

LONDON BOROUGH OF TOWER HAMLETS

MINUTES OF THE LICENSING SUB COMMITTEE

HELD AT TIME NOT SPECIFIED ON TUESDAY, 23 SEPTEMBER 2014

**ROOM C1, 1ST FLOOR, TOWN HALL, MULBERRY PLACE, 5 CLOVE
CRESCENT, LONDON, E14 2BG**

Members Present:

Councillor Peter Golds (Chair)

Councillor Khaled Uddin Ahmed

Councillor Rajib Ahmed

Officers Present:

Alex Lisowski – (Licensing Officer)
Michelle Terry – (Legal Services)
Simmi Yesmin – (Senior Committee Officer, Democratic Services)

Applicants In Attendance:

Marcus Lavell - Item 3.1
David Birch - Item 3.1
Mary Hennessy - Item 3.1
Sam Aldenton - Item 3.2
Lana Tricker - Item 3.3
Tanya Nathan - Item 3.3
Anthony Hoyte - Item 3.4
David Asher Charman - Item 3.4

Objectors In Attendance:

PC Alan Cruickshank - Metropolitan Police
Jon Shapiro - Resident

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

3.1 Application for a New Premises Licence for Misschu, 91 Whitechapel High Street, London E1 7RA

At the request of the Chair, Mr Alex Lisowski, Licensing Officer, introduced the report which detailed the application for a new premises licence for Misschu, 91 Whitechapel High Street, London E1 7RA. It was noted that an objection had been received by the Metropolitan Police.

At the request of the Chair, Mr Marcus Lavell, Legal Representative on behalf of the Applicant gave a brief background of the nature of the premises. It was noted that Misschu was a bold and unique brand across Australia and now the UK, the restaurant served classic Vietnamese street and café foods as both table food and takeaway service. It was further noted that there would only be three forms of alcoholic drinks served at the premises and would be ancillary to food.

Mr Lavell explained that the premise was located at the edge of the cumulative impact zone, however the operators had experience of trading in saturated areas as 8 out of 9 of the premises was located in city centre environments. He explained that they had removed off sales and agreed to conditions proposed by the Police.

It was reiterated that the sale of alcohol was ancillary to food and that alcohol would be less than 5% of their annual turnover. It was noted that the Applicant in addition to promoting the licensing objectives would also support the vision promoted by the Tower Hamlets Partnership Community Plan.

Mr Lavell concluded that the hours applied for were within the framework hours, that conditions had been agreed with the Police, there were no more than 58 covers at the restaurant. Whilst operating Temporary Event Notices there had been no problems or complaints.

Members then heard from PC Alan Cruickshank, Metropolitan Police, he explained that although the hours were within the framework hours it was still another premises that would have the ability to sell alcohol in an area which was already saturated. It was noted that the objection was not a reflection on the applicant but a response to the Saturation Policy. Since the introduction of the policy and the Cumulative Impact Zone (CIZ), licences have been granted in this area but the continuing introduction of new licenced premises or variations however small or well run, would only compound the problems in the CIZ.

Members briefly discussed amongst themselves and the Chair stated 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 Home Office 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 from the Applicant's representative and PC Alan Cruickshank.

Members reached a decision and the decision was unanimous. Members decided to grant the application with conditions agreed with the Police. Members noted that the premises was within the cumulative impact zone, however, Members were satisfied that having seen the evidence prior to and at the meeting, the Applicant had done everything they could 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, Misschu, 91 Whitechapel High Street, London E1 7RA be **GRANTED with conditions**.

Sale of Alcohol (on sales only)

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

Hours Premises is open to the Public

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

Conditions

1. Alcohol shall not be sold, supplied or consumed on the premises otherwise than to persons who are seated in the premises and bona fide taking meals there and provided always that the consumption of alcohol by such persons is ancillary to taking such meals.
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 premise is open, a person who can operate the CCTV system must be present on the premises.
6. Prominent and clearly legible notices shall be displayed at all exits of the premises requesting patrons to respect the needs of local residents and to leave the premises and area quietly.

3.2 Application for a New Premises Licence for Second Home Ltd. - Ground Floor, 68-80 Hanbury Street, London, E1 5JL

At the request of the Chair, Mr Alex Lisowski, Licensing Officer, introduced the report which detailed the application for a new premises licence for Second Home Ltd, Ground Floor, 68-80 Hanbury Street, London E1 5JL. It was noted that there had been objections made by the Police and conditions had been agreed with Environmental Health and local residents.

At the request of the Chair, Mr Sam Aldenton, Applicant, explained the premises was to be used as a private members club for entrepreneurs consisting of high quality workspace designed for small/medium sized businesses, meeting rooms event spaces for education and networking and a café. He stated that all licensable activities would be ancillary to the primary focus.

Mr Aldenton concluded that he had worked closely with responsible authorities and local residents and to that effect had agreed conditions with Environmental Health and local residents who had withdrawn their objections and that he had also agreed to conditions proposed by the Police.

Members then heard from PC Alan Cruickshank who stated that he had met with the Applicant and had agreed to conditions, however, this premises was within the saturation zone and therefore had a duty to object as another licensed venue would only compound the problems in the CIZ and would mean that more people would remain in the CIZ in the late hours having the potential to cause public nuisance.

Members also heard from Mr Jon Shapiro, Local resident who welcomed the proposal and the conditions offered and agreed by the Applicant.

In response to questions the following was noted;

- The provision of indoor sporting events was to hold ping pong matches/tournament etc. and only envisaged this to happen possibly once a year
- That the premises would be a members' only club and would only allow entry for members and their guests.
- That there had been no objection from the Fire Authority
- That realistic hours would be between 07:00 to 22:30 hours
- That members would have to be the age of 21 and over
- The company would support local colleges

Members retired to consider their decision at 11.45am and reconvened at 11.50am.

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 the Chair stated that the Sub Committee had carefully considered all of the evidence before them and had heard representations from the Applicant and objectors.

Members noted the concerns of public nuisance and noted the fact that the premises was within the cumulative impact zone. However Members noted how the Applicant had agreed to various conditions prior to the meeting to address the concerns of residents and responsible authorities.

Members were satisfied that the premises would not have a detrimental cumulative impact in the area and therefore granted the application with a reduction in hours and conditions which would help promote the licensing objectives.

Decision

Accordingly, the Sub-Committee unanimously –

RESOLVED

That the application for a New Premises Licence for Second Home Ltd, Ground Floor,68-80 Hanbury Street, London E1 5JL be **GRANTED** with conditions.

Sale of Alcohol (on sales only)

Monday to Friday from 08:00 hours to 22:30 hours
Saturday from 09:00 hours to 22:30 hours

Sunday from 09:00 hours to 22:00 hours

The Provision of Regulated Entertainment in the form of Plays, Films, Indoor Sporting Events, Live Music, Recorded Music and Performance of Dance (indoors only)

Monday to Friday from 08:00 hours to 23:00 hours

Saturday from 09:00 hours to 23:00 hours

Sunday from 09:00 hours to 22:00 hours

Hours premises is open to the public

Monday to Friday from 08:00 hours to 23:00 hours

Saturday from 09:00 hours to 23:00 hours

Sunday from 09:00 hours to 22:00 hours

Conditions

1. Regulated entertainment shall not be audible at the façade of any residential or commercial property and/or within any residential or commercial property so as to cause a nuisance.
2. No noise emanating from events in the building will be audible at the facades of neighbouring residents.
3. There will be no more than a maximum of five people (occupants or visitors to the building) waiting outside the building whether smoking, awaiting transport or for any other purpose.
4. There will be no more than 150 (occupants or visitors to the building) in total attending any event (or events) held within the building.
5. The building management will designate a “preferred taxi supplier” to be used to collect occupants and visitors needing a taxi service on leaving the building. This preferred taxi supplier will be contracted to provide a service that avoids all unnecessary noise (eg: no hooting, no running engines whilst waiting, no slamming doors, et al).
6. For any event (or events) held within the building attended by more than 60 occupants and visitors, the building management will employ a “steward” specifically to manage the egress of people from the building, and to ensure there is no undue noise caused outside the building.
7. The applicant will define on the plans submitted the only two areas of the building within which the licensed activities will be permitted; namely the “bar area” at Ground floor (North) of the building, and the middle “events area” at Ground floor (central) of the building.
8. No drinks are to be taken outside or consumed outside the premises
9. 1 SIA staff to be employed during provisions of regulated entertainment

10. A proof of age scheme, such as Challenge 25, 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.
11. Incident and refusals log books 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 incidents of disorder
 - d. all seizures of drugs or offensive weapons
 - e. any faults in the CCTV system or searching equipment or scanning equipment
 - f. any refusal of the sale of alcohol
 - g. any visit by a relevant authority or emergency service.
12. CCTV camera system covering both internal and external to the premises is to be installed.
13. 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.
14. At all times when the premises is open, a person who can operate the CCTV system must be present on the premises.
15. Prominent and clearly legible notices shall be displayed at all exits of the premises requesting patrons to respect the needs of local residents and to leave the premises and area quietly.
16. If there is to be a promoted event with DJ's then a F696 must be submitted within the relevant time period.
17. No more than one event per year in relation to regulated entertainment, in each type of the following;
 - Plays
 - Films
 - Indoor sporting events
 - Live Music
 - Recorded Music
 - Performances of Dance

Any additional events of this kind would require a temporary event notice.

3.3 Application for a New Premises Licence for Redchurch General Store, 64-66 Redchurch Street, London, E2 7DP

At the request of the Chair, Mr Alex Lisowski, Licensing Officer, introduced the report which detailed the application for a new premises licence for Redchurch General Store, 64-66 Redchurch Street, London E2 7DP. It was noted that there had been objections made by the local residents and Police.

It was noted that the premises had existing licences for the first floor and basement floor and that the licences had been transferred to Soho House Limited.

At the request of the Chair, Ms Lana Tricker, Licensing Representative for the Applicant stated that the premises would like to have the one licence to operate on all three floors, instead of having three separate licences. She explained that the first floor was already licensed for Cheeky Nails, the basement floor was licensed as a cinema and now wanted the ground floor licensed for the use of a reception area, a cafe and a male grooming centre, Neville premises.

It was noted that if the application was granted the Applicants would surrender the two separate licences for the first floor and basement floor. Ms Tricker referred to supporting documents contained within the agenda and highlighted the aspects of the types of service that the premises would be providing.

It was noted that the sale of alcohol was not the primary purpose and was only ancillary to food, or a service at the premises. In response to the objections made to this application the Applicants proposed a number of conditions such as noise insulation, drinks to be ancillary to a meal or treatment, dispersal policies etc. Mr Tricker stated that it was not an alcohol led environment and the reception area was for customers possibly having a drink before watching a film in the cinema or after the film was over. The Applicants accepted that it was in close proximity to local residents however believed that the conditions offered and hours applied for would not have a negative impact on the area.

Ms Tricker explained that off sales was applied for the outside tables and chairs area and would like to use this area between the hours of 8am and 9pm, that there would be 5 tables and 10 chairs and this had been granted by the Streets and Markets Department subject to this application.

She concluded that the ground floor would be used as a reception area to greet customers and café would also be open in the mornings to serve breakfast. She concluded by saying they had a very long lease and were committed to the area and would be happy to have last entry time of 11.30pm.

Members then heard from PC Alan Cruickshank who stated that the premises was within the CIZ and would mean another premises that would have the ability to sell alcohol in an area which was already saturated. It was noted that the objection was not a reflection on the applicant but a response to the

Saturation Policy. Since the introduction of the policy and the Cumulative Impact Zone (CIZ), licences have been granted in this area but the continuing introduction of new licenced premises or variations however small or well run, would only compound the problems in the CIZ. He also expressed concern regarding the use of the outside area till as late as 9pm which he believed could cause noise nuisance. PC Cruickshank proposed that a terminal hour for all licensable activities should be 11pm which would be accepted by the Police and help alleviate concerns for objectors and promote the licensing objectives.

In response to questions the following was noted;

- That the Applicants wanted slightly later hours than 11pm in order to provide refreshments for customers after the viewing of films etc.
- That there was 47 seats in the Cinema
- That currently the Cinema had a licence till 11pm.
- That there had been no complaints in relation to the premises.
- That a series of conditions had been offered by the Applicant to help address the concerns of objectors and promote the licensing objectives.

Members retired to consider their decision at 12.30pm and reconvened at 12.40pm.

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 the Chair stated that the Sub Committee had carefully considered all of the evidence before them and had heard representations from the Applicant's representative and the Police. In the absence of the resident objectors Members noted and considered their written submissions.

Members noted the concerns of public nuisance and noted the fact that the premises was within the cumulative impact zone. However Members noted that the Applicant had proposed conditions to address the concerns raised by the residents and the Police. Members believed that by granting one licence for the whole of the premises would be a better way of regularising and managing the premises and would help with the promotion of the licensing objectives.

Members were satisfied that the premises would not have a further detrimental cumulative impact in the area as there was already existing licences for the premises and therefore granted the application with a

reduction in hours upon advice from the Police and conditions offered by the applicant. This licence would only be subject to the Applicant surrendering both the 1st floor and basement floor premises licences.

Decision

Accordingly, the Sub-Committee unanimously –

RESOLVED

That the application for a New Premises Licence for Redchurch General Store, 64-66 Redchurch Street, London E2 7DP be **GRANTED** with conditions.

Basement Cinema/ Ground Floor/ First Floor

Sale of Alcohol (on sales only)

Monday to Saturday from 09:00 hours to 23:00 hours
Sunday from 10:00 hours to 23:00 hours

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

Monday to Saturday from 09:00 hours to 23:00 hours
Sunday from 10:00 hours to 23:00 hours

Hours premises is open to the public

Monday to Saturday from 09:00 hours to 23:30 hours
Sunday from 10:00 hours to 23:30 hours

Conditions

1. No entry after 22:30 hours
2. The retail sale of alcohol shall be ancillary to;
 - The provision of nail treatments, hair treatments and male/female grooming treatments and/or
 - The purchase of food and/or
 - The purchase of retail products and/or
 - The purchase of a cinema ticket on the same day as the screening in the basement.
3. There shall be no off sales of alcohol permitted with the exception of patrons seated outside the premises at tables and only ancillary to food purchased in the premises.

4. The outdoor seating area to be used only between the hours of 09:00 hours to 21:00 hours from Monday to Saturday and 10:00 hours to 21:00 hours on Sundays.
5. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to nuisance to local residents and businesses.
6. 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.
7. There shall be no advertising of the sale of alcohol outside the premises.
8. The premises licence holder shall devise and implement a dispersal policy to ensure that patrons do not congregate outside the premises and they disperse from the premises in an orderly and quiet manner so as not to disturb the residents within the vicinity.
9. CCTV camera system covering both internal and external to the premises is to be installed.
10. 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.
11. At all times when the premises is open, a person who can operate the CCTV system must be present on the premises.
12. Prominent and clearly legible notices shall be displayed at all exits of the premises requesting patrons to respect the needs of local residents and to leave the premises and area quietly.

3.4 Application for a Time Limited Premises Licence for Former Shoreditch Train Station, corner of Pedley Street and Code Street, London, E1 5EW.

At the request of the Chair, Mr Alex Lisowski, Licensing Officer, introduced the report which detailed the application for a time limited premises application for Former Shoreditch Train Station, corner of Pedley Street and Code Street, London E1 5EW. It was noted that there had been an objection made by the Police.

At the request of the Chair, Mr Anthoy Hoate, Applicant, explained that he owned the station and wanted Hot Tub Cinema Company to run a series of screenings over a one year period. He explained that they screened non contentious cinema like romantic comedies, animations etc. The application

was for the provision of selling alcohol as an ancillary to the cinema and between the hours of 6.30pm and 10.30pm during week days and 12 noon to 22.30 during weekends and that there would be no vertical drinking and noise disturbance would be minimal as it would be a cinema.

Members also heard from Mr David Asher Charman, Director for Theatron Media Limited who briefly explained that having spoken with the Police they were happy to comply to the conditions proposed by PC Alan Cruickshank by installing CCTV cameras, employing SIA staff etc. He stated that this would be a pop up event, a variety of venues had been used around London and this summer they have had 20 events in the Former Shoreditch Train Station via temporary event notices and were proud to report that there had been no incidents or complaints.

Members then heard from PC Alan Cruickshank who stated that he welcomed the removal of non standard timings and the conditions accepted by the Applicant. However, had concerns about the safety of customers leaving through Pedley Street. He stated that although the hours were within the framework hours it was yet another premise which will have the ability to sell alcohol in the area which is already saturated.

In response to questions it was noted that the maximum capacity for the premises was 120 people and that there was adequate toilet facilities on the premises.

Members retired to consider their decision at 12.50pm and reconvened at 12.55pm.

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 Home Office 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 from the Applicants and PC Alan Cruickshank.

Members reached a decision and the decision was unanimous. Members decided to grant the application with conditions agreed with the Police. Members noted that the premises was within the cumulative impact zone, however, Members were satisfied that having seen the evidence prior to and at the meeting, the Applicant had done everything they could 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 Time Limited Premises Licence from the 1st October 2014 to 1st October 2015 for, the Former Shoreditch Train Station, Corner of Pedley and Code Street London E1 5EW be **GRANTED with conditions.**

1st October 2014 to 1st October 2015

Sale of Alcohol (on sales only)

Monday to Friday from 18:00 hours to 22:30 hours
Saturday and Sunday from 12:00 hours (noon) to 22:30 hours

The Provision of Regulated Entertainment in the form of Films

Monday to Friday from 18:00 hours to 23:00 hours
Saturday and Sunday from 12:00 hours (noon) to 23:00 hours

Conditions

1. No promoted events that involve DJ's.
2. Two SIA staff to be employed on a Friday and Saturday from 18:00 until closing time.
3. An incident and refusals log book 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 incidents of disorder
 - d. all seizures of drugs or offensive weapons
 - e. any faults in the CCTV system or searching equipment or scanning equipment
 - f. any refusal of the sale of alcohol
 - g. any visit by a relevant authority or emergency service.
4. 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 when the premises is open, a person who can operate the CCTV system must be present on the premises.

The meeting ended at 1pm

Chair, Councillor Peter Golds
Licensing Sub Committee