

LONDON BOROUGH OF TOWER HAMLETS

MINUTES OF THE LICENSING SUB COMMITTEE

HELD AT 6.40 P.M. ON TUESDAY, 3 MARCH 2015

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

Members Present:

Councillor Amy Whitelock Gibbs (Chair)
Councillor Suluk Ahmed
Councillor Candida Ronald

Officers Present:

Agnes Adrien – (Team Leader, Enforcement & Litigation, Legal Services)
Kathy Driver – (Principal Licensing Officer)
Simmi Yesmin – (Senior Committee Officer, Democratic Services)

Applicants In Attendance:

John Gaunt - (Item 4.1)
Derek Griffin - (Item 4.1)
David Marr - (Item 4.1)
Tobias Eaton - (item 4.2)
Shahab Uddin - (Item 4.2)

Objectors In Attendance:

PC Mark Perry - (item 4.2)

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 Licensing Sub Committee meeting held on 3rd February were agreed and approved as a correct record.

4. ITEMS FOR CONSIDERATION

4.1 Application for a New Premises Licence for The Hub by Premier Inn, 86 Brick Lane, London, E1 6RL

At the request of the Chair, Ms Kathy Driver, Licensing Officer, introduced the report which detailed the application for a new premises licence for Hub by Premier Inn, 86 Brick Lane, London E1 6RL. It was noted that there had been objections from local residents.

It was noted that the objectors were not present at the meeting and therefore Members noted and considered the written objections contained in the agenda pack.

At the request of the Chair Mr John Gaunt, Legal Representative for the Applicant referred to the supporting documents in the supplementary agenda and stated that the objections were not accurate in relation to off sales. He explained that off sales was applied for to cover any eventuality or issues that may arise if drinks were taken from the restaurant area to the bedrooms. He explained that it was a hotel development and that there were two other Premier Inn hotels in the Borough which had no problems. It was noted that there were 700 Premier Inn hotels nationwide and there 6/7 that were currently under development.

Mr Gaunt explained that Premier Inn would be making an investment of 18 million into this development of 189 bedrooms. It was noted that there was no bar area, drinks would only be served by waiters and served to seated customers. He explained that there would be limited drinks available and the hotel was not a sort of facility for drinking only purposes, as it primarily catered for hotel residents, with the facility to serve non-residents. He explained that licensable activities for regulated entertainment, late night refreshments and sale of alcohol for non-residents had been reduced to 11.30pm and available 24 hours for residents of the hotel.

It was noted that in consultation with the Police, the Applicants had agreed to CCTV conditions. It was also noted that there were no objections from Responsible Authorities. He concluded by asking Members to grant the application.

In response to questions the following was noted;

- That previous track record of the Premier Inn hotels gives assurance that the hotel would not add to the cumulative impact in the area.

- That there were 700 Premier Inn's nationwide and there had been no complaints and no reviews of their licences.
- That non-residents would have to buzz in through to reception before allowed entry.
- Difficult customers would be managed by the 24hour reception team who would always be on the reception desk.
- The difference between a Hub by Premier Inn and Premier Inn was that the rooms in Hub by Premier Inns were smaller, more affordable, and more technology based as hotel residents would have the option to operate and control the room via smartphones.
- Rooms would cost an average £139 per night.
- Main clientele would be families and business clients, and would not attract young persons.

Members retired to consider their decision at 7.05pm and reconvened at 7.20pm.

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 Home Office 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's representative and in the absence of Objectors, Members noted and considered the written objections contained in the agenda. Members paid particular attention to the licensing objectives of crime and disorder and public nuisance.

Members noted the concerns raised by residents; however also noted the Applicant's efforts in alleviating the concerns raised by objectors by agreeing to reduce hours for licensable activities for non-residents and accepting conditions proposed by the Metropolitan Police.

Members also acknowledged the Applicant's assurances regarding the premises not adding to the cumulative impact zone, management of late night access/entry to the premises and managing inebriated patrons. Members welcomed the clarification regarding the off sales and that it was only for patrons to be able to take drinks to their bedrooms.

Members made a decision and the decision was unanimous, Members decided to grant the application with conditions to help address concerns of residents and help promote the licensing objectives.

Decision

Accordingly, the Sub-Committee unanimously –

RESOLVED

That the application for a New Premises Licence for, The Hub by Premier Inn, 86 Brick Lane, London E1 6RL be **GRANTED** with conditions.

Sale of Alcohol (on and off sales)

Monday to Sunday from 10:00 hours to 23:30 hours

The Provision for Late Night Refreshments (indoors)

Monday to Sunday from 23:00 hours to 23:30 hours

The Provision of Regulated Entertainment in the form of Films (indoors)

Monday to Sunday from 10:00 hours to 23:30 hours

Hours premises are open to the public:

Monday to Sunday from 06:00 hours to 00:00 hours (midnight)

The hotel shall remain open 24 hours a day for hotel residents.

All Licensable activities will be available 24 hours a day for hotel residents.

Conditions

1. CCTV camera system is to be installed and maintained.
2. The CCTV system shall incorporate a recording facility and recordings shall be retained and stored in a suitable and secure manner for a minimum of 31 days. A system shall be in place to maintain the quality of the recorded image and a complete audit trail maintained. The system will comply with other essential legislation, and all signs as required will be clearly displayed. The system will be maintained and fully operational throughout the hours that the premises are open for any licensable activity. There must also be someone on the premises, who can download the images and present them on request by a police officer or other responsible authority.
3. No drinks are to be taken outside the premises.

4.2 Application for a Variation of the Premises Licence for Spice Hut, 220 Mile End Road, London E1 4LJ

At the request of the Chair, Ms Kathy Driver, Licensing Officer, introduced the report which detailed the application for a variation of the premises licence for Spice Hut, 220 Mile End Road, London E1 4LJ. It was noted that there had been an objection from the Metropolitan Police.

At the request of the Chair, Mr Tobais Eaton, Legal Representative for the applicant explained that the applicant was happy to accept the conditions proposed by the Police and would ensure conditions were adhered to.

He believed that the witness statement was generic and had misrepresentations. He explained that reference to anti-social behaviour was raised, however, there has been no anti-social behaviour or complaints/problems linked to the premises.

Mr Eaton explained that the Applicant diligently followed trading hours and directed staff not to serve after hours. He accepted that there may be general anti-social behaviour in the area however this was not linked to the premises. He explained that the food sold was Indian food, rice and curry and mainly sold kebabs. He stated that there were five other premises, literally next door from the premise who predominately sold chicken and therefore chicken boxes which were referred to in the police statement, were more likely to be from one of those premises.

It was noted that the premises was well lit, there was no alcohol sold, no hidden areas around the premises, no over spills from clubs or pubs and was close to the bus route and underground so customers usually come in to take food on the way home etc.

Mr Eaton accepted that there were problems of anti-social behaviour in the area however they were not directly linked to the premises. He explained that the Applicant would continue to uphold the licensing objectives, would have CCTV cameras in place which he was currently operating.

Members then heard from PC Mark Perry, Metropolitan Police, he explained that the area suffered from high levels of anti-social behaviour, particularly around Dragons Yard, Captain Cooks Yard and O'Leary Square which were Borough hotspots for anti-social behaviour etc. He explained that PC Corcoran states in his statement that if the premises was given a licence till 2am, given its close proximity to these areas, it would become a magnet for people who deal in and purchase illegal drugs around the area as well as rise to anti-social behaviour, especially late at night as other venues would be closed.

PC Perry stated that Dragons Yard was a known hotspot for drug dealing and was a 5-10 minute walk from the premises, and these premises and others were places where drug dealers went to eat.

He explained there were three reported issues linked to the premises, theft of mobile phone in 2013, assault on two females outside the premises in 2014 and a theft of a gold tooth. PC Perry concluded that Mile End Road was a hot spot for anti-social behaviour and the statement from PC Corcoran suggested

the chicken boxes were from the premises and it was his view that this was the premises where people hang out to buy drugs and that late night premises was a magnet for further problems.

In response to questions the following was noted;

- That fried chicken was the smallest part of the business as the premises mainly catered for rice and curries and kebabs.
- The premises area was well lit which deterred people from loitering outside the premises.
- That the chicken boxes referred to by the Police Officer could have been from any of the shops nearby.
- That there was another chicken shop which had late night refreshment licence till 2am.
- That Dragons Yard was a 5-10 minute walk from the premises.
- That an extension to the late night refreshment licence would mean more people hanging around in the area potentially causing ASB.
- That the issues raised by police do not directly link to the premises.

Members retired to consider their decision at 8.15pm and reconvened at 8.45pm.

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 Home Office 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 application.

Members noted the real concerns about anti-social behaviour and drug dealing in the area. When considering the application Members took into consideration the licensing objectives of crime and disorder and public nuisance. The Chair stated that whilst the Sub Committee respects the evidence of PC Corcoran in good faith, most of the concerns were about general anti-social behaviour and drug dealing in the area and were not linked specifically to the premises. Members did note that PC Perry said that the Dragons Yard a known hotspot for drug dealing was a 5-10 minutes walk from the premises and that there were other chicken shops and fast food outlets within close vicinity and therefore Members were not convinced that by granting the extended hour it would contribute to further anti-social behaviour in the area.

Members took into consideration that there had been no objections from local residents, or any other responsible authorities and also noted that the existing licence had been in place since 2005 without any complaints or reviews.

Members also noted the commitments made on the operating schedule on page 125 of the agenda and believed that by granting the variation application they could add conditions on the licence to help address specific concerns raised by police and help regulate the premises as there were no conditions on the licence currently.

Decision

Accordingly, the Sub-Committee unanimously –

RESOLVED

That the application for a variation of the premises licence for, Spice Hut, 220 Mile End Road, London E1 4LJ be **GRANTED with conditions**.

The Provision for Late Night Refreshments

Monday to Sunday from 23:00 hours to 02:00 hours (the following day)

Hours premises are open to the public:

Monday to Sunday from 10:30 hours to 02:30 hours (the following day)

Condition

1. A CCTV camera system covering both internal and external to the premise is to be installed.
2. The CCTV recordings are to be maintained for 31 days and to be provided upon request to either a Police Officer or an officer of any other Responsible Authority. A system shall be in place to maintain the quality of the recorded image and a complete audit trail maintained. The system will be maintained and fully operational throughout the hours that the premises are open for any licensable activity.
3. At all times the premises is open, a person who can operate the CCTV system must be present on the premises, who can download the images and present them immediately on request by a Police Officer or other Responsible Authority.
4. That an incident report book be kept and record all incidents of crime and disorder associated with the premises.
5. Signs be prominently displayed both inside and outside of the premises asking customers to respect local residents and to be quiet when leaving the premises.

5. ANY OTHER BUSINESS THAT THE CHAIR CONSIDERS URGENT

There was no other business considered urgent.

The meeting ended at 8.50 p.m.

Chair, Councillor Amy Whitelock Gibbs
Licensing Sub Committee