

**LONDON BOROUGH OF TOWER HAMLETS**

**MINUTES OF THE LICENSING SUB COMMITTEE**

**HELD AT 6.55 P.M. ON TUESDAY, 13 DECEMBER 2022**

**THE COUNCIL CHAMBER, TOWN HALL, MULBERRY PLACE, 5 CLOVE  
CRESCENT, LONDON, E14 2BG**

**Members Present in Person:**

Councillor Peter Golds (Leader of the Conservative Group)  
Councillor Amin Rahman  
Councillor Kamrul Hussain

**Members In Attendance Virtually:**

**Other Councillors Present in Person:**

**Other Councillors In Attendance Virtually:**

**Apologies:**

**Officers Present in Person:**

**Officers In Attendance Virtually:**

<b>Representing applicants</b>	<b>Item Number</b>	<b>Role</b>
--------------------------------	--------------------	-------------

<b>Representing objectors</b>	<b>Item Number</b>	<b>Role</b>
-------------------------------	--------------------	-------------

## **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 for a new premises Licence for Jack the Chipper, 96 Whitechapel High Street, London E1 7RA**

This matter was adjourned because difficulty had arisen over one of the Members attending, and whilst a substitute Member had attended, he had not read through the papers, hence the consensus was it was in the interests of justice to adjourn this matter. Whilst the Licensing Sub-Committee on 20<sup>th</sup> December 2022 was mentioned, that has become subject to change because of scheduling issues, and Committee Services will notify parties of the fresh adjourned date.

### **3.2 Application for a variation of a premises licence for Marios, Unit 3a, 139 Three Colt Street London E14 8AP**

Same as for 3.1 above.

### **3.3 Application for a Temporary Events Notice for Spirits of East, 508 Commercial Road LONDON E1 0HY**

#### 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 licensing objectives:

- The Prevention of Crime and Disorder;
- The Prevention of Public Nuisance;

#### Consideration

Each application must be considered on its own merits. The Sub-Committee carefully considered all of the evidence before them and heard the oral representations at the meeting virtually and in person from the Applicant, Environmental Protection, and the Metropolitan Police.

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

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."

### **Applicant**

The Sub-Committee took into account what the Applicant, Mr Ali Cihan Kanidagli had written in support of his application. The Sub-Committee did not hear any representations from a Mr Mehmet Recep, who attended virtually and presented himself as the Applicant's brother, because he could not provide, when asked, verification that he was the Applicant's brother and that he was authorised to speak to this matter on the Applicant's behalf. The Sub-Committee noted that nothing had been heard direct from the Applicant to explain his absence, and that whilst Mr Recep said that the Applicant was abroad, there was nothing to verify this, nor to explain why the Applicant had not sought to join the meeting virtually.

Regulation 20 of the Licensing Act 2003 (Hearings) Regulations 2004 provides that where a party has not indicated that he will attend, the Authority may hold the hearing in that party's absence.

In so doing, Members reflected that the Applicant had given no reason direct for his absence, had not sought to join virtually, and had not provided any authorisation for anyone else, such as Mr Recep, to represent him. Thus, Members felt it was in the interests of justice to proceed in the Applicant's absence.

### **Environmental Protection**

The Sub-Committee heard from Ms Cadzow who expressed concern in particular to the potential impact of public nuisance and measures to prevent noise generated from within the premises or outside it which could cause disturbance to people in the vicinity the proposed hours were well beyond the existing hours of the licence.

**Existing hours of the premises for licensable activities: sale by retail of alcohol**

- Sunday to Thursday 0600 hours to 2330 hours; and
- Friday & Saturday 0600 hours to midnight.

**Proposed licensable activities: sale by the retail of alcohol**

- Monday 26<sup>th</sup> December to Thursday 29<sup>th</sup> December 2022 & Sunday 1<sup>st</sup> January 2023 from 23:30 hours to 05:59 hours (extension of 6 hours 29 minutes)
- Friday 30<sup>th</sup> & Saturday 31<sup>st</sup> January from midnight until 05:59 hours (extension of 5 hours 59 minutes).

There were residential and commercial premises in close proximity to 508 Commercial Road London. Ms Cadzow believes that this application will fail to comply with the Licensing objective relating to public nuisance for the following reasons: That there would be noise breakout from the venue affecting neighbouring residents, access & egress to and from the venue, of patrons, especially due to patrons likely to be high spirits; and the hours of operation (inclusive of proposals). Ms Cadzow stated to the sub-committee that she was willing to consider withdrawing her representation if the applicant was willing to reduce the hours to 01:00 hours not as proposed 05:00 hours in the morning, as she had not had further communication from the applicant, the objection was still valid.

**Metropolitan Police**

Members noted the objections of the Metropolitan Police, expressed by PC Mark Perry on the grounds of the prevention of crime and disorder, and prevention of public nuisance. Members took into account Police concerns that if the application were granted, the vast majority of patrons would have already attended pubs, clubs, and parties celebrating the New Year, and were therefore likely to be intoxicated entering and leaving.

The Sub-Committee noted that the Applicant's premises were close to The Troxy, a venue that has many late-night shows and events around Christmas and New Year, so that patrons of The Troxy were more than likely to go into an off licence like the Applicant's premises, and likely to engage in alcohol fuelled crime and disorder and anti-social behaviour.

PC Mark Perry was happy to speak to the Applicant but had no further communication with them and sought the Sub-Committee to refuse the application.

The Sub-Committee were concerned that granting the application would not uphold the licensing objectives of preventing public nuisance and preventing crime and disorder.

Therefore, Members made a unanimous decision to refuse the application.

Accordingly, the Sub-Committee unanimously;

**RESOLVED**

That the application for a Temporary Events Notice in respect of Spirits of East, 508 Commercial Road London E1 0HY be **REFUSED**

**4. EXTENSION OF DECISION DEADLINE: LICENSING ACT 2003**

**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>
Chaiwala 55 Brick Lane E1 6PU	<b>14/02/23</b>
Oval Venues Ltd – Oval Café, 11-12 The Oval.	<b>14/02/23</b>

The meeting ended at 8.00 p.m.

Chair,  
Licensing Sub Committee