

LONDON BOROUGH OF TOWER HAMLETS

MINUTES 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

Members In Attendance Virtually:

Mr Arif Jivraj – Director Applicant
Mr Syed Husain – Area Manager
Mr Filip Puckza – Designated Premises Supervisor
Ms Bianca Whisky - Applicant
PC Michael Rice – Metropolitan Police

Other Councillors Present in Person:

Ms Kathy Driver – Licensing Authority
Moshin Ali – Licensing Officer
Farzana Chowdhury – Democratic Services Officer

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 meeting were agreed and approved as a correct record held on the 11th and 27th October 2022.

4. ITEMS FOR CONSIDERATION

5. APPLICATION FOR A NEW PREMISE LICENCE FOR PIZZA HUT, 195-195A EAST INDIA DOCK ROAD, LONDON, E14 0EA

The Council's Licensing Act 2003 Sub-Committee ("the Sub-Committee") considered an application by Mr Arif Jivraj and Syed Hussain (the Applicant)

for a new premises licence under section 34 of the Licensing Act 2003 in respect of Pizza Hut, 195-194a East India Dock Road, London E14 0EA.

Consideration

Each application must be considered on its own merits. The Chair confirmed that the Sub-Committee had carefully considered all the evidence before them and heard the oral representations at the meeting virtually and in person from the Applicants and the Licensing Authority. 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."

Hearing

From the evidence presented by Ms. Driver Licensing Authority, there were concerns that the premises sits directly beneath a large complex of residential units and the outside area was fenced off directly outside to the roadside. There were concerns that any collection by customers or delivery drivers was more likely to be accessed to the rear of the property. The rear of the property was a highly residential area overlooking a residential storey block including residential properties all along Suzannah Street of which, is a narrow street. Any deliveries or collection was more likely to be utilised from the rear, as the

front entrance sits on a busy main road and was controlled under a red route and a busy bus route.

The Sub-Committee was also concerned with regards to mopeds 'coming and going' and causing noise nuisance to residents from persons attending the premises beyond the licensed hours for late night refreshments. The Sub-Committee agreed that if it were to operate 24 hours this would set precedence to other businesses in the vicinity, and there could be potential risk of public nuisance.

The Sub-Committee noted the Applicants agreement to reduce the hours if the Sub-Committee agreed this was reasonable.

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.

6. APPLICATION FOR A NEW PREMISE LICENCE FOR HAVENS YARD LTD ARCH 410 HAVEN MEWS ST PAULS WAY, LONDON E3 4AG

The Council's Licensing Act 2003 Sub-Committee ("the Sub-Committee") considered an application by Mr Filip Puckza and Ms Bianca Whiskey (the Applicant) for a new premises licence under section 34 of the Licensing Act 2003 in respect of Havens Yard Ltd Arch 410 Haven Mews St Pauls Way, London E3 4AG.

Consideration

Each application must be considered on its own merits. The Chair confirmed that the Sub-Committee had carefully considered all the evidence before them and heard the oral representations at the meeting virtually and in person from the Applicants the Licensing Authority and the Metropolitan Police. The Applicant were seeking the following:

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 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**

7. 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.

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Chair, Councillor Kamrul Hussain
Licensing Sub Committee