

LONDON BOROUGH OF TOWER HAMLETS
MINUTES OF THE LICENSING SUB COMMITTEE

HELD AT 2.00 P.M. ON TUESDAY, 8 JULY 2014

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

Members Present:

Councillor Peter Golds (Chair)

Councillor Khaled Uddin Ahmed
Councillor Muhammad Ansar Mustaqim

Officers Present:

Andrew Heron – (Licensing Officer, Licensing Department)
Michelle Terry – (Legal Services)
Simmi Yesmin – (Senior Committee Officer, Democratic Services)

Applicants In Attendance:

Jack Spiegler - (Spainata & Co)
Stefano Nicolai - (Spainata & Co)
Federica Focaccia - (Spainata & Co)
Rhys Rose - (Ican Centres)
Philip Kirton - (Ican Centres)
Bishop Malcolm - (Ican Centres)
Alexander Avanzato - (Ican Centres)

Objectors In Attendance:

PC Alan Cruickshank - (Metropolitan Police)
PC Mark Perry - (Metropolitan Police)
Ali Dhaoma - (Kedassia Poultry Ltd)

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. ITEMS FOR CONSIDERATION

The order of business was varied at the meeting, however the minutes are in the order as the agenda for ease of reference.

3.1 Application for a New Premises Licence for Spianata & Co - 41 Brushfield Street, London, E1 6AA

At the request of the Chair, Mr Andrew Heron, Licensing Officer, introduced the report which detailed the application for a new premises licence for Spianata & Co, 41 Brushfield, London E1 6AA. It was noted that an objection had been made by the Metropolitan Police.

At the request of the Chair, Mr Jack Speigler, Legal Representative gave a brief summary of the application and the nature of the business. It was noted that the premises was one of six roman bakeries selling sandwiches, salads drinks, etc. he explained that the hours applied for were modest with no regulated entertainment, hours within the Council's framework hours and have put forward proposed conditions to safeguard any licensing issues. It was noted that the sale of alcohol would be ancillary to food and that the CCTV condition proposed by the Police was also accepted.

Mr Speigler explained that the premises would not have a negative impact on the saturation policy and cumulative impact zone as it was not a late night premises, not a bar and there would be no vertical drinking. He believed that the operating schedule addressed all the concerns raised and was confident that the operation of the premises would not add to the negative cumulative impact in the area.

Members then heard from PC Alan Cruickshank, Metropolitan Police, who stated that objections were made to all applications within the cumulative impact zone unless the applicant could demonstrate that there will be no negative cumulative impact on one or more of the licensing objectives.

In response to a question it was noted that only two types of Italian beer would be sold at the premises and would not be super strength.

Members retired to consider their decision at 2.20pm and reconvened at 2.25pm.

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 the Chair stated that the Sub Committee had carefully considered all of the evidence before them and had taken account of the evidence submitted by both the objector and the applicant.

Members had reached a decision and this decision was unanimous. Members were satisfied 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, Spianata & Co, 41 Brushfield Street, London E1 6AA be **GRANTED with conditions.**

Sale of Alcohol (on sales only)

Monday to Sunday from 11:00 hours to 21:30 hours

Hours Premises is open to the Public

Monday to Friday from 07:30 hours to 22:00 hours

Saturday & Sunday from 11:00 hours to 22:00 hours

Conditions

1. 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 or supplied.
2. The sale of alcohol shall be ancillary to food.
3. An incident log shall be kept at the premises, and made available on request to an authorised officer of the Council or the Police.
4. Clear signage is to be displayed prominently and maintained at all exits of the premises requiring patrons to leave and enter the premises and area quietly out of respect for local residents.
5. No deliveries or collections of waste/recycling/bottles during the hours of 22:00 hours to 07:00 hours.

6. No waste or recyclable materials, including bottles, shall be moved, removed from or placed in outside areas at times which will cause a nuisance.
7. 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.
8. All staff will be trained in respect to the promotion of all four licensing objectives under the Licensing Act 2003.
9. Notices will be displayed warning customers in respect of theft and crime.
10. CCTV camera system covering both internal and external to the premises is to be installed.
11. 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.
12. At all times when the premise is open, a person who can operate the CCTV system must be present on the premises.

3.2 Application for a Time Limited Premises Licence for Ican Centres UK Limited, External Yard Area, 33-35 Monier Road, London E3 2PR

At the request of the Chair, Mr Andrew Heron, Licensing Officer, introduced the report which detailed the application for a time limited premises licence for Ican Studios UK Limited, External Yard Area, 33-35 Monier Road, London E3 2PR. It was noted that objections had been made by a local resident, a local business and the Metropolitan Police.

At the request of the Chair, Mr Rhys Rose, Licensing Representative for the Applicant stated this application was for a number of summer events, the showing of World Cup games, church events, community events etc. he explained that they had been in consultation with the Police and believe that they can carry out the events with greater control if a time limited premises was granted.

Mr Philip Kirton, Applicant briefly explained that they had taken a run down warehouse 3 years ago and transformed it into a community hub. He also explained that there was a church project based at the premises which had also transformed over the years. Mr Bishop Malcolm, representing the Church Project explained the nature of the church project, helping people develop skills for employment, offer training and education for members of the local community. He explained that there was a demand to hold events and that the

Applicants have demonstrated that they can comply with licence conditions by having a premises licence and successful temporary event notices.

Members were then shown before and after pictures of the warehouse, and were given the schedule of events taking place.

Members then heard from Mr Ali Dhaoma, representing Mr Feldman (Local Business) who explained that there had been several break ins since the premises had been open, and they always seem to be alcohol related as beer cans and bottles are found on the scene. He also expressed concerns of security, safety and public nuisance.

Members then heard from PC Mark Perry, Metropolitan Police who stated that he had worked closely with Ican Centres over the year, he explained they had a premises licence with 70 conditions and then stated that a time limited premises for the outdoor area was not suitable for the area in which the premises was in.

It was noted that the applicants were fairly new and generally did comply with conditions but required a lot of support, as officers have had to constantly go back to speak to them about keeping the noise down and general noise nuisance which has not been managed effectively. PC Perry then went on to give detailed accounts of the visits made at the venue by Police Officers with references to strong smells of drugs at the premises, ID scanners not working, complaints of loud music, people seen to be in the influence of alcohol and drugs, examples of poor management etc.

PC Perry concluded that there had only been one church event to date and it was a venue primarily for clubbing during the day and night. It was also noted that no details of the types of events that were going to be taking place were given to the Police.

In response to questions the following was noted;

- That the capacity inside the premises was 1500 and 800 outside in the external yard.
- That over £15,000 had been spent on security, street marshals, CCTV cameras, ID Scanners,
- That there was a drugs policy in force and if any drugs were found on customer they were detained and refused entry and all drugs were handed over to the police
- The applicants questioned why there had been no reports of break ins and crimes and disorder reported to the police
- That there were concerns that the ID scanner on a number of occasions was either not working or switched off. It was noted that there had often been technical problems with the scanner but these had now been rectified.
- That there had been a number of noise complaints reported to Environmental Health.

In summing up, PC Mark Perry stated that an outdoor licence was not suitable for this premises and would cause grave concerns, there would be a likely increase in complaints, and alcohol abuse causing risks to residents. He stated that the premises held daytime and night time raves, with people drinking and dancing for 12-13 hours continuously and then causing disorder when leaving the premise. He urged members to reject the application.

Mr Rose stated that there had been a series of successful events this year, covered by temporary event notices and that the applicants had offered up extra conditions to manage and control the premises and they were confident that they would be able to cope with a time limited premises for the summer period.

Members retired to consider their decision at 3.35pm and reconvened at 3.55pm.

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 evidence submitted by both the objectors and the applicants.

Members noted the grave concerns of public nuisance and crime and disorder. Members also noted the issues of ID scanners not working properly, and evidence of drugs being found at the premises.

Before refusing a licence outright, Members had to consider whether conditions could be placed on the licence which could address such concerns. Members also took into account that the Police and Environmental Health had worked closely with the applicants over a long period or time and that there had been improvements, however, there were serious concerns and complaints and Members were satisfied that granting of the licence would lead to an increase in public nuisance and crime and disorder and that there were no conditions that could be added to alleviate these concerns and promote the licensing objectives.

Decision

Accordingly, the Sub-Committee unanimously –

RESOLVED

That the application for a Time Limited Premises Licence for Ican Centres UK Ltd, External Yard Area, 33-35 Monier Road, London E3 2PR be **REFUSED**.

3.3 Application for a Variation to the Premises Licence for Ican Centres UK Limited, 35 Monier Road, London, E3 2PR.

At the request of the Chair, Mr Andrew Heron, Licensing Officer, introduced the report which detailed the application for a variation of the premises licence for Ican Studios UK Limited, 35 Monier Road, London E3 2PR. It was noted that an objection had been made by a local resident.

At the request of the Chair, Mr Rhys Rose, Licensing Representative for the applicants explained that the premises had evolved over the past year, it was a local venue for residents and wanted to add an addition to the premises by opening a pizzeria. It was noted that there had been a consultation process and extra conditions had been agreed with Responsible Authorities.

The objector was not present at the meeting and there were no questions from Members.

Members retired to consider their decision at 2.40pm and reconvened at 2.45pm.

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 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. Members reached a decision and this decision was unanimous. Members were satisfied that the conditions proposed would promote the licensing objectives.

Decision

Accordingly, the Sub-Committee unanimously –

RESOLVED

That the application for a Variation of the Premises Licence to extend the licensable area, by adding a pizzeria at Ican Centres UK Ltd, 35 Monier Road, London E3 2PR be **GRANTED with conditions**.

Sale of alcohol (on sales only)

Sunday to Thursday from 10:00 hours to 23:00 hours

Friday and Saturday from 10:00 hours to 00:00 hours (midnight)

The provision of Late Night Refreshments

Friday and Saturday from 23:00 hours to 00:00 hours (midnight)

The Opening Hours of the Premises

Sunday to Thursday from 10:00 hours to 23:00 hours

Friday and Saturday from 10:00 hours to 00:00 hours (midnight)

Conditions

1. There will be no regulated entertainment in the pizzeria area, including the roof of the pizzeria and the external area of the pizzeria.
2. On days when the other areas of the venue are going to be open to customers, the pizzeria will close one hour before those areas are opened to customers.
3. The external area of the pizzeria, including the roof, will be closed to customers from 21:30 hours each day. After this time customers of the pizzeria can use the ground level external area of the pizzeria for smoking. Customers going into this area to smoke cannot take drinks with them.
4. During events that utilise other areas of the Ican Centre, the pizzeria will only be open to existing guests of the event, there will be no extra admission to customers who solely wish to use the pizzeria. On these occasions the opening hours, and hours for the sale of alcohol and the provision of late night refreshments, will be the same as those of the other areas of the venue.
5. Drinking will be permitted in the outdoor area of the pizzeria when only the pizzeria is trading
6. The service to outside tables will cease at 21.30 hours, the terrace and external areas of the pizzeria will close and furniture will be put away.

4. ANY OTHER BUSINESS THAT THE CHAIR CONSIDERS URGENT

There was no other business.

The meeting ended at 4.00 p.m.

Chair, Councillor Peter Golds
Licensing Sub Committee