LONDON BOROUGH OF TOWER HAMLETS

MINUTES OF THE LICENSING SUB COMMITTEE

HELD AT 6.30 P.M. ON TUESDAY, 22 JULY 2008

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

Members Present:

Councillor Alex Heslop (Chair)
Councillor Fazlul Haque
Councillor Oliur Rahman

Other Councillors Present: None

Officers Present:

John Cruse
Mohshin Ali – (Licensing Officer)
John Cruse – (Team Leader, Licensing)
Zakir Hussain – Legal Officer

Applicants In Attendance:

Objectors In Attendance:

Members of the Public In Attendance:

1. APOLOGIES FOR ABSENCE

The Clerk advised that a number of apologies for absence had been received from residents who had made representations and also advised that Councillor Haque, who was a member of the Licensing Committee, was present in place of Councillor Harper-Penman. The meeting would be Chaired by Councillor Heslop.

2. DECLARATIONS OF INTEREST

There were no declarations of interest.

3. RULES OF PROCEDURE

Noted.

4. ITEMS FOR CONSIDERATION

4.1 Application to Review the Premises Licence: Edge, 157 Commercial Street, London E1 6BJ

The Clerk advised that the letter that was tabled was self explanatory: that neither the Premises Licence holder nor anyone acting on his behalf would be attending the meeting.

Mr Hussain, Legal Officer, advised that the Sub Committee had the power to adjourn the meeting though he believed it would not be in the public interest to do so.

Members of the Sub Committee agreed to proceed with the hearing and the Chair asked the Licensing Officer to present the report. Mr Ali, Licensing Officer, duly presented the report as detailed, including the appendices and drew Members attention to the Licensing Objectives and the review procedure.

As there were no questions from Members, the Chair asked the Responsible Authorities and the residents to present their case.

Environmental Protection

Ian Pendreigh advised that the review had been initiated due to the long standing failure in managing the premises to uphold the licensing objective relating to the prevention of public nuisance. The history of problems associated with the premises was documented in the report and had arisen due to the structural limitations of the building and the wilful negligence of the licence holder to manage noise and music levels.

This had resulted in ongoing pubic nuisance to residents and since the EPA Abatement Notice was served in October 2005, the department had received 65 complaints from residents regarding loud amplified music from the premises and officers had witnessed 12 contraventions of the Notice.

Mr Pendreigh summarised the history of complaints as outlined in Appendix 10 and advised that a breach of the Abatement Notice had last been witnessed on 28th April 2008. This constituted a wilful and repetitious failure to observe the licensing objectives.

Metropolitan Police

Alan Cruickshank reported that the premises had a history of being a problematic venue and that whilst the Police had tried to work in partnership with the licence holder; this had not come to pass. Despite repeated attempts

to work with Mr Singh he had failed to accept accountability for the operation of the licence.

PC Cruickshank also advised that there was currently no DPS at the premises and had not been since November 2007.

Planning

Cain Duncan, Planning Enforcement Officer, reported that there was a history of failure to acquire planning permission for the premises and a failure to comply with the hours and conditions that had been set.

Planning permission had been refused for club use but granted for use as a bar until midnight with extensive conditions which were never implemented by the applicant. The premises had closed for three months during 2007 and had then reopened, breaching conditions. A stop notice had been served and the applicant subsequently taken to court for failing to comply with this.

The applicant had appealed the planning decision and the Secretary of State had upheld the refusal to operate a club and had also refused permission for use as a bar.

Mr Duncan outlined a number of the complaints that had been received and which were detailed in Appendix 5 and also that he and a colleague had bought entry into the club after the stop notice had been served; a time when the premises should have been closed. At that time, the premise was operating in breach of its planning permission, the licence conditions and without a DPS.

At the request of the Chair, Mr Johnston, Environmental Health Officer, detailed the type and level of noise experienced in the flats above the premises. He also advised that Mr Singh had, on most visits, turned down the music levels when requested though officers were visiting on an almost weekly basis and making the same request.

The original file note regarding noise nuisance was in 2005 and the premises had recently been successfully prosecuted for continuous breach of the Noise Abatement Notice that had been served.

Mr Pendreigh advised that there had been at least two occasions when Mr Singh had refused requests to lower music levels.

Mr Cruse asked Mr Pendreigh whether it was intrinsic that having the premises located where it is that made it unsuitable or whether the location would be acceptable with professional management.

Mr Pendreigh stated that he did not believe the premises could operate music without causing problems to the flats above.

Ms Turner and Mr Dalal

Both residents spoke independently. Both lived directly above the premises and had dealt directly with both the premises licence holder and Environmental Health. They reported on the level and frequency of noise nuisance experienced; both from the premises and from patrons on dispersing or who left the premises to smoke.
As there was no lobby, dispersal was straight on to the street directly below their respective properties. Ms Turner and Mr Dalal directed Members to the detail of their objections which were contained in the report.

Mr Donaghue

Representing a number of residents, Mr Donaghue advised that he had attended 49 meeting regarding this venue which now had a six year history of meetings dealing with nuisance caused by its operation.

This history was due to the fact that Mr Singh could not manage the premises; other venues in the area had conventional closing times and it was important that this Committee sent a clear signal to other premises who behaved in a similar manner. Mr Donaghue also reported that he and a family member had been threatened by Mr Singh on several occasions and whilst he had not reported these directly, he had called the police on a number of occasions regarding the venue.

Mrs Bagshaw

Mrs Bagshaw stated that she would not care to repeat what she had been called by Mr Singh but he had been both unpleasant and threatening. Current and previous residents had spoken directly to Mr Singh who had repeatedly promised to resolve matters but had never taken any action to do so.

Residents advised that incidents had been reported to the police on a number of occasions. There were also many times when the police had attended due to incidents both inside and outside the premises.

Members were advised that there was video evidence available to support these statements but following discussion, Members decided that they did not feel there was any additional need to view this.

The Chair invited those present to summarise; Mr Pendreigh stated that if Members should be minded, the premises should not open beyond 11pm, PC Cruickshank stated that he would wish to see the licence revoked but that the Police had put forward conditions for consideration if necessary, Mr Duncan stated that Planning sought revocation of the licence.

At this juncture, the Sub Committee adjourned at 7.33pm to consider the evidence presented. The Sub Committee reconvened at 7.459m.

The Chair reported that following deliberations, the Sub Committee had unanimously **RESOLVED**

That the premises licence for Edge, 157 Commercial Street, London E1 6BJ be **REVOKED** on the grounds that the licence holders had consistently failed to uphold both the conditions of the licence and the Licensing Objective relating to the Prevention of Public Nuisance.

The meeting ended at 7.45 p.m.

Chair, Councillor Carli Harper-Penman
Licensing Sub Committee