

LONDON BOROUGH OF TOWER HAMLETS**RECORD OF THE DECISIONS OF THE LICENSING SUB COMMITTEE****HELD AT 6.30 P.M. ON TUESDAY, 22 NOVEMBER 2022****THE COUNCIL CHAMBER, TOWN HALL, MULBERRY PLACE, 5 CLOVE
CRESCENT, LONDON, E14 2BG****Members Present in Person:**

Councillor Kamrul Hussain
Councillor Suluk Ahmed
Councillor Rebaka Sultana

1. DECLARATIONS OF INTEREST

There were no declarations of interests.

2. RULES OF PROCEDURE

The rules of procedure were noted.

3. MINUTES OF THE PREVIOUS MEETING(S)

The minutes of the meeting were agreed and approved as a correct record.

4. ITEMS FOR CONSIDERATION**4.1 Application for a New Premise Licence for Pizza Hut, 195-195a East India
Dock Road, London, E14 0EA**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

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 Licensing Authority.

The Sub-Committee considered an application for a new premises by the Applicant, in respect of Pizza Hut 195 – 195a East India Dock Road London E14 0EA for late night refreshments. The Applicant were seeking the following:

Late night refreshments

Monday to Sunday 23:00 hours to 05:00 hours (the following day)

Opening times

Monday to Sunday 23:00 hours to 05:00 hours (the following day)

The Sub-Committee considered what was reasonable and proportionate for the promotion of the licensing objectives, in particular, the prevention of public nuisance.

Paragraph 10.13 of the Secretary of State's Guidance under S182 of the Licensing Act 2003 says that that Act "gives the licensing authority power to make decisions about the hours during which premises can conduct licensable activities as part of the implementation of its licensing policy statement. Licensing authorities are best placed to make decisions about appropriate opening hours in their areas based on their local knowledge and in consultation with responsible authorities."

Paragraph 14.51 of the same Guidance says, "With regard to licensing hours, the Government acknowledges that different licensing approaches may be appropriate for the promotion of the licensing objectives in different areas. The 2003 Act gives the licensing authority power to make decisions regarding licensed opening hours as part of the implementation of its licensing policy statement and licensing authorities are best placed to make such decisions based on their local knowledge and in consultation with other responsible authorities."

The Sub-Committee noted the evidence of Ms. Driver from the Licensing Authority, that the premises sits directly beneath a large complex of residential units and the outside area was fenced off directly facing the roadside. The Sub-Committee noted the concerns that any collection by customers or delivery drivers was more likely to be accessed to the rear of the property. The Sub-Committee noted that the rear of the property was a highly residential area overlooking a residential block including residential properties all along Suzannah Street, a narrow nearby street.

The Sub-Committee noted concerns about mopeds causing noise nuisance to residents from persons. The Sub-Committee were concerned about the

The Sub-Committee noted the Applicant's agreement to a reduction in the hours, if the Sub-Committee considered this to be reasonable.

The Sub-Committee noted from pages 76 and 77 of the Agenda papers, that a number of other premises in the locality had late night refreshment hours no later than 02:00 hours

The Sub-Committee therefore considered that a reduction in the hours sought to 02:00 hours would be reasonable and proportionate in the circumstances, in order to prevent public nuisance.

The Sub-Committee noted that the front entrance sits on a busy main road, which is a red route and a busy bus route. The Sub-Committee were concerned about delivery drivers parking in that road directly in front of the premises.

The Sub-Committee therefore felt it reasonable and proportionate to impose a condition that there should be signs in the front windows of the premises directing delivery drivers not to park directly in front of the premises, but in the area designated by the premises licence holder.

Accordingly, the Sub Committee unanimously;

RESOLVED

That the application for a new premises licence for Pizza Hut East India Dock Road London E14 0EA be **GRANTED with CONDITIONS**

Provision of Late – Night Refreshments (indoors and Outdoors)

Monday to Sunday – 23:00 - 02:00hrs (the following day)

Opening times

Monday to Sunday – 11:00 hours – 05:00 hours

Conditions

1. 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 upon the request of Police or authorised officer throughout the entire 31 day period.

2. Suitable and sufficient artificial lighting is provided and maintained in any area accessible to the public.
3. Delivery drivers will only arrive at the shop when the order is ready for collection.
4. All fixed equipment at the premises , such as ventilations systems that produce significant levels of noise are fitted with appropriate means of noise submission and are restricted in their use so as to minimise disturbance to any neighbouring noise sensitive premises.
5. The ventilations and extract systems are designed and maintained so as to prevent noxious smells causing nuisance to nearby properties.
6. No customers can eat in the premises.
7. No noise generated on the premises, or 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.
8. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
9. There should be signs in the front windows of the premises directing delivery drivers not to park directly in front of the premises, but in the area designated by the premises licence holder.

4.2 Application for a New Premise Licence for Havens Yard Ltd Arch 410 Haven Mews St Pauls Way, London E3 4AG

Opening Times

Monday to Thursday from 11:00 hours to 00:00 hours (Midnight)
Friday to Saturday from 11:00 hours to 00:30 hours
Sunday from 11:00 hours to 23:00hrs.

The Sub-Committee considered what was reasonable and proportionate for the promotion of the licensing objectives the prevention of public nuisance and the prevention of crime and disorder.

Paragraph 9.42 of the Secretary of State's Guidance under S182 of the Licensing Act 2003 says, "Licensing authorities are best placed to determine what actions are appropriate for the promotion of the licensing objectives in their areas. All licensing determinations should be considered on a case-by-case basis. They should consider any representations or objections that have been received from responsible authorities or other persons, and representations made by the applicant or premises user as the case may be.

The Sub-Committee had carefully considered all the evidence before them including the oral representations at the meeting from the Applicants, the Licensing Authority, and the Metropolitan Police.

The Sub-Committee considered evidence of issues relating to public nuisance and crime and disorder arising from the neighbouring premises at Arch 411. Whilst those issues in themselves, were not a reason for the decision reached regarding the application now before the Sub-Committee, the Sub-Committee had to be satisfied that they could trust the Applicant to uphold the licensing objectives, and that necessitated the Sub-Committee being satisfied on the balance of probability that there was no connection between the Applicant's management and the management of the premises at Arch 411.

The Sub-Committee noted the Applicant's agreement to reduce the hours to 11:00hrs. The Sub-Committee noted representation from Mr Puckza on behalf of the Applicant, that he was an experienced DPS previously in Westminster, and that they would be selling gourmet food, sound limiters would be installed, they were willing to amend the number of people allowed inside and immediately outside the premises, and they would stop serving food at 10:00hrs with 1 hour from then for patrons to disperse.

The Sub-Committee considered Ms Whiskey's responses to questions as the Applicant, that she was connected to the business which had operated next door at Arch 411, and that she did work for the previous owner.

The Sub-Committee considered Ms Whiskey's representation that both she and Mr Puckza were venturing embarking on their own venture separate from the business which had operated next door at Arch 411. Although the Sub-Committee also considered representation by Ms Whiskey that the present business would be operated in a way consistent with the licensing objectives, and that they wanted to work with the residents and the Responsible Authorities, the Sub-Committee were not convinced that Ms Whiskey could be said to be without connection to the management of the business which had operated next door at Arch 411.

Whilst each decision by a Licensing Sub-Committee on each set of premises has to be considered on its own merits, the Sub-Committee were mindful that the neighbouring premises had had a history of issues relating to public nuisance and crime and disorder, and the Sub-Committee were not satisfied that Ms Bianca Whiskey, the Applicant, was without any link to the issues, which had arisen at the neighbouring premises, being the director of the company operating those other premises, as well as having been bar manager at those neighbouring premises.

In the circumstances of this case, the Sub-Committee could not ignore the track record of Ms Whiskey as part of the management of the business which had operated at Arch 411, in terms of demonstration of trustworthiness in promoting the licensing objectives.

The Sub-Committee were therefore not satisfied with the assurances of compliance with the licensing objectives offered by Ms Whiskey or her colleague, Mr Puckza, nor were the Sub-Committee assured by the reduction in hours offered, since the Sub-Committee still had to be satisfied that the Applicant could be trusted to promote the licensing objectives.

In the circumstances, the Sub-Committee could not trust the Applicant to promote the licensing objectives.

Therefore, Members made a unanimous to refuse the application.

Accordingly, the Sub-Committee unanimously.

RESOLVED

That the application for a New Premises Licence for Arch 410 Haven Mews, St Pauls Way, London E3 4AG be **REFUSED**

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:
Soda and Friends Unit 2a, 20 Hopwell Street, London E14 0SY	31/01/23
Chaiwala 55 Brick Lane E1 6PU	31/01/23
Oval Venues Ltd – Oval Café, 11-12 The Oval.	31/01/23

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The meeting ended at 8.15 p.m.