

LONDON BOROUGH OF TOWER HAMLETS

MINUTES OF THE LICENSING SUB COMMITTEE

HELD AT 6.44 P.M. ON WEDNESDAY, 6 AUGUST 2008

**ROOM M71, THE TOWN HALL, MULBERRY PLACE, 5 CLOVE CRESCENT,
LONDON, E14 2BG**

Members Present:

Councillor Alexander Heslop (Chair)

Councillor Rajib Ahmed
Councillor Azizur Rahman Khan

Other Councillors Present:

Nil

Officers Present:

Zakir Hussain – Legal Officer
Jackie Randall – Principal Environmental Health Officer

Alan Ingram – (Democratic Services)

Applicants In Attendance:

Peter Mackay – Applicant, EOne Club
David Lucas – Fraser Brown Solicitors, for EOne Club
Martin Smith – Tenant, Victoria P.H.
Joanna Smith – Tenant, Victoria P.H.
Alfie Smith – Personal Licence Holder, Victoria P.H.
James Taylor – Proposed DPS, Victoria P.H.
Andrew Grimsey – Poppleston Allen Solicitors, for Victoria P.H.
Kim Downing – Charles Wells Pub Company

Objectors In Attendance:

Ms M. Deering – Imperial House
Ms J. Donovan – Arbery Road
Mr & Mrs P. Gallivan – Arbery Road
Ms S. Mapstone – Imperial House
Mrs M. Salih – Arbery Road
Mr H. Uddin – Arbery Road

Members of the Public In Attendance:

Nil

1. APOLOGIES FOR ABSENCE

Apologies for absence were submitted on behalf of Councillor Motin Uz-Zaman.

2. DECLARATIONS OF INTEREST

No declarations of interest were made.

3. RULES OF PROCEDURE

The Rules of Procedure were noted.

4. ITEMS FOR CONSIDERATION**4.1 Application for Variation of the Premises Licence: EOne Club, 168 Mile End Road, London E1 4LJ**

At the request of the Chair, Ms Jacqueline Randall, Principal Environmental Health Officer, introduced the report which sought a variation of the premises licence for the EOne Club, 168 Mile End Road, London, E1 4LJ. She pointed out that the current hours shown in the report for the sale by retail of alcohol (on and off sales) from Monday to Thursday should be amended to read: "from 1000 hours to 0100 hours the following day."

Following discussions with the Metropolitan Police, the variation hours had been amended. Accordingly, the days and hours sought for the sale of alcohol and for regulated entertainment (music) were those of Monday to Thursday from 1200 hours until 0330 hours the next day; Friday and Saturday from 1200 hours until 0430 hours the next day; Sunday from 1200 hours until 0300 hours the next day. The days and hours sought for regulated entertainment (dance) were Monday to Thursday from 2000 hours until 0330 hours the next day; Friday and Saturday from 2000 hours until 0430 hours the next day; Sunday from 2000 hours until 0300 hours the next day.

Appropriate consultations had been carried out with objections received from local residents.

Prior to formal consideration of the application, Mr Zakir Hussain, LBTH Solicitor, stated that there had been an issue as to the final date for consultation, with Licensing and the applicant disagreeing but all parties had now agreed that the final date was, in fact, 18th May 2008. Two representations had been made before 18th May and three made on 19th May. As the representations made on 19th May were outside the consultation period, Members were asked whether they wished to use their discretion to include these representations as part of the objections under public interest grounds.

At 6.55 p.m., the Chair indicated that the Sub-Committee would adjourn to consider the point. The Sub-Committee reconvened at 6.58 p.m. and the Chair informed those present that members had unanimously agreed that the representations made within the consultation period were sufficient for them to reach a decision as these covered what the others would have raised anyway.

The objections were on the grounds that granting the application would result in anti-social behaviour from patrons leaving the premises and disturbance from patrons leaving the premises on foot.

As there were no questions for Officers, the Chair asked the applicants to present their case.

Mr David Lucas, Solicitor for the applicant, stated that pubs owned by Admiral Taverns (Nevada) Ltd were all tenanted premises and the application had been made in the name of the company to allow more control of the premises. The premises at 168 Mile End Road had not been owned by the company until May 2007. Mr Peter Mackay, who then became the tenant, had 7-8 years' experience and the application had flowed from the way in which the premises had been traded previously, for the restoration of hours formerly operated. Initial discussions between the tenant and Police had addressed the Police concerns with four incidents that had occurred in March 2008, when there had been a different door security team. Mr Mackay had replaced them with another team in April 2008 and there had been no serious disorder or Police complaints to date. The tenant had also accepted additional conditions applied by the Police, as circulated with the agenda papers, including revised hours for licensable activities, as outlined in the commentary above.

Mr Mackay had received no direct complaints from the two residents who had made representations, although he had written to them with his proposals and offered to discuss any problems. He had since met Mr D. Finn on 2 August and had offered to provide him with secondary double glazing to his bedroom window: this offer was also open to the other objector.

Following complaints from a resident of 167 Mile End Road concerning noise, Mr Mackay had installed soundproofing to the whole of the club premises at a cost of £70,000 and there had been no problems with other responsible authorities.

Mr Mackay was prepared to deal with other issues identified but some could not be attributed to his business, such as drink cans and litter. Canned drinks were not sold at the EOne club but were sold in a nearby 24-hour off-licence, and, likewise, anti-social behaviour was not necessarily caused by the club's patrons. The proposed controls agreed with the Police would make the licence much more heavily restricted, with curtailed hours. Mr Mackay added that the Police had requested no admissions under the age of 18 years, however, the club's policy was to admit no-one under 21 years unless they had a student i.d. card. In addition, seven CCTV cameras were operated inside the club, with others outside.

In response to queries from Members, Mr Mackay indicated that he had experience of working in licensed premises in Stamford, Lincs., and had run premises in London for the last 7 - 8 years.

Mr Hussain requested clarification about the hours previously traded by the premises. Ms Randall stated that the applicant had been in discussions with the licensing authority around a claimed earlier operating licence until 5.00 a.m. However, archive files about the premises had not indicated such hours. Under the old licensing regime, it was unusual to have operating hours later than 2.00 a.m. This was currently unresolved.

In summing up, Mr Lucas commented that objections to the application had been raised on the grounds of disturbance, fights, verbal abuse and litter. However, litter could not always be due to EOne customers and the tenant would be happy to monitor the position with his staff. Only general statements had been made about verbal abuse and fights, which was more speculation than real evidence. The applicant was well aware that non-compliance with licence conditions could have severe implications for the premises in terms of fines, licence reviews and possible closure.

The meeting was adjourned at **7.20 p.m.** and reconvened at **7.40 p.m.**

The Chair reported that, having considered the report and the evidence and comments presented, the Sub-Committee had **RESOLVED**

That the application for a Variation of the Premises Licence for the EOne Club, 168 Mile End Road, London, E1 4LJ, be **GRANTED** for the following days and hours and subject to the following conditions:-

Sale of Alcohol

Sunday to Thursday from 1200 hours until 0130 hours the next day; and
Friday to Saturday from 1200 hours to 0300 hours the next day.

Regulated Entertainment (Recorded Music)

Sunday to Thursday from 1200 hours to 0130 hours the next day; and
Friday to Saturday from 1200 hours until 0300 hours the next day.

Regulated Entertainment (Dance)

Sunday to Thursday from 2000 hours until 0130 hours the next day; and
Friday to Saturday from 2000 hours until 0230 hours the next day.

CONDITIONS

- That the conditions agreed with the Metropolitan Police be applied but that:
 - (a) CCTV footage be retained for 31 days; and
 - (b) Groups of smokers outside the premises be limited to a maximum of 10 persons at any one time, for a period of five minutes.

- That no entry to the premises be permitted on Sunday to Thursday after 0100 hours, or on Friday to Saturday after 0200 hours.

4.2 Variation of Premises Licence: Victoria PH, 110 Grove Road, London E3 5TH

At the request of the Chair, Ms Jacqueline Randall, Principal Environmental Health Officer, introduced the report which sought a variation of the premises license for the Victoria Public House, 110 Grove Road, London, E3 5TH. The conditions required by the Environmental Protection Section had now been agreed and their representations were withdrawn accordingly. Appropriate consultation had been carried out, with objections being received from local residents.

Mr Zakir Hussain, LBTH Solicitor, referred to an aide-memoire provided by the applicants which summarised agreed conditions and works to the premises. This Sub-Committee agreed to receive the information.

There being no questions for Officers, the Chair invited the applicants to present their case.

Mr Andrew Grimsey, Poppleston Allen Solicitors, indicated that the hours sought in the variation application had been revised in the light of representations made. The additional hours sought for the sale by retail of alcohol were Friday to Saturday from 1000 hours until 0100 hours the next day; Sunday from 1000 hours until 2400 hours. All other closing hours remaining as per the current licence. The hours sought for live music (including more than two performers) were Friday to Saturday from 1000 hours until 2400 hours. The hours sought for films, making music and dancing were Sunday to Thursday from 1000 hours until 2400 hours; Friday to Saturday from 1000 hours to 0100 hours the next day.

Mr Grimsey stated that there were no links between the new tenants' family and the former tenants of the premises. Having spoken to the petitioners, their foremost concern was that of noise. A noise assessment had been commissioned and some £10,000 would be spent on noise attenuation measures. After 2000 hours, staff would be present to ensure the entry door to the present was kept shut when music was played. The cellar door had also been insulated and music would not be audible within any surrounding residential property. The new tenants were intent on starting afresh with their neighbours and the past manner of running the premises should be disregarded.

Mr Martin Smith, applicant, stated that he had 25 years of running licensed premises in East London, the last 15 of which had included late licence venues. He appreciated concerns expressed by residents and Charles Wells Ltd had immediately committed to the installation of double glazing – due to be implemented on 14 August. The pub was to be a family operation, with his son and his associate to be full-time on the premises. Mr Smith indicated that

he was prepared to give residents his mobile phone number, should they ever wish to raise concerns.

Following questions by Members, Mr Smith stated that the pub would remain closed until all the noise attenuation works had been completed. The side door would be used as a fire door only, with the front door providing the only entrance and exit, with an insulated lobby. The other doors would remain closed, for fire exit only. He added that his last business had been in Hertford, with a late licence and much younger clientele. House and garage music would not be played at the Victoria. He added that he had managed premises in Globe Road for four years and in Bishops Way for six years.

The Chair then invited objectors to speak.

Mr P. Gallivan stated that residents were disturbed by noise at 1.00 a.m. on Fridays and Saturdays. Clients of the pub had no real access to public transport as the Tube closed around 12.30 a.m. and the only late bus service was the route 277. Therefore, people came out of the pub at 1.30 a.m. – 2.00 a.m. and made a lot of noise, talking whilst awaiting taxis. Arriving taxis also sounded their horns and people had to close their bedroom windows to sleep, even in hot weather. In the past people exiting the premises has been urinating, throwing bottles, shouting and fighting. The Police had often had to be called.

Other objectors made the point that those who had gardens abutting the beer garden suffered bottles and cigarettes being thrown into their property and suffered particularly from noise problems.

Mr Gallivan expressed the view that, when customers had left the pub they were beyond the landlord's control and would inevitably create noise. He did not feel that he should have to stay up until 1.00 a.m. before he could go to bed. It was people leaving the premises who caused the most noise problems, rather than music from the pub itself. The situation had been ongoing for 25 years, despite reports to Environmental Health.

In response to a Member's query, Mr Gallivan stated that he did not count how many people tended to exit the Victoria at any one time, but there was noise from shouting, music from cars and car horns.

Mr Grimsey, in summing up, stated that a drinking-up time of 30 minutes was included in the proposal and there would be no music for an hour before closing, to enable a more gradual dispersal of customers. The applicants' own suggested conditions included customers staying in the premises when awaiting taxis and a telephone hot line was available to a particular taxi firm. The beer garden fencing had now been heightened and the tenants were looking forward to a new era of co-operation with their neighbours. It was accepted that residents had powerful rights to review the licence. There had been dialogue with residents and very strong conditions imposed.

The Chair invited the objectors to sum up and Mr Gallivan reiterated that a 1.00 a.m. finish was his only concern, in that people leaving the premises

would still create noise. The application would not stop that, although he accepted that conditions inside the pub would mean that music would not be heard outside.

The meeting was adjourned at **8.20 p.m.** and reconvened at **8.28 p.m.**

The Chair commented that concern had been raised over the use of the beer garden, although this was not a licensable premises. Discussion ensued around the possible limiting of its use and Mr Grimsey indicated that he would have to resist any suggestion of it not being used after 10.00 p.m. However, the tenant was taking such issues seriously and would be very happy to monitor how the area was used.

The Chair then reported that, having considered the report and the evidence and comments presented, the Sub-Committee had **RESOLVED**

That the application for a Variation of the Premises Licence for the Victoria, 110 Grove Road, London, E3 5TH, be **GRANTED** for the following days and hours and subject to the following conditions:

Sale of Alcohol

Friday to Saturday from 1000 hours until 0100 hours the next day; and Sunday from 1000 hours until 2400 hours.

Regulated Entertainment – Indoors

Films

Live Music (including more than two performers).

Recorded music and anything of a similar description.

Provision of facilities for making music, provision of facilities for dancing and provision of facilities for entertainment of a similar description.

Sunday to Saturday from 1000 hours until 2400 hours.

Non-standard timings

New Year's Eve extended to 0100 hours on New Year's Day.

Late Night Refreshment

Sunday to Wednesday from 2300 hours until midnight; and Thursday to Saturday from 2300 hours until midnight.

Hours premises are open to the public

Sunday to Thursday from 1000 hours until 0030 hours the next day; and Friday to Saturday from 1000 hours until 0130 hours the next day.

Non-standard timings

From finish time on New Year's Eve until start time in New Year's day.

CONDITIONS

- Live and recorded music shall not be audible within any surrounding residential property.
- DPS shall undertake regular patrols outside his premises to ensure compliance with licensing condition above.
- The doors to the entrance lobby and windows shall not be kept in the open position whilst regulated entertainment is in progress. At no time whilst regulated entertainment is in progress are both doors to the lobby to be open at the same time. Either a member of staff or SIA qualified security to be employed controlling this from 10.00 p.m. onwards when regulated entertainment is in progress.
- Notices shall be displayed internally at exits and also in key areas, requesting the public to respect the needs of the local residents by keeping noise to a minimum when using both the outside areas of the premises, and when leaving the premises and the area, to do so quickly and quietly. All such signs must be in a permanent form, prominently placed and legible.
- All reasonable steps and regular monitoring by the Landlord and his staff shall take place to ensure that customers entering and leaving the premises do so in an orderly manner so as not to cause disturbance to nearby residential properties or annoyance to people passing the premises.
- Waste material shall not be placed in the external bins during the night hours (2300 hours to 0700 hours the following day).

The Chair thanked everyone for their attendance and indicated that Mr Hussain would remain behind after the meeting to advise the objectors of their rights to request a review of a licence.

The meeting ended at 8.35 p.m.

Chair, Councillor Alexander Heslop
Licensing Sub Committee