

LONDON BOROUGH OF TOWER HAMLETS

MINUTES OF THE LICENSING SUB COMMITTEE

HELD AT 6.30 P.M. ON THURSDAY, 19 DECEMBER 2013

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

Members Present:

Councillor Ann Jackson (Chair)

Councillor Rajib Ahmed
Councillor David Edgar

Officers Present:

Mohshin Ali – (Senior Licensing Officer)
Michael McCabe – (Legal Services)
Simmi Yesmin – (Senior Committee Officer, Democratic Services)

Applicants In Attendance:

Jason Zeloof - (Stables Gallery)
Jack Spiegler - (Bottle Shop & Tap Room)
Nigel Owen - (Bottle Shop & Tap Room)
Morgan Hamilton – Griffin - (Holborn Workshop)
Roberto Plati - (Bar Salento)

Objectors In Attendance:

PC Mark Perry - (Metropolitan Police)

1. APOLOGIES FOR ABSENCE

Apologies for absence were received on behalf of Councillor Peter Golds for whom Councillor Rajib Ahmed substituted for.

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 meetings held on 26th & 27th November 2013 were agreed and approved as a correct record.

5. ITEMS FOR CONSIDERATION

5.1 Application for a New Premises Licence for The Stables Gallery, Lower Ground Floor, 106 Commercial Street, London, E1 6LZ

At the request of the Chair, Mr Mohshin Ali, Senior Licensing Officer, introduced the report which detailed the application for a new premises licence for The Stables Gallery, Lower Ground Floor, 106 Commercial Street, London E1 6LZ. It was noted that an objections had been received from two local residents, one of whom had since then withdrawn their objection.

At the request of the Chair, Mr Jason Zeloof, Applicant briefly explained the purpose of the licence and highlighted that it would not be used as a bar, it would be to accompany events and exhibitions which would take place at the gallery.

He explained that there would be no off sales and therefore there would be no one drinking on the street. He then referred Members to his proposed conditions which would help promote the licensing objectives.

It was noted that the concern raised by the objector was solely on noise breakout, he stated that there had been a site visit made by Environmental Health Officers who had no objection to the application, he also explained that a store room would be built which would have extra insulation and this was noted in the acoustic report. Mr Zeloof concluded by saying that no responsible authorities had objected to the application and one of the two objectors had withdrawn their objection.

Mr Ali, at this point informed Members that the premises was within the saturation special cumulative impact area, however it was noted that when this application was made the policy was not in effect and therefore does not apply in this application.

The objector was not present at the meeting so therefore Members noted and considered their written objection contained in the agenda.

In response to questions the following was noted;

- That CCTV cameras would be kept for 31 days and took images of the internal area and the entrance and did not capture the highway.
- That the storeroom had planning permission and with the extra insulation it would be 1db better in restricting noise emanating from the premise.

- That smokers would be on Commercial Road, there would be no off sales and patrons would not be allowed to take drinks outside the premises
- That the conditions proposed would deal with all the concerns that the objector had.
- That the doors of the storeroom would not be in constant use.

Members retired to consider their decision at 7.05pm and reconvened at 7.15pm.

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 the applicant and considered and noted the written representation made by the local resident and decided to grant the applicant with conditions. Members believed that conditions imposed would alleviate the concerns of the local resident and help promote the licensing objectives.

Decision

Accordingly, the Sub-Committee unanimously –

RESOLVED

That the application for a New Premises Licence for, The Stables Gallery, Lower Ground Floor, 106 Commercial Street, London E1 6LZ be **GRANTED** with conditions.

Sale of Alcohol (On sales)

Monday to Sunday from 11:00hrs to 22:00hrs

Regulated entertainment (Films):

Monday to Sunday from 11:00hrs to 23:00hrs

Regulated entertainment (Plays):

Monday to Sunday from 11:00hrs to 22:30hrs

Regulated entertainment (Indoor Sport):

Monday to Sunday from 11:00hrs to 22:00hrs

Regulated entertainment (Recorded Music):

Monday to Sunday from 11:00hrs to 23:00hrs

Regulated entertainment (Dance):

Monday to Sunday from 11:00hrs to 22:30hrs

Hours premises are open to the public:

Monday to Sunday from 10:00hrs to 23:00hrs

Conditions

1. The Designated Premises Supervisor or a Personal Licence Holder or nominated person will be on the Premises at all times while open for trade.
2. Adequate and appropriate first aid equipment will be available in the Premises.
3. A fire risk assessment will be maintained and reviewed as necessary.
4. An event specific risk assessment shall be prepared in respect of every event in the Premises.
5. Emergency lighting, illuminated emergency exit signs, fire fighting equipment and emergency exit doors will be regularly checked to ensure they function correctly.
6. When disabled people are present adequate arrangements will be made to enable their safe evacuation in the event of an emergency. In the event of an emergency any disabled people in the Premises will be made aware of the evacuation arrangements.
7. Clear and legible notices will be displayed at the exit to the Premises requesting customers to respect local residents and to leave the Premises and the area quietly.
8. The Premises will adopt a policy under which any person attempting to purchase alcohol who appears to be under 21 will be asked for photographic ID as proof of their age.
9. For any event in the Premises where there is to be the sale of alcohol, children under 16 years of age will not be allowed to enter the Premises without being accompanied by an adult of 18 years of age or older.
10. During events where alcohol is to be sold in the Premises, SIA accredited security guards will be positioned at the entrance to the Premises monitoring the entrance and exit of people.
11. Any spillages of food or drink in the Premises will be cleaned up as soon as they are noticed by staff.
12. There shall be no off-sales of alcohol.

- 13.Noise emanating from the Premises shall not be audible at the nearest affected residential façade.
- 14.Noise emanating from the Premises shall not cause a public and/or statutory noise nuisance to the nearest affected business/commercial premises.
- 15.Recorded music may not be played in the Premises in excess of an overall volume of 82dBA.
- 16.CCTV camera system covering both internal and entrance to the premises is to be installed.
- 17.The CCTV recordings are to be maintained for 30 days and to be provided upon request to either a Police Officer or an officer of any other Responsible Authority.
- 18.At all times when the premise is open, a person who can operate the CCTV system must be present on the premises.

5.2 Application for a New Premises Licence for Bottle Shop and Tap Room, Arch 251 Paradise Row, London, E2 9LE

At the request of the Chair, Mr Mohshin Ali, Senior Licensing Officer, introduced the report which detailed the application for a new premises licence for Bottle Shop and Tap Room, Arch 251 Paradise Row, London E2 9LE. It was noted that an objection had been received from a local resident, whom was unable to attend the meeting however sent in a written statement for Members to note.

At the request of the Chair, Mr Nigel Owen, Applicant, briefly explained that the premises would be an American tap room and bottle shop selling premium quality beer. He stated that he had 10 years of experience and was interested in the upcoming beer scene.

Members then heard from Mr Jack Speigler, Licensing Representative who asked Members to note that there had been no representation made by the responsible authorities; he explained that the applicants could directly control the external area and monitor any noise nuisance. It was noted that there was an issue with the sound barrier due to Network Rail, as its meters away from the premises, however the Applicant was in conversation with Network Rail about noise issues and insulation.

He stated this premises was new, there was no previous history and they would be occupying a vacant unit and revitalise an old place. He said that management were very responsible and offered conditions to help alleviate the concerns of the local resident.

In response to questions it was noted;

- That there would be no drinking outside the venue after 10pm,
- That the capacity of the premises was for 50 people.
- That the smokers area would be a designated area with a shelter
- That no music would be played outside the premises
- That CCTV conditions had been proposed as an extra layer of protection.

Members retired to consider their decision at 7.40pm and reconvened at 7.50pm.

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 and add conditions in order to address the concerns raised in relation to the licensing objectives of "the prevention of public nuisance" and 'the prevention of crime and disorder'.

The Sub Committee noted both comments and representations from the applicant and noted and considered the written representation from the objector. Members did not think it was appropriate or proportionate to reject the application as Members felt that a condition to restrict patrons from taking open drinks outside the premise after 22:00 hours would reduce the noise nuisance that would occur if patrons were to drink outside later into the night. This would help address the concerns raised by the objector 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 as far away as possible from the resident's dwelling.

Decision

Accordingly, the Sub-Committee unanimously –

RESOLVED

That the application for a new Premises Licence for, Bottle Shop and Tap Room, Arch 251 Paradise Row, London E2 9LE be **GRANTED** with conditions.

Sale of Alcohol (on and off sales)

Monday to Saturday from 10:00hrs to 00:00hrs (midnight)

Sunday from 12:00hrs to 23:00hrs

The Provision of Late Night Refreshment (indoors):

Monday to Saturday from 23:00hrs to 00:00hrs (midnight)

The Provision of Regulated Entertainment in the form of recorded music (indoors):

Monday to Saturday from 10:00hrs to 00:00hrs (midnight)

Sunday from 12:00hrs to 23:00hrs

Hours premises is open to the public:

Monday to Saturday from 10:00hrs to 00:30hrs (the following day)

Sunday from 12:00hrs to 23:30hrs

Conditions

1. CCTV camera system covering both internal and external to the premise is to be installed.
2. The CCTV recordings are to be maintained for 30 days and to be provided upon request to either a Police Officer or an officer of any other Responsible Authority.
3. At all times when the premise is open, a person who can operate the CCTV system must be present on the premises.
4. Substantial food and suitable beverages other than alcohol, including drinking water, shall be equally available during the whole of the permitted hours in all parts of the premises where alcohol is sold and supplied.
5. An incident log shall be kept at the premises, and made available on request to an authorised officer of the Council or the Police, which will record the following;
 - All crimes reported to the venue
 - All ejections of patrons
 - Any complaints received
 - Any incidents of disorder
 - All seizures of drugs or offensive weapons
 - Any faults in the CCTV system
 - Any refusal of the sale of alcohol
 - Any visit by a relevant authority or emergency service

6. Clear signage is to be displayed prominently and maintained at all exists of the premises requiring patrons to leave and enter the premises and area quietly out of respect for local residents.
7. Refuse, including bottles is to be taken and placed into receptacles outside the premises at times which will minimise the disturbance to nearby premises.
8. No customer drinking in the Premises external area after 10pm;
9. No noise from regulated entertainment shall be audible at any affected façade at a level that causes a public nuisance.
10. No more than 10 smokers allowed to smoke in the external areas after 10pm.

5.3 Application for a New Premises Licence for The Holborn Workshop, 493 Hackney Road, London, E2 9ED

At the request of the Chair, Mr Mohshin Ali, Senior Licensing Officer, introduced the report which detailed the application for a new premises licence for The Holborn Workshop, 493 Hackney Road, London E2 9ED. It was noted that an objection had been received from a local resident.

At the request of the Chair, Mr Morgan Hamilton-Griffin explained that this was a café, shop and deli. There would be an off licence service, packaged as gifts to takeaway. There would be premium alcohol sold as an ancillary to the products sold at the cafe.

He further explained that there would be drink tasting events, the premises had a capacity for 40 people, it was located on Hackney Road which was a very busy road, he explained that he had tried to contact the objector but had no luck he then referred Members to the conditions proposed on page 210 of the agenda.

In response to questions it was noted that there would be no dancing at the premises, the off sale of alcohol would be packaged as gifts and containers would not be opened at the premises, there would be no amplified music

Members retired to consider their decision at 8pm and reconvened at 8.15pm.

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 conditions in order to address the concerns raised in relation to the licensing objectives of “the prevention of public nuisance” and “the prevention of crime and disorder”.

Decision

Accordingly, the Sub-Committee unanimously –

RESOLVED

That the application for a New Premises Licence for, The Holborn Workshop, 493 Hackney Road, London E2 9ED be **GRANTED in part**, with conditions.

Sale of Alcohol (on and off sale)

Sunday to Thursday from 08:00hrs to 20:45hrs

Friday to Saturday from 08:00hrs to 22:45hrs

The Provision of Regulated Entertainment in the form of live music (indoors):

Saturday from 19:00hrs to 22:00hrs

Hours premises is open to the public:

Sunday to Thursday from 08:00hrs to 21:00hrs

Friday to Saturday from 08:00hrs to 23:00hrs

Condition

1. No music noise or patron noise will be audible at any affected residential facade;
2. Any music must not be amplified
3. No more than 5 smokers outside at any one time;
4. No drinks to be taken outside the premises after 8pm.

6. ANY OTHER BUSINESS THAT THE CHAIR CONSIDERS URGENT

Mr Michael McCabe, stated that he had been to the premises on occasions. However, had not discussed this application prior to the hearing.

At the request of the Chair, Mr Mohshin Ali, Senior Licensing Officer, introduced the report which detailed the application for a Temporary Event

Notice for Bar Salento, 3 Clove Crescent, London E14 2BB. It was noted that an objection had been received from the Police.

At the request of the Chair, Mr Dean Tindall, Security Management explained that he had been employed by the Applicant Mr Roberto Plati to take care and manage the security at the premises, he explained that there were security plans in place with, signing in procedures, monitoring numbers in and out of the premise, etc.

Members then heard from Mr Plati who explained that the TEN application was for a New Years Eve party for three family groups for a dinner and dance.

At the request of the Chair, PC Mark Perry, Metropolitan Police explained that having spoken to Mr Ian Wareing, Environmental Health about extending hours, Mr Plati was advised to do a risk assessment 3 weeks in advance of an event which had not been done. He then referred to his statement and detailed an incident which took place outside the premises, he highlighted that the premises was open outside its trading hours, there were 30 people taking part in a fight and a flick knife was found on the floor after the crowd had dispersed. He then mentioned that the Mr Plati showed little remorse when the Police Officers went to visit the premises the next day.

PC Perry then concluded that they should reduce the time to 02:00 hours as 04:00 hours was too excessive and have no external DJ playing at the party as it could lead to a promoted DJ event.

In response to questions from Members it was noted;

That there had been 4/5 other TEN applications and there had been no complaints

That a family member would be playing the music via a lap top and there would be no external DJ playing at the premises.

That it was for a New Years Eve party for 3 families and their friends

That there would be a ticket entry system so no one could just walk in from the street

That they wanted a 4am licence as they now have security measures in place to deal with any issues

That there would be a dispersal policy in place to help minimise the disruption when people would be leaving.

That the venue capacity was 160 people

PC Mark Perry questioned why a ticket entry system would be required if it was for a private family event.

Members retired to consider their decision at 8.45pm and reconvened at 9.00pm.

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. Members believed that the security measures in place and with the agreement that no promoted DJ would be used for the event would address the concerns raised by the Police. Members also suggested some in formatives in order to help promote the licensing objectives.

Decision

Accordingly, the Sub-Committee via majority decision –

RESOLVED

That the application for a Temporary Event Notice, Bar Salento, 3 Clove Crescent, London E14 2BB be **GRANTED**.

The Provision for Sale of Alcohol/ Regulated Entertainment & Late Night Refreshments

Wednesday 1st January 2014 from 01:00 to 04:00 hours

In formatives

1. No promoted/external DJ to be used for the event
2. 3 SIA door staff to be on duty until closing time.

The meeting ended at 9.15 p.m.

Chair, Councillor Ann Jackson
Licensing Sub Committee