

LONDON BOROUGH OF TOWER HAMLETS

RECORD OF THE DECISIONS OF THE LICENSING SUB COMMITTEE

HELD AT 6.30 P.M. ON TUESDAY, 19 AUGUST 2014

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

Members Present:

Councillor Peter Golds
Councillor Rachel Blake
Councillor Andrew Cregan

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 meetings held on 26th June 2014 and 8th July 2014 were agreed and approved as a correct record.

4. ITEMS FOR CONSIDERATION

**4.1 Application for a New Premises Licence for City of Paris Limited - 74
Bonner Street, London, E2 0QP**

The Chair noted that the application had been deferred by the Applicants and also legal advice that since the application was for a new premises licence, the deferment would cause no prejudice to either applicant or objectors therefore the matter did not require consideration.

ITEM DEFERRED

4.2 Application for a Variation to the Premises Licence for Burro E Salvia, 52 Redchurch Street, London, E2 7DP

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 written information placed before them and had taken account of the evidence submitted by the Police, a responsible Authority under the Act and the applicant.

Members noted

- that the objection from the Police was due to its policy to object to all new licences and variations in the cumulative impact zone.
- No evidence as to what actual disturbance would be caused was presented.
- the conditions requested by the Police that CCTV be installed at the premises or installation be deferred for 6 months and off sales be removed from the variation as preventative measures.

Members considered the applicant's submission that:

- whilst operating under the current licence, there had been no complaints or issues around crime or public nuisance
- the costs of CCTV installation were prohibitive to the business
- the applicant maintained good order at the premises and there had been good cooperation with the Police
- the zones in which there was alcohol sales and consumption did not encourage street drinking or other crime / public nuisance.
- Sale of alcohol generally stopped at 9.30pm at which time last orders for food to eat in or take away were placed, this acted as an informal "drinking up time".

Members were satisfied that the variation would not have a detrimental cumulative impact in the area nor did the establishment expose the Council to risks of crime and disorder and public nuisance and considered the installation of CCTV unnecessary at this time. Noting the ethos and primary purpose of the establishment was to experience artisan pasta, they considered it appropriate that sale of alcohol should accompany food and the time of the termination of sale of alcohol reduced to 9.30pm, in keeping with this. They therefore granted the variation subject to one amendment which would promote the licensing objectives.

Decision

Accordingly, the Sub-Committee unanimously –

RESOLVED

That the application for a variation of the premises licence for Burro E Salvia, 52 Redchurch Street, London, E2 7DP be **GRANTED**, subject to the cessation of the sale of alcohol at 9.30pm, for the following activities:

On and Off Sale of Alcohol

- Thursday to Saturday, 10.00am to 21.30pm

The Opening Hours of The Premises

- Thursday to Saturday, 10.00am to 22.00pm

4.3 Application for a New Premises Licence for (Pilpel Spitalfields), 38 Brushfields Street, London E1 6NGThe Licensing Objectives

In considering the application for a new premises licence, 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 written information placed before them and had taken account of the evidence submitted by the Police, a responsible Authority under the Act and the applicant.

Members noted that:

- objections from the Licensing Authority and Police were made on the basis that the application was in a cumulative impact zone on the grounds of crime and disorder and public nuisance. In the case the premises were in the Brick Lane cumulative zone.
- no Licensing Authority representative attended to respond to Members in support of the submission.
- the objection from the Police was due to its policy to object to all new licences and variations in such zones, however no specific evidence of how this premises would contribute to the cumulative effects was given. Members were informed the premises raised no cause for concerns in relation to alcohol sold for consumption with food but there were concerns in relation public nuisance such as littering and outdoor drinking in connection to off sales.

Members considered the applicant's submissions and noted:

- the conditions offered at Annex A to the application; in particular, a substantial CCTV installation.
- two temporary events had been held under the Act which had caused no issues of crime and disorder and public nuisance
- it was not intended that the premises would operate as a bar or off licence but remain a hot food outlet. Therefore there would be no late hours, a small range of specialist beers only would be offered for sale and all alcohol would be stored away from customer access.
- off sales of alcohol was requested to enable customers to purchase beer with the hot food which was the main offer.
- speciality beers were intended to be sold, therefore any litter could be easily traced should any such incident occur.

Members noted that the applicant has offered measures in the operating schedule of the application that address the promotion of the Licensing Objectives. They considered the schedule how effective these would be in promoting the licensing objectives and mitigate any potential impact in the cumulative impact zone in relation to the increase in capacity. They determined it was appropriate that alcohol off sales terminate at 9.00pm.

Members reached a decision and this decision was unanimous. Members decided to grant the application incorporating all of the conditions offered. Members noted that the premises was within the cumulative impact zone, however, Members were satisfied that having seen the evidence provided prior to and at committee, the Applicant's measures were sufficient to mitigate further impact within the cumulative impact zone and Members were content that the conditions proposed would promote the licensing objectives.

Decision

Accordingly, the Sub-Committee unanimously –

RESOLVED

That the application for a new premises licence for, (Pilpel Spitalfields), 38 Brushfields Street, London E1 6NG be **GRANTED** for the following activities **with conditions stipulated in Annex A.**

The sale by retail of alcohol (On and off sales)

- Monday to Sunday, from 10:00 hours to 21:00 hours

Hours open to the public

- Monday to Sunday, from 10:00 hours to 21:00 hours

Conditions

The measures offered in Annex A of the application to be incorporated into the Premises Licence

1. the supply of alcohol at the premises shall only be to a person taking a meal there and for consumption by such a person as ancillary to their meal.
2. A direct telephone number for members of management at the premises shall be made available to the local residents associations and to any person wishing to comment on the operation of the premises
3. CCTV must be installed at the premises. Tapes and visual images recorded shall be retained for a period of 31 days and the system installed at the premises must be at least in accordance with the specification issued by the Licensing Authority. Access to the system must be made available to an Authorised officer on request.
4. All sales of alcohol for consumption off the premises shall be in sealed containers only.
5. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of the local residents and leave the area quietly.
6. No rubbish including bottles, shall be moved, removed or placed in outside areas between 2300 hours and 0800 hours.
7. substantial food and non-intoxicating beverages, including drinking water, shall be available in all parts of the premises where alcohol is sold or supplied for consumption on the premises.
8. A proof of age scheme, such as Challenge 21, shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence or passport.
9. 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
 - a. all crimes reported to the venue
 - b. all ejections of patrons
 - c. any complaints received
 - d. any incidents of disorder
 - e. seizures of drugs or offensive weapons
 - f. any faults in the CCTV system or searching equipment or scanning equipment
 - g. any refusal of the sale of alcohol or
 - h. any visit by a relevant authority or emergency service
10. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance

4.4 Application for a Temporary Event Notice for Autumn Street Studios, Unit 3, 39 Autumn Street, London, E3 2TT

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 heard representations and taken account of the evidence submitted by both the objector, the Police which was a Responsible Authority under the Act and the applicants.

The applicants were invited to consider if they wished to amend the Temporary Event Notice submitted and offered a revised termination hour of 6.00am.

Members noted that:

- objections from the Police were made on the basis that the application was in a cumulative impact zone on the grounds of crime and disorder and public nuisance.
- there were no concerns around the running/operation of the venue but around egress and removal patrons from the premises
- there were no indications of likely crime at the time of the hearing.
- the event had been risk assessed as low risk.

Members considered the applicants' submissions and noted:

- the amended termination time offered.
- the premises was pre-licensed and had previously delivered other temporary events for these hours without issues.
- the target clientele was LGBTG community which are not associated with high crime rates. Additionally promotion was aimed locally, by word of mouth.
- all events (current and previous) were risk assessed and outcome indicated the events were well planned
- events were any at Annex A to the application; in particular, a substantial CCTV installation.

Members reached a decision and this decision was unanimous. Members decided to grant the amended application for the Temporary Event Notice as offered by the applicants and with conditions contained in the premises licence of the premises. Members noted that the premises was within the cumulative impact zone, however, Members were satisfied that having seen the evidence prior to and at committee, the event should not cause further

impact within the cumulative impact zone if the conditions of the premises licence continued to be observed and were satisfied that the event would not harm the licensing objectives.

Decision

Accordingly, the Sub-Committee unanimously –

RESOLVED

That the amended application for a Temporary Event Notice for Autumn Street Studios, Unit 3, 39 Autumn Street, London, E3 2TT under the Licensing Act 2003 be **GRANTED with the following conditions contained in the premises licence of the business** for the following licensable activities:

The date applied for:

Bank Holiday Monday, 24th August, 2014

Times applied for:

00.01 hours – 06.00 hours

Licensable Activities:

- Sale by retail of Alcohol (on premises only)
- The Provision of Regulated Entertainment -live music DJs and dancing (on premises only)
- The Provision for Late Night Refreshments (on premises only)

Conditions

Annex 3 - Conditions attached after a hearing by the licensing authority on 30th April 2013

1. The premises remains a member of Venue Watch;
2. A Security Plan is to be provided to the Police for the Police to review;
3. A Transport Plan is to be provided to the Police for the Police to review;
4. A CCTV camera system covering both internal and external to the premises is to be installed;

5. 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;
6. At all times the premises is open a person who can operate the CCTV system must be present on the premises;
7. The DPS or a personal licence holder will be at the premises at all times it is open to the public;
8. An incident log will be maintained by the premises showing a detailed note of incidents that occur in the premise. The incident log will be inspected and signed off by the DPS (or a person with delegated authority) at least once a week. The log book should be kept on the premises and be available for inspection at all times the premises are open by inspection of the incident log to be limited to inspection by the Police and Licensing Authority. A recordable incident will be one which involves an allegation of a criminal offence;
9. There will be a search policy;
10. SIA staff will operate from the premises at a ratio of one per one hundred persons or part thereof;
11. No persons under the age of 18 will be permitted upon the premises at any time;
12. A challenge 25 policy will be implemented by SIA staff on entrance to the venue;
13. One SIA guard to be positioned 30 minutes from opening till 30 minutes past closing at the top of Autumn Street;
14. One SIA guard to be positioned 30 minutes from closing till 30 minutes past closing at the top of Autumn Street;
15. Large street signage to deter taxi touting to be displayed during opening times;
16. Prominent and clearly legible notices shall be displayed in all egress areas of Autumn Street Studios requesting patrons to respect the needs of local residents and to leave the premises and area quietly;
17. Road cones to be placed on double yellow lines outside of sensitive areas of Wick Lane to stop taxi's pulling up;
18. Autumn Street public highway area is to be included in the Waste Management Plan;
19. Professional noise monitoring is to be conducted on Autumn Street during opening hours.

5. ANY OTHER BUSINESS THAT THE CHAIR CONSIDERS URGENT

Nil items.

The meeting ended at 7.48 p.m.

Chair, Councillor Peter Golds
Licensing Sub Committee