

LONDON BOROUGH OF TOWER HAMLETS

MINUTES OF THE LICENSING SUB COMMITTEE

HELD AT 6.30 P.M. ON THURSDAY, 17 OCTOBER 2013

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

Members Present:

Councillor David Snowdon (Chair)

Councillor Denise Jones
Councillor Ann Jackson

Officers Present:

Kathy Driver – (Principal Licensing Officer)
Paul Greeno – (Senior Advocate, Legal Services, Chief Executive's)
Simmi Yesmin – (Senior Committee Officer, Democratic Services)

Applicants In Attendance:

Matthew Reed - (Original Taste)
Alex Martin - (Original Taste)
Shahin Ahmed - (Original Taste)
Mrs Ahmed - (Original Taste)
Brian Doyle - (Kings Arms)

Objectors In Attendance:

Gavin Hallier - (Local Resident – Original Taste)
Dan Norwood - (Local Resident – Kings Arms)
Mark Bennett - (Local Resident – Kings Arms)

1. APOLOGIES FOR ABSENCE

There were no apologies for absence.

2. DECLARATIONS OF DISCLOSABLE PECUNIARY INTEREST

There were no declarations of disclosable pecuniary interest.

3. RULES OF PROCEDURE

The rules of procedure were noted.

4. UNRESTRICTED MINUTES

The minutes of the Licensing Sub Committee meeting held on 17th September and 1st October 2013 were agreed and approved as a correct record.

5. ITEMS FOR CONSIDERATION

5.1 Application for a New Premises Licence for Original Taste, London, E3 4DL

At the request of the Chair, Ms Kathy Driver, Principal Licensing Officer, introduced the report which detailed the application for a new premises licence for Original Taste, 74 Bow Road, London E3 4DL. It was noted that there were objections from local residents and conditions had been agreed with the Police. Supporting documents had been submitted on behalf of the applicant which contained a personal statement and a petition in support of the premises.

At the request of the Chair, Mr Matthew Reed, Legal Representative explained that Mr Ahmed, Applicant, had been running the business for the past six years, it was a family run business and had been going through some financial issues. He stated that the decision made tonight would considerably affect the business as well as the lives of Mr Ahmed and his family.

It was noted that no objections had been made by responsible authorities and the Planning Department had no objections for the premises to be opened till midnight. It was noted that there were 13 households who had objected from Tomlins Grove, however Mr Reed stated that there were 9 people from Tomlins Grove supporting the premises together with 200 other signatures from people living around the local vicinity in support, therefore balancing the strength of the supporters. Mr Reed stated that the applicant was willing to work with residents and offer conditions such as having a regular litter pick up during lunch time, 4pm, 8pm and then every half an hour after 9pm. This would benefit the residents and keep the streets cleaner.

In terms of noise, Mr Reed questioned whether it actually derived from the premises, it was noted that there was a 24hr minicab service across the road as well as a public house which also contributed to the noise. He mentioned that those who are seen to be eating in cars are usually minicab drivers eating when they are waiting for a fare and in any event this would happen and cannot be controlled. He stated that there were other venues in the local area selling fast food and opened till late.

Mr Reed further explained that Bow Road was a busy road and people were always congregating outside and were not always customers of Original Taste, it was noted that the applicant would address these issues by asking customers to leave quietly, having CCTV cameras, and have now put up a gate and fencing at the back of the premises so no can congregate behind there, that deliveries would only be made during the day and have litter collections as mentioned above.

Members then heard from Mr Gavin Hallier, local resident, who highlighted the two main areas of concern, health & safety and noise nuisance. He explained that it wasn't just litter but the extra rubbish such as chicken bones etc which was now causing vermin. The noise was also very high especially during summer when people would be eating in their cars playing loud music on Tomlins Grove. He stated that Bow Road was a busy road and there was no parking except in Tomlins Grove therefore everyone congregated there.

He highlighted that there was a local pub but this had a strict licence and did not cause many problems. He stated that the petition submitted should be disregarded as it was easy to get customers to sign a petition when visiting the shop but the 13 objections were from residents who wrote in on their own will and had taken time and effort to send them in.

He welcomed the condition for litter pick ups however questioned how this would be monitored and enforced and stated that nothing had been done to show the applicants willingness to help so far. Mr Hallier concluded that he had recently walked passed the premises and it was open beyond its opening hours.

In response to Members questions the following was noted;

- That the applicant would place a condition for kitchen doors to be kept shut at all times
- That they did not pour oil down the drain, they had contract with a waste company who collected used oil and refuse and they had receipts and invoices to confirm this.
- That the refusal of the application would financially affect their business
- The applicant stated that they have treated their premises for pests and that Rentakill inspect the premises regularly.
- That litter pick ups are currently being done however if the application was granted this would be done more regularly on a daily basis.
- That they did not deliver to and from cars, customer collect orders from the shop.
- That people no longer congregate outside the premises as the wall which used to be used as the seating area has now been raised so no place to sit and congregate and the back of the premises has now had fences put up.
- That 80% of the rubbish could be identified as rubbish from Original Taste, chicken bones, packaging etc
- That the applicant had been warned twice once in 2008 and once in 2013 for trading outside opening hours
- That the applicant was not aware that he couldn't open outside opening hours while a licence application was being processed.

Members further questioned the issue around the applicant keeping the premises open outside opening hours.

Members retired to consider their decision at 7.15pm and reconvened at 7.40pm.

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 Licensing Guidance and the Council's Statement of Licensing Policy.

Consideration

Each application must be considered on its own merits and after careful consideration the Chair stated that the Sub Committee had carefully listened to both the applicant's representative and the objector. Members paid particular attention to concerns raised about anti-social behaviour and environmental factors.

Members believed that there were no conditions that could ameliorate these issues if they were to grant the application. It was noted that the applicant had twice in 2008 and 2013 been warned for trading without a licence and due to this the Sub-Committee had little confidence that any conditions would be adhered to if a licence was granted.

Decision

Accordingly, the Sub-Committee unanimously –

RESOLVED

That the application for a New Premises Licence for, Original Taste, 74 Bow Road, London E3 4DL be **REFUSED**.

5.2 Application to Vary the Premises Licence for Kings Arms, 11a Buckfast Street, London E2 6EY

At the request of the Chair, Ms Kathy Driver, Principal Licensing Officer introduced the report which detailed the application for a variation of the premises licence for Kings Arms, 11a Buckfast Street, London E2 6EY. It was noted that there were objections from local residents.

At the request of the Chair, Mr Brian Doyle, Premises Licence Holder explained that he had owned the premise since 1997 and had been leasing it before then. He explained that the reason for the extension was to help the financial stability of the business, he explained that due to the decrease of lunch time trade there has been a lack of turnover and therefore the extra hours in the night would help balance this. He explained that the premise was currently being refurbished and was due for completion in January 2014.

He explained that he had, had positive consultation with police, and had no objections from any responsible authorities. He explained that there were only four letters of objection and he had written to them however found it most discouraging as there was no response. He further explained that there were 200 houses across the road opposite his premises and there were no objections from them either.

Members then heard from Mr Dan Norwoord and Mr Mark Bennett, local residents who both expressed concerns around, smokers congregating near the houses, and patrons causing noise nuisance when leaving the premises.

In response to questions the following was noted;

- That the premises was a local east end pub
- The premises did not play live music
- Customers did stay till closing time
- That noise in the night is often because of the busy main roads near by
- That the applicant would consider putting up a shelter as a designated area for smokers
- The number of customers who take drinks outside the premises depended on the weather
- The extended hours would mainly be used during the weekend, Friday and Saturdays.

Members retired to consider their decision at 8.10pm and reconvened at 8.25pm.

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 Licensing Guidance and the Council's Statement of Licensing Policy.

Consideration

Each application must be considered on its own merits and after careful consideration the Chair stated that the Sub Committee had decided to grant the licence in part and add a condition in order to address the concerns raised in relation to the licensing objective of "the prevention of public nuisance".

The Sub Committee noted both comments and representations from the applicant and the objectors. Members did not think it was appropriate or proportionate to reject the application entirely as Members felt that a condition to restrict patrons from taking open drinks outside the premise after 22:30 hours would reduce the noise nuisance that occurred when patrons would

drink outside later into the night. This would help address the concerns raised by the objectors and allow the applicant to also trade to later hours.

Members also advised the applicant to consider placing a shelter next to the premise to allow smokers to be in one designated area.

Decision

Accordingly, the Sub-Committee unanimously –

RESOLVED

That the application for a Variation of the Premises Licence for, Kings Arms, 11a Buckfast Street, London E2 6EY be **GRANTED in part**, with a condition.

Sale of Alcohol (on and off sale)

- Friday to Saturday from 11:00hrs to 00:00hrs (midnight)

Hours Premises is open to the Public

- Friday to Saturday from 11:00hrs to 00:30hrs (following day)

Condition

1. No patrons shall be allowed to leave the premises after 22:30 hours with an opened container of alcohol.

6. ANY OTHER BUSINESS THAT THE CHAIR CONSIDERS URGENT

Members agreed to extend the deadline for decisions by dates for the applications below to the hearing dates listed. This was in the public interest to do so in order for notification letters and agendas to be published in accordance with the statutory deadlines.

Premises	Hearing Date	Decision by
Corner Express, 216 Bethnal Green Road, London E2 0AA	29/10	22/10
Nisa, 9 Burdett Road, London E3 4TU	06/11	20/10
Brick Lane Off Licence, 114 Brick Lane London E1	06/11	04/11
My Local, 2a Grove Road, London E3 5AX	06/11	05/11
Joiners Arms, 116-118 Hackney Road, London E2 7QL	12/11	14/11
Sweet Point, 2 Old Montague Street, London E1 5NG	26/11	15/11

The meeting ended at 8.40 p.m.

Chair, Councillor David Snowdon
Licensing Sub Committee