

LONDON BOROUGH OF TOWER HAMLETS

MINUTES OF THE LICENSING SUB COMMITTEE

HELD AT 2.00 P.M. ON THURSDAY, 24 JULY 2014

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

Members Present:

Councillor Peter Golds (Chair)

Councillor Mahbub Alam

Councillor Muhammad Ansar Mustaqim

Other Councillors Present:

Councillor Asma Begum

Officers Present:

Alex Lisowski	- (Licensing Officer)
Kirsty Panton	- (Legal Services)
Simmi Yesmin	- (Senior Committee Officer, Democratic Services)

Applicants In Attendance:

Andy Grimsby	- Item 4.1
Joanne Venables	- Item 4.1
Tim Foster	- Item 4.1
Anthony Pender	- Item 4.1
Danny Connock	- Item 4.1
Graham Hopkins	- Item 4.2
Enrique Vivas	- Item 4.2
Paul Merry	- Item 5
Philip Kirton	- Item 5
Marika Andrews	- Item 6
Amy Read	- Item 6

Objectors In Attendance:

David Gallivan	- Item 4.1
Patricia Gallivan	- Item 4.1
Susan Mapstone	- Item 4.1
Jean Donovan	- Item 4.1
Maria Salih	- Item 4.1

Apologies

None

1. DECLARATIONS OF DISCLOSABLE PECUNIARY INTEREST

There were no declarations of disclosable pecuniary interest.

2. RULES OF PROCEDURE

The rules of procedure were noted.

3. MINUTES OF THE PREVIOUS MEETING(S)

The minutes of the meeting for 26 June 2014 was not considered at the meeting.

4. ITEMS FOR CONSIDERATION**4.1 Application for a New Premises Licence for Victoria, 110 Grove Road, London, E3 5TH**

At the request of the Chair, Mr Alex Lisowski, Licensing Officer, introduced the report which detailed the application for a new premises licence for The Victoria, 110 Grove Road, London E3 5TH. It was noted that objections had been made by local residents.

At the request of the Chair, Mr Andy Grimsey, Legal Representative for the Applicant explained that the premises has had a problematic history previously and therefore the landlord was now applying on behalf of its new tenants, the Yummy Pub Company. He briefly explained that the nature of the premises would be food led, selling quality fresh food and drinks. It was noted that they had an existing licence and wanted to match the hours for the provision of late night refreshments with the hours for the sale of alcohol and also bringing forward the opening hour to 07:00 hours to trade as a coffee shop for breakfast etc.

Mr Grimsey sympathised with residents, but explained that the Yummy Pub were a completely different operator than the ones previously and therefore asked Members and Objectors to disregard the previous history of the premises as they now had new operators who had a track record for improving local pubs. He referred Members to the plan of premises, which had fixed seating areas with 90 covers, with hot drinks and light snacks being served in the mornings. There would be separate dining rooms, and other seated areas predominately for dining.

It noted that the new operators had four other sites, running similar types of pubs with the same concept selling fresh food and drinks.

Members then heard from David Gallivan, Patricia Gallivan, Susan Mapstone, and Jean Donovan, local residents, who all expressed similar concerns of public nuisance, late night disturbance, noise nuisance, smokers standing outside, and noxious smells from the extractor fans. Cllr Asma Begum, Ward Councillor spoke on behalf of Maria Salih, local resident who expressed grave concerns regarding public nuisance and noise nuisance. She suggested that a reduction in hours should be made and suggested conditions to limit the number of smokers allowed outside the premises and for glass bottles not to be collected late at night.

Mr Grimsey sympathised with the residents and explained that they were planning to install a new extractor fan which would address the concerns for noxious smells, noise would not be audible and they would have bottles collected in the morning. Mr Grimsey said that the hours applied for were vital and was confident that the new operators would manage the premises professionally. It was also noted that they would put up signs for bikes not to be left chained to railings next to resident's homes.

In response to questions it was noted that it was a food led organisation, that the new operators had a proven track record to reform local run down pubs.

It was noted that this application was a variation application as there was a current licence and wanted to bring in line the hours for all licensable activities.

The Chair advised that the Sub Committee would at 2.45pm adjourn to consider the evidence presented. The Members reconvened at 2.55pm. The Chair reported that;

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 the Chair stated that the Sub Committee had carefully considered all of the evidence before them and had taken account of the submissions made by both the objectors and the applicants.

Members had reached a decision and this decision was unanimous. Members were satisfied that the conditions proposed by the Police and Environmental Health would help promote the licensing objectives.

Members did note the concerns of noise disturbance from patrons using the beer garden late at night and the number of smokers outside the premises and therefore amended the conditions to restrict the hours for the use of the beer garden and limit the number of smokers outside at any one time in order to help alleviate the concerns of local residents.

Decision

Accordingly, the Sub-Committee unanimously –

RESOLVED

That the application for a Variation of the Premises Licence for, The Victoria, 110 Grove Road, London E3 5TH be **GRANTED with conditions**.

The Provision of Late Night Refreshment

Sunday to Thursday from 23.00 hours to 00:00 hours (midnight)
Friday and Saturday from 23.00 hours to 01.00 hours (the following day)

The Exhibition of Films

Monday to Sunday from 10.00 hours to 00:00 hours (midnight)

The Performance of Live Music and Anything of a Similar Description

Monday to Sunday from 10.00 hours to 00:00 hours (midnight)

The Opening Hours of the Premises

Sunday to Thursday from 07.00 hours to 00.30 hours (the following day)
Friday and Saturday from 07.00 hours to 01.30 hours (the following day)

Conditions

1. An incident book shall be kept at the premises, that records all incidents at the premises including incidents of disorder, anti-social behaviour, people refused entry to or ejected from the premises and reports of stolen property made by customers, as well as any customers refused the sale of alcohol. The reports should include a description of what happened, action taken by staff, any police reference numbers and outcome. The incident book should be made available on request to an authorised officer of the Council or the Police.
2. A Challenge 21 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.

3. CCTV camera system covering both internal and external to the premises is to be installed.
4. 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.
5. At all times when the premises is open, a person who can operate the CCTV system must be present on the premises.
6. The rear external garden will be used by customers until 9pm
7. The external area at the front of the premises will only be used after 10pm by patrons who are smoking.
8. No more than 5 smokers will be permitted in the front outside area at any one time after 10pm.

4.2 Application for a Variation of the Premises Licence for Boho Mexica - 151-153 Commercial Street, London, E1 6BJ

At the request of the Chair, Mr Alex Lisowski, Licensing Officer, introduced the report which detailed the application for a variation of the premises licence for Boho Mexica, 151-153 Commercial Street, London E1 6BJ. It was noted that objections had been made by local residents.

At this point Mr Graham Hopkins, Licensing Representative on behalf of applicant made of a point that the decision by date for this application had been expired. Members retired to receive advice from the Legal Officer. The Chair reconvened the meeting and stated that the required notification for a hearing was given to the applicant, however due to the Elections, new membership of the committee and members having the relevant mandatory training a short delay had been made in hearing this application however Members believe that notice was given to the applicant and no issues or concerns had been raised regarding this prior to the meeting.

Mr Hopkins then briefly introduced the nature of the application he stated the application had been amended, and the hours requested for outside tables and chairs had been reduced to 12:00 to 21:00 all week, the request for recorded music to be played outside had been withdrawn and all licensable actives was to be amended to 00:00 hours (midnight). He also noted that they had accepted the conditions recommended by the Police in relation to CCTV cameras and also offered additional conditions.

Mr Hopkins accepted that the premises was within the special cumulative impact zone, however, believed that the hours applied for would not have a negative impact on the area. He also highlighted that there had been no

complaints to date and stressed that the extended hours were important to the viability of the business.

Members then heard from PC Mark Perry, Metropolitan Police, who explained that one more venue staying open till late would only compound the problems in the cumulative impact zone. He also stated that a slow creep in hours would affect the area. It was also noted that a variation for this premises had been refused twice before prior to this application. PC Perry also pointed out that one of the conditions offered by the Applicant regarding a noise limiter was already on the current licence and therefore questioned whether this condition was being adhered to currently.

PC Perry also stated that having tables and chairs outside the premises would lead to congestion on the pavements especially during weekends.

In response to questions it was noted that the restaurant had 70 covers, that there would be staff at the door supervising the outdoor area and that the sale of alcohol would be for on sales only.

The Chair advised that the Sub Committee would at 3.30pm adjourn to consider the evidence presented. The Members reconvened at 3.40pm. The Chair reported that;

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 the Chair stated that the Sub Committee had carefully considered all of the evidence before them and had taken account of the written evidence submitted by the objectors and the submission made on behalf of the Applicant.

Members noted the concerns of public nuisance and crime and disorder reported by the objectors and believed that the gradual creep in hours would lead to an increase in public nuisance and crime and disorder and likely to cause a negative impact on the cumulative impact zone with more people staying for longer within the cumulative impact zone and that there were no conditions that could be added to alleviate these concerns and promote the licensing objectives. Therefore Members were not satisfied that the licensing objectives would be upheld.

Decision

Accordingly, the Sub-Committee unanimously –

RESOLVED

That the application for a Variation of the Premises Licence for Boho Mexico, 151-153 Commercial Street, London E1 6BJ be **REFUSED**.

5. ANY OTHER BUSINESS THAT THE CHAIR CONSIDERS URGENT

Application for a Temporary Event Notice for ICan Studios, Smeed Road, London E3 2PT.

At the request of the Chair, Mr Alex Lisowski, Licensing Officer, introduced the report which detailed the application for a Temporary Event Notice for Ican Studios, Smeed Road, London E3 2PT. It was noted that objections had been made by the Metropolitan Police and Environmental Health.

At the request of the Chair, Paul Merry, Licensing Representative on behalf of the Applicant gave a brief background to the history of the premise and the transformation since the Applicants had taken over. Members then heard from Mr Philip Kirton, Applicant who said that recently he had left the management and supervision of the studio to his management team and took less control of the premises and in his absence, all these issues and problems had arisen. He explained that they recently had two TEN's during last week and had 4 extra marshals to control the street area, had 25 members of staff, 7-9 SIA door supervisors, and 3 stewards to address the concerns raised by the Police previously.

He explained that he had changed the management staff, trained staff and policies had been changed to address the concerns raised at a previous Licensing Sub Committee. Mr Kirton accepted that errors had been made however changes had now been made to address the problems.

Members then heard from PC Mark Perry, who also spoke on behalf of Ian Waring from Environmental Health, he explained that the applicant had only had the licence for the past 2 years, and that he had worked very closely with the Applicant to help him get a licence by adding a number of conditions to promote the licensing objectives. PC Perry explained that the outside area was not a suitable venue due to the noise nuisance and that during one of the TEN's on 16 July music was still audible after 11pm, with people sitting around drinking and causing nuisance. Therefore concerns for this venue still continue.

There were no questions from Members.

The Chair advised that the Sub Committee would at 3.50pm adjourn to consider the evidence presented. The Members reconvened at 3.55pm. The Chair reported that;

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 the Chair stated that the Sub Committee had carefully considered all of the evidence before them and listened to the submissions made by the Applicant's representative and the Police.

Members took into account the strong evidence and representations from the Police and Environmental Health and noted the issues and concerns over event management, breaches in security, evidence of drugs use at recent events and noise nuisance and felt that the licensing objectives would not be upheld.

Decision

Accordingly, the Sub-Committee unanimously –

RESOLVED

That the application for a Temporary Event Notice for Ican Studios, Smeed Road, London E3 2PT be **REFUSED**.

6. TEMPORARY EVENT NOTICE FOR THE "CHLOE JEAN" BOAT, CANAL FISH ISLAND

At the request of the Chair, Mr Alex Lisowski, Licensing Officer, introduced the report which detailed the application for a temporary event notice for the Chloe Jean Boat, Canal Fish Island. It was noted that objections had been made by the Metropolitan Police.

At the request of the Chair, Amy Read explained that they have contacted Hackney Wicked Festival to see if they can take part in the festival and await to hear from them. That they wanted to provide short boat trips across the canal and serve alcohol during the trip, it was noted that they had a toilet on the boat, and would potentially display art work inside the boat.

Members then heard from PC Perry who stated that the actual Hackney Wicked Festival caused serious alcohol related crime and disorder. He also stated that there was lack of organisational from the applicants who have no agreement with the organisers of the festival. He concluded that due to the lateness of application and no agreement with the Hackney Festival Organisers, the proposed boat trips poses risks of public safety and would potentially build up of congestions by the canal side.

There were no questions from Members.

The Chair advised that the Sub Committee would at 4.10pm adjourn to consider the evidence presented. The Members reconvened at 4.15pm. The Chair reported that;

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 the Chair stated that the Sub Committee had carefully listened to the submissions made by both the Applicant and the Police and had reached a decision and this decision was unanimous.

Members were not satisfied that the licensing objectives would be upheld due to concerns about lateness of the application, lack of organisation for the event and concerns of public safety. It was also noted that there had been no agreement with the Hackney Wicked Festival for the event to take place.

Decision

Accordingly, the Sub-Committee unanimously –

RESOLVED

That the application for a Temporary Event Notice for Chloe Jean Boat, Canal Fish Island London E3 be **REFUSED**.

The meeting ended at 4.15 p.m.

Chair, Councillor Peter Golds
Licensing Sub Committee