

LONDON BOROUGH OF TOWER HAMLETS

MINUTES OF THE LICENSING SUB COMMITTEE

HELD AT 6.30 P.M. ON TUESDAY, 9 NOVEMBER 2010

**MEETING ROOM M72, 7TH FLOOR, TOWN HALL, MULBERRY PLACE, 5
CLOVE CRESCENT, LONDON, E14 2BG**

Members Present:

Councillor Peter Golds (Chair)

Councillor Kabir Ahmed
Councillor David Snowdon

Officers Present:

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| Andrew Dickson | - (Planning Enforcement Officer) |
| Kathy Driver | - (Acting Principal Licensing Officer) |
| Paul Greeno | - (Senior Advocate) |
| Razaul Haque | - (Environmental Health Officer) |
| Simmi Yesmin | - (Senior Committee Officer) |

Applicants In Attendance:

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|------------------|--------------------------|
| Ms Peta Coussell | - (Albert Public House) |
| Mr David Dadds | - (Old Ford Mini Market) |
| Mr Hasan Ozan | - (Old Ford Mini Market) |
| Mr Ibrahim Ozan | - (Old Ford Mini Market) |

Objectors In Attendance:

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|--------------------|--------------------------|
| Mr David Camilleri | - (Albert Public House) |
| Ms Tammy Day | - (Albert Public House) |
| Pc Andy Jackson | - (Old Ford Mini Market) |

The Chair welcomed everyone to the meeting, ensured that introductions were made and then briefly outlined the procedure of the meeting.

1. APOLOGIES FOR ABSENCE

Apologies for absence were received on behalf of Councillor Zara Davis for whom Councillor David Snowdon substituted for.

2. DECLARATIONS OF INTEREST

There were no declarations of interests made.

3. RULES OF PROCEDURE

The Rules of Procedures were noted.

4. ITEMS FOR CONSIDERATION

4.1 Application to Review the Premises Licence for The Albert PH, 74 St Stephan's Road, E3 5JL (LSC 42/011)

At the request of the Chair, Ms Kathy Butler, Acting Principal Licensing Officer, introduced the report which detailed the application for a review of the premises license for Albert Public House, 74 St Stephen's Road, London E3 5JL. It was noted that the review had been triggered by a local resident.

It was noted that the applicant, Ms Kim Coussell was abroad and that her mother Ms Peta Coussell would be representing her at the meeting. Ms Peta Coussell explained that she had also experienced the noise nuisance that occurred in the beer garden where the smoking area was. She explained that the beer garden was directly next to Kim Coussell's flat and a great deal of noise permeated in the flat causing noise nuisance and sever stress to the Kim Coussell, who was unable to enjoy her home, as noise levels would often be so high that she could clearly hear conversations between customers. Ms Peta Coussell then acknowledged Mr David Camilleri on his efforts in managing the pub, as she believed that it had significantly improved under his management. Ms Coussell suggested that the beer garden area should be closed and the smoking area is to be moved to the front of the premises.

At the request of the Chair, Ms Tammy Day, local resident spoke on behalf of Mr David Camilleri, Premise Licence Holder, she stated that Mr Camilleri was an outstanding Premise License Holder and has adhered to all conditions in his premises license and on PC Andy Jackson's recommendation had moved the smoking area to the beer garden at the back of the premises. Ms Day questioned whether the one complaint by Kim Coussell could be deemed as public nuisance as case law suggested that it is to be more than one person suffering nuisance to be deemed as public nuisance. She also highlighted that Mr Gibson who lived next door to Kim Coussell did not make any complaints of noise nuisance and had in actual fact signed a petition together with other local residents to offer support for the premises.

Mr Camilleri said that he was disappointed that this had come before a Licensing Sub Committee hearing and stated that he had moved the smoking area from the front of the premises to the beer garden at the request of PC Andy Jackson, Metropolitan Police as it caused a health and safety risk at the front of the premises in terms of customers blocking the pavement. He stated that he has posters displayed in his premises, asking customers to leave quietly and to respect the needs of local residents.

In response to questions Mr Camilleri stated that moving the smoking area to the front of the premises would cause problems as this was the reason why it was moved to the beer garden. It was noted that approximately 5-6 people would be in the beer garden at any one time and that it was only for smoking and not drinking. It was noted that the premises was most busy on Saturday afternoons and evenings. It was further noted that there were no other representations or complaints apart from the review applicant.

The Chair advised that the Sub Committee would at 7.00pm adjourn to consider the evidence presented. Members reconvened at 7.10pm. The Chair reported that;

Having heard representations from both parties and based on the evidence provided. Members felt that there was no general public nuisance, caused by the premises as a whole. Also taking into account the support from local residents and Ms Coussell's submission, Members noted that the management of the premises had improved since Mr Camilleri had taken over, with no history of complaints, nuisance or anti-social behaviour.

Members suggested that Mr Camilleri display more signage in the premises asking customers to keep noise levels at a minimum and to respect the needs of local residents and possibly have more supervision in the beer garden to ensure that noise levels are kept to a minimum.

RESOLVED

That the review application for the premises license for Albert Public House, 74 St Stephen's Road, London E3 2LU be **REFUSED**.

4.2 Application for a Variation of the Premises Licence for Old Ford Supermarket, 389 Old Ford Road, London, E3 2LU (LSC 43/011)

The Chair was advised that the applicant wished to amend his variation application.

Mr David Dadds, Counsel for the applicant stated that he had been in consultation with all three regulatory bodies and wanted to amend the variation application by amending the hours for the sale of alcohol. The following new hours were proposed, with later opening times and modified closing times;

Monday – Thursday from 08:00 hours – 00:00 hours (midnight)

Friday and Saturday from 08:00 hours – 01:00 hours

Sunday from 09:00 hours – 00:00 hours (midnight)

In response to the amendments, officers representing all three regulatory bodies, Environmental Health, Metropolitan Police and Planning Enforcement who had initially objected to the variation application, all withdrew their objections.

Mr Paul Greeno, Senior Advocate, advised Members, that as the agreement was only reached at the meeting and 24 hours before the meeting, the application still required determination by the Licensing Sub Committee.

The Chair advised that the Sub Committee would at 7.15pm adjourn to consider the evidence presented. Members reconvened at 7.25pm. The Chair reported that;

The Sub Committee welcomed the agreement between the interested parties with regard to the amended hours and felt that the hours proposed were in line with hours currently operating in other local premises.

RESOLVED

That the variation application for the premises license for Old Ford Mini Market, 389 Old Ford Road, London E3 2LU be **GRANTED**.

Sale of Alcohol (Off Sales Only)

Monday to Thursday from 08:00 hours to 00:00 hours (midnight)

Friday & Saturday from 08:00 hours to 01:00 hours

Sunday from 09:00 hours to 00:00 hours

Hours Premises is Open to the Public

Monday to Thursday from 08:00 hours to 00:00 hours (midnight)

Friday & Saturday from 08:00 hours to 01:00 hours

Sunday from 09:00 hours to 00:00 hours

5. ANY OTHER BUSINESS THAT THE CHAIR CONSIDERS URGENT

There was no other business considered urgent by the Chair.

The meeting ended at 7.45 p.m.

Chair, Councillor Peter Golds
Licensing Sub Committee