth, solicitor for the applicant. He briefly outlined the nature of the application and confirmed that alcohol sales would be ancillary to meals. He addressed the conditions sought by Ms. Woods. As regards smoking, a condition had been agreed with the Noise Officer, which included the number of persons permitted to enter and re-enter. Conditions had been agreed with the Police, which included no off-sales. There was a restricted time frame for deliveries to the Premises already, which were included in the lease. Finally, there were also conditions in the lease which addressed the issue of waiting delivery drivers. There was no objection if the Sub-Committee was minded to impose a condition dealing restricting deliveries to the Premises, since there was already a more restrictive condition imposed by the lease.

Ms Woods told the Sub-Committee that the building would be the largest residential building in the UK, with 600 residential flats above the Premises. There was the potential for those residents to be disturbed by anti-social behaviour.

As far as smoking was concerned, she already could smell smoke from other premises. She asked that the smoking area be located away from the building. She also asked that agreed condition 3 from the Noise Service, which dealt with people leaving the Premises to smoke, should include staff. She asked that alcohol be sold as ancillary to meals and sought a condition which limited waiting by delivery drivers.

In response to questions the following was noted;

- Mr. Buckworth confirmed that there was no objection to a condition that alcohol be sold as ancillary to a meal and a condition restricting the emptying of bottle banks.
- It was noted that having the smoking area located away from the Building was potentially problematic as the lease placed restrictions on where people could congregate and any such smoking area would need to be agreed with the landlord.
- That the applicant was amenable to seeking to reach an appropriate agreement with the landlord, if possible.
- It was suggested by the Legal Adviser that one possible way to deal with this would be to prohibit smoking immediately outside the Premises.

Decision

The Sub-Committee was satisfied that it was appropriate and proportionate to grant the licence for the hours sought. The application was modest and it was not suggested that conditions would not be appropriate to mitigate any impact on the licensing objectives. Several conditions had been agreed. The main concern of Ms. Woods related to the licensing objective of the prevention of public nuisance and the real issue for the Sub-Committee was whether or not it was appropriate to impose additional conditions to address those concerns.

The Sub-Committee was satisfied that it was appropriate and proportionate to impose conditions that alcohol be sold as ancillary to a meal, restricting delivery times to the Premises, and restricting the times at which bottle banks could be emptied. The Sub-Committee did not consider it appropriate to impose conditions restricting waiting by delivery drivers as deliveries were not related to the licensable activity; there was no late-night refreshment nor was alcohol being sold by way of delivery. As regards smoking, the Sub-Committee accepted that there may be practical difficulties in requiring the applicant to locate the smoking area away from the frontage of the Premises and considered that it would suffice to simply restrict smoking within that area.

The application is therefore granted as sought and with the agreed conditions and those additional conditions imposed by the Sub-Committee:

Accordingly, the Sub Committee unanimously;

RESOLVED

That the application for a new premises licence for Zia Lucia, Unit 3 Hampton Tower, South Quay Plaza, 75 Marsh Wall, London, E14 9WS be **GRANTED with conditions.**

Sale by retail of alcohol (for consumption on the premises)

Monday to Sunday 11:30 hours – 22:30 hours

Opening hours

Monday to Sunday 11:30 hours to 22:30 hours

Conditions

1. No glass to be taken outside by customers after 22:00 hours.
2. To ensure all litter is removed from outside the premises.
3. Unaccompanied children shall not be permitted on the premises.
4. 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 concerning crime & disorder;
 - (d) Any incidents of disorder;
 - (e) All seizures of drugs or offensive weapons;
 - (f) Any faults in the CCTV system;
 - (g) Any refusal of the sale of alcohol;
 - (h) Any visit by a relevant authority or emergency service.
5. 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) The crime scene is preserved (where possible) so as to enable a full forensic investigation to be carried out by the police;
 - c) Such other measures are taken (as appropriate) to fully protect the safety of all persons present on the premises.
6. 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.
7. No open containers of alcohol to be taken outside the premises.
8. A record shall be kept detailing all refused sales of alcohol. The record must include the date and time of the refused sale, the name of the member of staff who refused the sale and the reason for the refusal. The record shall be available for inspection at the premises by a police or Authorised Council Officer all times whilst the premises is open.
9. 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.

10. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises (or immediately contactable) 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.
11. Loudspeakers shall not be located in the entrance lobby or outside the premises building.
12. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
13. Patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke, shall be limited to 8 persons at any one time.
14. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises, which gives rise to a public nuisance.
15. All sales of alcohol shall be ancillary to a table meal.
16. Deliveries to the premises and refuse collections shall not take place before 07:00 hours and after 20:00 hours.
17. There shall be no emptying of bottle bins and banks between 20:00 hours and 07:00 hours.
18. Patrons shall not be permitted to smoke within ten feet of the frontage of the Premises.

4.2 Application for a variation of a premises licence for (Vout-O-Reenees), the Crypt of 30 Prescott Street London E1 8BB

At the request of the Chair, Ms Corinne Holland, Licensing Officer, introduced the report which detailed the application for a variation of the premises licence for Vout-O-Reenees, the Crypt of 30 Prescott Street London E1 8BB. It was noted that objections had received by a local resident and other persons in

relation to the prevention of public nuisance and the prevention of crime and disorder.

The Sub-Committee considered the application by Sophie Parkin to vary the premises licence. The premises are currently licensed for the sale of alcohol from 14:00 hours to midnight Monday to Thursday and from 14:00 hours to 01:00 hours on Friday and Saturday; for late night refreshment from 23:00 hours to 00:30 Monday to Thursday and from 23:00 hours to 01:30 hours on Friday and Saturday; for the showing of films from 12:00 hours to 23:00 hours Monday to Saturday and from 14:00 hours to 21:00 hours on Sunday; and for live music from 12:00 hours to 23:00 hours Monday to Saturday and from 13:00 hours to 21:30 hours on Sunday.

The variation sought was to increase the terminal hour for the sale of alcohol on Thursdays to 01:00 hours and on Friday and Saturday to 02:00 hours. The starting time on Saturday was also to be varied to 13:00 hours. No change was sought to the other licensable activities. The variation also sought to provide recorded music from 17:00 hours Monday to Saturday, with the terminal hour being 00:00 hours Monday to Wednesday, 01:00 hours on Thursday, and 02:00 hours on Friday and Saturday. The opening times were to be varied to mirror the times for the sale of alcohol.

The application attracted two representations. One was from the Flame of Love Praying Group London and the other was from a local resident, David Cleghorn, who was also a member of the Flame of Love. The representations were based on the prevention of public nuisance and the prevention of crime and disorder. Conditions had been agreed between the applicant and the police and the Noise Service.

Ms. Parkin spoke to her application and explained the nature of the Premises, which was a venue for artists. She had been operating from the Premises for about eight years. The primary reason for the variation was because the business, like others, had been severely affected by the pandemic. She explained that she did not permit people to get drunk on the Premises. The additional opening times were also sought because 01:00 hours was not particularly late for some people.

Mr Javier Melin addressed the Sub-Committee. The Legal Adviser had emphasised at the start of the meeting that the decision for the Sub-Committee was whether or not this variation would adversely impact upon the licensing objectives and that the oral submission needed to focus on that. Whether the activities being carried on at the Premises were offensive to others was not a matter that the Sub-Committee could take into account. Mr. Melin stated that when his group tried to pray, they would be disturbed by noise from the Premises, which made their use of the church impossible. The oblate, which was the landlord, refused to control the Premises.

Mr. David Cleghorn referred to issues such as disrespect shown to the Church by patrons of the Premises. He cited an example of a person who took a photograph of himself mooning on the church steps, which was then posted on social media. He asserted that some patrons of the Premises were

specifically attracted to the fact that it was in a church and that they ridiculed the church. He said he had tried to speak to someone in management twice but without success on either occasion.

In response to questions from Members the following was noted;

- Ms. Parkin confirmed that Father Ray Warren of the church was present. He was asked about the noise allegations. He stated that the agreement with Ms. Parkin restricted the hours so that the Premises did not operate when the praying group were using the Church.
- Where there had been a noise caused to the praying group it was because they were there outside of their agreed times.
- That there was no clash between the church's services and the Premises.
- Members also expressed some concern about particular holy days, such as Christmas Eve. The Sub-Committee was told that the Premises were not allowed to operate on those days.
- Ms. Parkin denied that she was impossible to contact or that people could not get in touch with her. She stated that she was available by email and that no-one had attended. In any event, her security officer was her business partner and capable of dealing with any concerns.
- Ms. Parkin was asked about the allegations of glassware being left outside the Premises. She stated that patrons were not allowed to leave with glassware and drew the Sub-Committee's attention to the fact that there was a pub and two hotels nearby in close proximity.

Decision

This application engaged the licensing objectives of the prevention of public nuisance and the prevention of crime and disorder. Whilst the written representation alleged breaches of the existing licence, no evidence was provided in support of this and the allegations were not addressed in the oral submissions. There was no evidence from any of the responsible authorities in this regard and the Sub-Committee was not satisfied that the crime prevention objective was being undermined nor that it would be undermined if the application was granted.

With regard to public nuisance, the Sub-Committee considered it debatable that the alleged noise disturbance amounted to a public nuisance rather than a private nuisance. Even if it did amount to a public nuisance, however, the representations failed to explain why that would affect the praying group given that the variation sought was to allow later operation. In any event, the Sub-Committee accepted the information provided by Father Warren which was that there was no disturbance and, if there was, it was because the praying group were attending outside of their agreed times rather than because the applicant was operating outside of their licence.

The Sub-Committee noted the concerns of the representors as to the offence they felt by the activities of some people. However, that was not related to any of the licensing objectives and any concerns in that regard were not a matter for the Sub-Committee. The Sub-Committee was satisfied that it was

appropriate and proportionate to grant the variation as sought and with the conditions agreed with the responsible authorities. In addition, and notwithstanding that Ms. Parkin stated that patrons did not take glassware outside, the Sub-Committee considered that there was a possibility some could do so and that it was therefore appropriate to impose a condition to prohibit that.

The application is therefore granted as sought and with the agreed conditions and those additional condition imposed by the Sub-Committee:

Accordingly, the Sub Committee unanimously;

RESOLVED

That the application for a variation of the premises licence for Crypt, 30 Prescott Street, London, E1 8BB be **GRANTED with conditions.**

Sale by retail of alcohol (for consumption on the premises)

Monday to Wednesday	14:00 hours – 00:00 hours
Thursday	14:00 hours to 01:00 hours
Friday	14:00 hours to 02:00 hours
Saturday	13:00 hours to 02:00 hours

Recorded music

Monday to Wednesday	17:00 hours – 00:00 hours
Thursday	17:00 hours to 01:00 hours
Friday	17:00 hours to 02:00 hours
Saturday	17:00 hours to 02:00 hours

Opening hours

Monday to Wednesday	14:00 hours – 00:00 hours
Thursday	14:00 hours to 01:00 hours
Friday	14:00 hours to 02:00 hours
Saturday	13:00 hours to 02:00 hours

Conditions

1. When the designated premises supervisor or a personal licence holder is not on the premises, any or all persons authorised to sell alcohol will be fully trained on the sales of alcohol and authorised by the designated premises supervisor in writing. This shall be available on request by the police or any authorised officer.
2. In reference to the training mentioned in condition 1 above, all staff whose responsibilities include the retail sale of alcohol shall receive training about the prevention of underage sales on induction, a refresher training session after three months and then every six months thereafter. This training shall be recorded and the records to be available on request to the police or any authorised officer. The training shall include:
 - a) the operation of the Challenge 25 scheme;

- b) the types of acceptable ID;
 - c) the method of recording challenges;
 - d) the likely consequences of making an underage sale;
 - e) reasons for refusal and updating the refusal log;
 - f) proxy sales.
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 concerning crime & disorder;
 - (d) Any incidents of disorder;
 - (e) All seizures of drugs or offensive weapons;
 - (f) Any faults in the CCTV system;
 - (g) Any refusal of the sale of alcohol;
 - (h) Any visit by a relevant authority or emergency service.
4. 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.
5. A record shall be kept detailing all refused sales of alcohol. The record must include the date and time of the refused sale, the name of the member of staff who refused the sale and the reason for the refusal. The record shall be available for inspection at the premises by a police or Authorised Council Officer all times whilst the premises is open.
6. 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.
7. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises (or immediately contactable) 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.

8. The premises shall have a written dispersal policy which details how the premises will disperse their customers so as not to cause noise nuisance to local residents. This policy is to be made available to the police or any relevant authority upon request.
9. The premises shall have no promoted electronic dance music events.
10. All windows and external doors shall be kept closed after 22:00 hours or at any time when regulated entertainment takes place, except for the immediate access and egress of persons.
11. Loudspeakers shall not be located in the entrance lobby or outside the premises building.
12. The premises licence holder shall ensure that music and/or patrons' sound is not audible at the nearest noise sensitive premises.
13. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
14. There shall be no more than seven smokers to be allowed to smoke outside the premises at any one time. No more than two guests at any one time will be allowed to smoke outside after 22:00 hours.
15. No alcohol shall be allowed to be consumed in the outdoor area.
16. No collections of waste or recycling materials (including bottles) from the premises shall take place between 22:00 hours and 08:00 hours the following days
17. No deliveries to the premises shall take place between 22:00 hours and 08:00 hours the following day.
18. Patrons shall not be permitted to leave the premises with any glassware.

4.3 Application for a Temporary Event Notice for 9 UMBERSTON STREET, LONDON E1 1PY

This item was withdrawn prior to the meeting.

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:
Club Mexicana Vegan Restaurant, 46-48 Commercial Street, London E1 6LT	31/01/23
Jungle Electric 467 Roman Road E3 5LX	31/01/23
Rooftop, 68-80 Hanbury Street, E1 5JL	31/01/23
Di.Wine, 375a Hackney Road, London, E2 8PP	31/01/23

The meeting ended at 3.50 p.m.

Chair, Councillor Peter Golds
Licensing Sub Committee