

**LONDON BOROUGH OF TOWER HAMLETS**

**MINUTES OF THE LICENSING SUB COMMITTEE**

**HELD AT 6.45 P.M. ON MONDAY, 6 OCTOBER 2008**

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

**Members Present:**

Councillor Fazlul Haque (Chair)

Councillor Azizur Rahman Khan  
Councillor Fozol Miah

**Other Councillors Present:**

None.

**Officers Present:**

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

**Applicants (for the Review) In Attendance:**

Mr Christou (Snr)	Bethnal Green Road
Mr Christou	Bethnal Green Road
Mr Butt	Legal Representative
Mr Taylor	Chance Street
Ms Whitebread	Chance Street
Mr Noble	Chance Street
Ms Webster	Chance Street
Mr Tremolini	Chance Street

**Also:**

Paul Johnston	Environmental Health
Iain Pendreigh	Environmental Health
Cain Duncan	Planning Enforcement
PC Louise Allen	Metropolitan Police

**Premises Licence Holders In Attendance:**

Mr Newark	Representing Licence Holder
Mr Rebak	DPS
Mr Dale	Staff Employer
Mr Knowles	Acoustician
Mr Chubb	Wentworth Security
Mr Chapman	Security
Mr Sutherland	Legal Representative

**Members of the Public In Attendance:**

There were several other people at the meeting who did not sign the attendance register.

**1. APOLOGIES FOR ABSENCE**

Apologies were received on behalf of Mr Abdullah, objector.

**2. DECLARATIONS OF INTEREST**

The Chair declared that whilst he did not have an interest in the application, he was a Ward Member. Councillor Haque confirmed he did not know the premises and had not discussed the matter with anyone.

**3. RULES OF PROCEDURE**

Mr Hussain drew attention to the procedure that would be followed.

Noted.

**4. UNRESTRICTED MINUTES**

The minutes of the meetings held on 22<sup>nd</sup>, 24<sup>th</sup> and 31<sup>st</sup> July were agreed and approved as a correct record.

**5. ITEMS FOR CONSIDERATION****5.1 Application to Review the Premises Licence: Beach Blanket Babylon, 19-23 Bethnal Green Road, London E1 6LA (LSC027/809)**

Ms Randall, Licensing Officer, introduced the report and outlined the application to review the licence and the attendant appendices. The original Premises Licence had subsequently been amended by variation and a copy of the current Premises Licence was included with the report.

Mr Hussain reported that he was aware that further documentation had been submitted by the licence holder and that there was a representation to this.

Mr Butt, legal representative for Mr Christou, stated that he objected to the submission of the material so late in the day. The information had only been received by the Authority late on Friday; the Acoustic report was dated 30<sup>th</sup> September and the Security report was dated July. The application for review had been submitted several months ago and this information could have been submitted much earlier than it was. The Hearing Regulations stated that subsequent information should be confined to the detail of the reports and this information was clearly new material.

Whilst the Regulations allowed information to be submitted in advance of a meeting and did not define this beyond that statement, the information being

submitted appears to have been sent deliberately late to the Licensing Authority and therefore those present are unable to comment on their content.

Mr Sutherland, legal representative for the licence holder, stated that the submission of further material was covered by the Regulations. The Committee may and should take documentary evidence which is supplied prior to a meeting into account. The information had been supplied to the review applicant via the email address in the report and a hard copy had been served at the home address but the review applicant had declined to receive it.

If further time to consider the matter was being requested, this was a matter between Mr Butt and the Sub Committee, though Mr Sutherland believed the Hearing Regulations were clear on this point. He also stated that the information did fall within the purview of the report by addressing some of the issues of concern and was therefore highly relevant and should be considered by the Sub Committee this evening.

The Chair asked if further time to consider the information was required. Neither side directly responded and Mr Hussain advised that the practical interpretation of the situation was that it was clear that the information had been presented more than 24 hours before the meeting and could therefore be accepted.

At the request of the Chair, Mr Butt presented the case for the review applicants, Mr & Mrs Christou who lived next door to and shared a party wall with, the premise. They had lived and worked there for many years.

Music had been sufficiently loud as to constitute a breach of both the Licensing Objectives and the licence condition that noise should be inaudible within the residential premise. This had continued unabated even since the application for the review had been submitted.

The premise had frequently operated in breach of the hours of their planning permission and had the fact that they had made no attempt to comply with these hours was indicative of the general attitude of the premise to both its neighbours and the Local Authority. The noise generated from music within the premise, from patrons on egress, both at closing times and to smoke, and the chaos and nuisance arising from the informal mini cab rank, affected neighbours.

The premise was not trading lawfully and neither the staff nor the licensee were respectful or mindful of local residents as shown by the late submission of the acoustic report. Its lateness meaning that it was not possible to have any sensible comment on its content.

It was in everyone's interest to consider the application and if the Committee felt they could consider the late information, Mr Butt asked that the Committee suspend all the regulated entertainment detailed on the licence until conditions could be agreed with Environmental Health and implemented. This was the crux of the review application; that the relevant licence requirements

had never been implemented and had therefore led to this hearing. The licence should therefore be suspended until sufficient steps had been identified and remedied to prevent music and noise nuisance.

Mr Butt also asked that the Committee reduce the hours of operation to reflect those granted by the planning permission. He commented that this would not otherwise be complied with by the applicant and the premises could not operate without causing substantial nuisance to residents.

The neighbouring residents were not trying to be difficult, hence the proposals to remedy the issues whilst allowing trade to continue. There were conditions on the current licence that should have ensured that residents would not be discomfited but these conditions continued to be breached.

By way of questioning Mr Christou, Mr Butt established that enjoyment of Mr & Mrs Christou's home was compromised by the loud music and late hours operated and by noise from patrons patronising the mini cabs that called at the premises. Music started around 22:30 and continued to 2 and 3am in the morning; sometimes continuing until the cleaners came into the premises. Noise at weekends frequently kept them awake.

They had talked to staff and had rung Environmental Health many times; they had also measured the music levels for several weeks. Noise levels had been acceptable during this period but had then become louder again.

The first floor of the premises was sometimes used for a show or as an art gallery and when last used as an art gallery, there had been almost 100 people outside the front door of their property and noise until the early hours of the morning. Broken bottles and vomit could often be found outside their door. Door staff were not interested in complaints and had said they should wear ear plugs.

The noise from patrons on leaving the premises caused disturbance and the general effect of the premises meant that sleep and rest was continually disturbed. From Thursday to Saturday you were unable to walk outside.

Mr Butt advised that there was DVD footage available that showed customers leaving and the general noise caused on leaving and accessing taxis etc. but did not propose to show it unless the Committee wished to view the footage. Mr Sutherland felt that the video should be seen as it formed part of the submission.

The Committee agreed that they did not feel it necessary to view the footage as they did not believe it would add to the evidence being presented for their consideration.

Mr Butt advised that he now wished to draw Members attention to the proposed condition being put forward by the applicant. Mr Sutherland intervened to clarify if he could ask questions as he was concerned that the Committee would find it difficult to weigh the submissions if he had no

opportunity ask questions or cross-examine. The Chair advised that he would have an opportunity to present information later.

Ms White addressed the Sub Committee and advised that she lived next door to Mr & Mrs Christou but was still disturbed every night by noise, bottles, rubbish etc. Patrons leaving the premise had complete disregard for residents, with noise coming from both the front and the rear of the premise. She wanted to see the premises being held to account.

Mr Taylor, local resident, advised that the map in the agenda papers did not show that the premise went back to Whitby Street and was why residents in Chance Street were being disturbed. Noise from bottles being disposed of at the rear of the premise continued through the night and on all nights, not only at the weekend. There had also been problems caused by rubbish and food being left out. Residents had often just fallen asleep when the rubbish collection started.

Mr Tremolini, on behalf of Mr Abdullah, reported that he also shared a party wall with the premise and wished to confirm that the Sub Committee would take Mr Abdullah's written submission into consideration.

PC Allen, Metropolitan Police, drew attention to the written submission contained in the agenda and advised that the additional conditions were as used for clubs in order to prevent both crime and disorder and public nuisance. Additional Door Supervisors should be employed and there should always be at least one of them outside the premise. Clickers should be used to monitor capacity and the hours of operation reduced. The use and allocation of taxis also needed to be reviewed. All the conditions outlined in the Police submission should be applied.

Mr Pendreigh, Environmental Health, advised that he had been involved with the premises since it opened. There had been 18 complaints received, mainly music noise but also regarding the activities of patrons outside the premise, including two complaints regarding disposal of bottles.

Three instances of nuisance had been witnessed, two of which constituted statutory nuisance. On two nights, calls had been received from other premises in Club Row who could hear music noise emanating from the premise due to the rear windows and doors being open.

With regard to the Acoustic report that had been submitted, an EH officer had attended and following a test for music noise, his report was that music noise was still audible during the day and was therefore likely to be more so at night. There had been no time for an EH Acoustic Officer to consider and comment on the acoustic report that had now been submitted by the licence holder.

Mr Duncan, Planning Enforcement officer, reported that he had dealt with both the premises licence holder and residents. There was a planning condition that noise insulation measures be implemented prior to use as a restaurant or bar. Mr Duncan also outlined the planning permission details and those of the abatement notice that had been served. No insulation measures had been

either approved or introduced and as a result a number of complaints had been received.

Mr Duncan outlined the events he had witnessed during London Fashion week and which were detailed in the report. He had visited in August to determine whether the noise assessment that had been carried out was adequate. Music noise was clearly heard in Mr & Mrs Christou's bedroom and had also been witnessed by EH who had additionally commented that the noise from taxis and door supervisors also constituted noise nuisance.

The lines of cabs outside Mr & Mrs Christou's home and the noise created by them, had been shocking. There had also been considerable noise and shouting from door supervisors and patrons, which the premises had made no attempt to regulate.

On a further visit with the EH officer, music and conversations from the premises could be heard in Mr & Mrs Christou's bedroom along with the problems previously reported and detailed in the report.

There had been constant breaches of the planning permission in regard to the lack of acoustic mitigation measures and despite repeated promises and assurances from the licence holders, this remained the case. The attitude of staff failing to regulate matters late at night remained an additional issue and led to officer's belief that the regulated entertainment element of the licence should be revoked and the hours of operation reduced.

In presenting the case on behalf of the licence holder, Mr Sutherland introduced Mr Chubb who had produced the Wentworth Security report that had been submitted.

Mr Chubb reported that 30-35% of the premises turnover was from food and that whilst there was space to stand and dance, the premises was predominantly a place to eat. There was another licensed premise immediately behind Beach Blanket Babylon and Les Trois Garçons was located on the corner of the block.

With regard to rubbish, there were three skips at the rear of the premises that they utilised with a further two which seemed to be jointly used by the other premises. He recommended that there should be no bottles emptied during night hours and also no rubbish collection.

Mr Chubb also detailed how taxis and door supervisors were deployed so as not to cause nuisance to neighbours and had recommended additional management procedures and potential conditions so that areas of potential noise nuisance were addressed and managed effectively.

Mr Chubb also drew attention to the part of his report that detailed both pedestrian and vehicle movements in the street, particularly at closing time, that had nothing to do with the premise and also to the fact that Door Supervisors were asking people to move on.

Mr Newark, Licence holder, reported that the premise traded as an upmarket restaurant which was reflected in the content and pricing of the menus that had been submitted. There was a facility downstairs to have cocktails or a dance if wished though the bulk of the revenue was from food.

Mr Newark stated that the 3am licensing hours did not mirror the hours of use granted by planning and admitted that this had not been understood when first trading. He felt this had been brought to the attention of the Local Authority by Mr & Mrs Christou and their son, who was legally trained. Also by Mr Abdullah who had also made a representation as a resident but also ran Les Trois Garçons premise. Mr Newark stated that he believed there was more than one agenda going on via the review process.

There had been a number of setbacks in producing the Acoustic report that were not entirely the fault of the licence holder; there had been some delay in accessing the residential properties on both sides of the property and with which they shared a party wall. Mr & Mrs Christou had, on a number of occasions, been offered a telephone number to contact either the DPS or himself directly but had refused. Mrs Christou had also been abusive and threatening.

Acoustic work had been carried out on the premise but it had not been possible to update the effect of this work by testing from within Mr Christou's property. The work had been completed about a month ago.

The premise had never knowingly breached its licence conditions and entry was controlled by Door Supervisors. There had only been one or two occasions when they first opened when the Police had been called to assist with unruly customers, this was not a troublesome premise. The numbers of people outside at closing time were from a number of premises, not only Beach Blanket Babylon.

The premise had not breached the terminal hour granted by planning since this had been brought to his attention by Mr Duncan.

Mr Newark reported that he was happy to accept the first six conditions put forward by the Police but had reservations regarding some others and also some amendments to propose, which he had understood had been discussed.

PC Allen reported that Mr Baylis, Legal Representative, had stated that he would not wish to see the hours of the premise reduced and would contact the Police with an alternative condition. This had not happened.

Mr Newark commented that not all of those who used the taxi rank were customers of Beach Blanket Babylon and that planning officers wanted to see the premises vacated at the end of the night whilst licensing wanted customers who were waiting for cabs to be held inside.

The terminal hour for operating the premise was different under the planning and licensing regimes and Mr Newark stated his wish to see the planning

hours extended in line with those granted by licensing. Air conditioning was being installed which would negate the need to open windows. This had been delayed by having to wait for a further power supply to be available.

The Chair commented that Mr Newark had stated that there had been no breach of the licence yet evidence and occurrences had been presented by both the Police and EH. The Sub Committee were advised that CCTV had been in place but had not been of a required standard, this had now been replaced.

However, the Chair wished to ascertain that the premise was operating in accordance with what was required by the Authority and that whilst the applicant had stated that there had been no breach of planning permission, this was a licensing meeting.

Mr Knowles, Acoustician, confirmed for Members that he had been appointed in October 2007 to carry out works for the premise and addressed the criteria that he had been asked by the licence holder to respond to. Mr Knowles stated that he believed from the noise levels, that nuisance to Mr & Mrs Christou's property arose from the basement use in the premise.

Mr Knowles reported that he had proposed a number of mitigation measures that should work but had not been able to access the adjacent residential properties to ascertain whether the measures that had been undertaken were successful or take noise measurements.

Mr Christou advised that access had not been sought since the application to review the licence had been initiated.

Mr Dale, who was responsible for those cleaning the premise, reported that his staff cleaned both inside and outside the premise. This covered both the front and the rear of the premise and also outside Mr Christou's property. Many of his staff were there very early in the morning and had been abused and attacked by Mrs Christou on many occasions.

In response, Mr Butt stated that much had been heard regarding cleaning and clearing of rubbish, all non-controversial issues, but not how the licence holder would address the main issues of contention and noise. Mr Butt queried why the report had not been signed off and agreed with EH if the work had been completed four weeks ago.

With regard to the security report, neither Mr Chubb nor the door staff would normally ask people in the street to move on.

The Chair thanked those present for their full and detailed presentations and advised that the Sub Committee would now, at 9.07pm, retire to consider the evidence presented. The Sub Committee reconvened at 9.54pm.

The Chair reported that on considering the evidence presented to them the Sub Committee believed that the current operation of the premise did not

uphold the Licensing Objective in regard to the Prevention of Public Nuisance and had unanimously **RESOLVED**

That the application to review the Premises Licence for Beach Blanket Babylon, 19-23 Bethnal Green Road, London E1 6LA be **GRANTED** and the licence amended as follows:

Hours of operation of the premises: 10:00 to 24:00 Sunday to Thursday and 10:00 to 01:00 Friday and Saturday

The operation of Regulated Entertainment to be suspended with immediate effect and until such time as necessary works that are required to promote the Licensing Objective of the Prevention of Public Nuisance is met to the satisfaction of Environmental Health. If no agreement can be reached then the matter is to be remitted back to the Licensing Sub Committee for further consideration.

In addition, all of the Police conditions as detailed in the report are to be implemented with immediate effect and a further condition is to be added to the licence:

No bottling up or disposal of rubbish to take place between 23:00 and 07:00

The applicant was reminded of the need to comply with all existing licensing conditions. Notwithstanding, the Sub Committee expected LBTH Environmental Health Officers to take the lead and assist all parties to reach an acceptable outcome regarding the implementation of satisfactory noise attenuation measures.

All parties would be notified of the decision and their right of appeal, in writing.

The meeting ended at 9.54 p.m.

Chair, Councillor Fazlul Haque  
Licensing Sub Committee