

LONDON BOROUGH OF TOWER HAMLETS

MINUTES OF THE LICENSING SUB COMMITTEE

HELD AT 3.00 P.M. 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:

Steve Burnett	- Item 3.1
Tim Luther	- Item 3.1
Kingsley Hoddinott	- Item 3.2
Michel Lasserre	- Item 3.2
Hassan Abdulah	- Item 3.2
Robert Jordan	- Item 3.3
Ranjit Kuar	- Item 3.3

Objectors In Attendance:

PC Alan Cruickshank	- Metropolitan Police
Ian Wareing	- Environmental Health
David Hunter	- Item 3.2

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 Mercado, Retail Unit D, City Scape, Wentworth Street, London, E1

At the request of the Chair, Mr Alex Lisowski, Licensing Officer, introduced the report which detailed the application for a new premises licence for Mercado, Retail Unit D, City Scape, Wentworth Street, London E1. It was noted that an objection had been received from the Metropolitan Police.

At the request of the Chair, Mr Steve Burnett, Licensing Representative on behalf of the Applicant explained that it was a restaurant specialising in Spanish food and wine, he further explained that the Applicant had invested a lot of money in the premises, which showed his commitment to the area.

It was noted there was no history of complaints or problems with any of the other premises owned by the Applicant and from experience the restaurants usually quietened down after 11pm and therefore could not see it having a negative impact on the community. Mr Burnett explained that the hours applied for were within the Council's framework hours and that there had been no objections from residents or Environmental Health.

Mr Burnett noted the Police's concerns regarding the Cumulative Impact Zone (CIZ), however he explained that there were good transport links near the premises and it would have a positive effect on the borough. It was also noted that the Applicant had accepted the conditions suggested by the Police in order to promote the licensing objectives. He stated the notices would also be put outside the premises asking customers to respect the needs of local residents and staff would clean and monitor the outside area on a regular basis.

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. He explained that 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 licensed premises or variations however small or well run, would only compound the problems in the CIZ.

Members retired to consider their decision at 3.20pm and reconvened at 3.25pm.

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 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, Copita Del Mercado, Retail Unit D, City Scape, Wentworth Street, London E1 be **GRANTED with conditions**.

Sale of Alcohol (on sales only)

Monday to Thursday from 09:00 hours to 23:00 hours
Friday and Saturday from 09:00 hours to 23:30 hours
Sunday from 09:00 hours to 22:00 hours

The Provision of Late Night Refreshments

Monday to Thursday from 23:00 hours to 23:30 hours
Friday and Saturday from 23:00 hours to 00:00 hours (midnight)

Hours Premises is open to the Public

Monday to Thursday from 06:00 hours to 23:30 hours
Friday and Saturday from 06:00 hours to 00:00 hours (midnight)
Sunday from 06:00 hours to 22:30 hours

Conditions

1. Outdoor seating area only to be used between the hours of 09:00 hours to 22:00 hours.

2. Alcohol to be only served to seated customers and ancillary to a meal (indoors and outdoors)
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 31 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 (Maison Trois Garcon), 45 Redchurch Street, London E2 7DJ

At the request of the Chair, Mr Alex Lisowski, Licensing Officer, introduced the report which detailed the application for a new premises licence for Maison Trios Garcon, 45 Redchurch Street, London E2 7DJ. It was noted that objections had been received from the Metropolitan Police and local residents.

At the request of the Chair, Mr Kingsley Hoddinott, Licensing Representative for the Applicants briefly explained the nature of the premises he explained that the Applicants had been residents for past 14 years and have had an exemplifying record for the past 18 months trading as a retail café. He explained that the application for the sale of alcohol was to benefit the existing clientele to be able to enjoy a glass of wine with their food. It was noted that there was a capacity for 60 people at the premises.

Mr Hoddinott also offered a list of conditions to help address the concerns of the Police and local residents.

Members then heard from PC Alan Cruickshank, who explained that although the alcohol hours were within the framework hours, it was yet another premise that would have the ability to sell alcohol in the area which was already saturated. He welcomed the removal of non standard timings and the conditions accepted by the Applicants.

Members then heard from Daniel Hunter, resident objector, who explained that he lived next the premise and his bedroom window was 5 metres from its side entrance. He explained that there was noise disturbance from the premise throughout the opening hours and during a recent private event there was a large number of people outside the side entrance causing a considerable amount of noise and disturbance.

In response to questions the following was noted;

- That the Applicants were happy to keep the side entrance closed and would only use it as emergency exit.
- That there would be no off sales.
- That they held private functions which have been managed well with no complaints.
- That there was no live music played at the premises except soft background music.
- That the Applicants were happy to remove the outside tables and chairs after 7pm.

Members retired to consider their decision at 3.45pm and reconvened at 3.50pm.

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 their representative and from 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 the responsible authority.

It was noted that the Police objection related to the premises being in the cumulative impact zone. It was also noted that having regard to paragraph 8.4 of the Licensing Policy, there was a rebuttable presumption in respect of granting an application where a representation is made. Having regard to the hours applied for, the location of the premises and the conditions offered, Members were satisfied that the operation of the premises would not add to the cumulative impact zone.

Decision

Accordingly, the Sub-Committee unanimously –

RESOLVED

That the application for a New Premises Licence for Maison Trois Garcon, 45 Redchurch Street, London E2 7DJ be **GRANTED** with conditions.

Sale of Alcohol (on sales only)

Monday to Sunday from 10:00 hours to 22:00 hours

Hours premises is open to the public

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

Conditions

1. There will be no more than two people allowed to smoke outside the premises at any time.
2. CCTV camera system covering both internal and external to the premises is to be installed.
3. 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.
4. At all times when the premises is open, a person who can operate the CCTV system must be present on the premises.
5. Alcohol to be served to seated customers and ancillary to a meal.
6. Only bottled beers, ciders, wines, spirits and minerals will be stocked at the premises. There will be no draft beer.
7. No refuse will be collected or placed outside the premises between the hours of 23:00 hours and 08:00 hours the next day.
8. Noise will be monitored by the house manager or his/her deputy to ensure that there is no nuisance caused to residential neighbours.
9. The side door will be kept shut at all times except for use when in emergency.
10. Outdoor seating area only to be used between the hours of 09:30 hours and 19:00 hours.
11. Outdoor seating furniture will be removed by 19:00 hours
12. 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.

3.3 Application for a New Premises Licence for Gravalia - Unit 1C Cassilis Road, London, E14 9LQ

At the request of the Chair, Mr Alex Lisowski, Licensing Officer, introduced the report which detailed the application for a new premises licence for Gravalia, Unit 1, Cassilis Road, London E14 9LQ. It was noted that objections had been received from the Metropolitan Police, Environmental Health and local residents.

At the request of the Chair, Mr Robert Jordan, Licensing Representative for the Applicant stated that he had agreed conditions with the police and have offered a further condition to cease the use of the outdoor area by 9pm rather than 10pm as originally requested. He also referred to the objections by the local residents and believed that the conditions proposed would help address those concerns.

He explained that the premises had good transport links, it was not in the cumulative impact zone, and the Applicant was happy to cease all activity for the outside area by 9pm as suggested by Environmental Health.

It was noted that the premises was a restaurant/café and not a vertical drinking establishment, that alcohol drinks would be ancillary to food, the premises would attract professionals and mainly affluent people and that the outside seating area at the front of the premises would be supervised by staff.

Members then heard from PC Alan Cruickshank who expressed concerns about the potential for crime and disorder and public nuisance due to the number of covers for the outside area. He welcomed the conditions accepted by the Applicant and the condition to close the outside area for use by 9pm.

Members also heard from Ian Wareing, Environmental Health, he also expressed similar concerns and believed that 24 covers for the outside area would be too many to supervise, that would cause disturbance as it was very close to residential properties their windows, and balconies. He explained that he welcomed the 9pm closure for the outside area but would prefer an even earlier closure for the outside area. He explained that Cassilis Road was a densely residential area and to allow an outside dining area to be used for the hours applied for would result in considerable public nuisance and suggested a closing time of 7pm for the outside area.

In response to questions the following was noted;

- That currently the outside area was used between the hours of 9am - 9pm.
- That the outside area would only be used when the weather was nice
- That the hours applied for were the within the Council's framework hours and the opening hours had not been objected to.
- That there would be no delivery service.

Members retired to consider their decision at 4.10pm and reconvened at 4.15pm.

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 representatives from the Police and Environmental Health. In the absence of the resident objectors Members noted and considered their written submissions.

Members did have concerns that the premises was in a densely populated residential area and that there was a possibility there would be an increase in anti-social behaviour and public nuisance. Members also took into account their local knowledge of the area and representations made by Environmental Health and Police and considered it appropriate to reduce the terminal hours sought for licensable actives and add conditions to help promote the licensing objectives.

Decision

Accordingly, the Sub-Committee unanimously –

RESOLVED

That the application for a New Premises Licence for Gravalia, Unit 1C Cassilis Street, London E14 9LQ be **GRANTED in part** with conditions.

Sale of Alcohol (on sales only)

Sunday to Thursday from 11:00 hours to 22:00 hours
Friday and Saturday from 11:00 hours to 23:00 hours

Hours premises is open to the public

Sunday to Thursday from 11:00 hours to 22:30 hours
Friday and Saturday from 11:00 hours to 23:30 hours

Conditions

1. CCTV camera system covering both internal and external to the premises is to be installed.
2. 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.
3. At all times when the premises is open, a person who can operate the CCTV system must be present on the premises.
4. 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.
5. An incident report book is kept and record all incidents of crime and disorder associated with the premises.
6. A dedicated telephone number to be provided for residents to contact management if they have any complaints or concerns.
7. The sale of alcohol to be ancillary to a meal.
8. No use of the outdoor area.

3.4 Application for a Transfer of a Premises Licence Holder for Bethnal Green Food Centre, 438 Bethnal Green Road, London, E2 0DJ

At the request of the Chair, Mr Alex Lisowski, Licensing Officer, introduced the report which detailed the application for a transfer of a premises licence for Bethnal Green Food Centre, 438 Bethnal Green Road, London E2 0DJ. It was noted that objections had been received from the Metropolitan Police.

It was noted that the Applicant nor the Premises Licence Holder were present at the meeting, therefore Members noted the application contained in the agenda and asked PC Cruickshank a brief summary of his objection.

Members heard from PC Alan Cruickshank who stated the applicants lack of attendance, demonstrated the lack of concern and management of the premises. He explained that this premises had been reviewed previously and was recently been reviewed.

He referred Members to the police representation on the restricted papers and briefly went through the breaches of licensing conditions, allowing licensable activities to be carried on outside licensable hours on a number of occasions,

other related incidents relating to crime and disorder and the seizure of smuggled goods.

Members discussed amongst themselves and the Chair stated;

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 PC Alan Cruickshank and noted the lack of attendance and communication from the Applicant

Members reached a decision and the decision was unanimous. Members noted the number of repeated breaches of the licence where the applicant had been found selling outside trading hours, this together with the concerns raised by the Police, Members decided to refuse the application for a transfer of licence.

Decision

Accordingly, the Sub-Committee unanimously –

RESOLVED

That the application for a Transfer of Premises Licence for Bethnal Green Food Centre, 438 Bethnal Green Road, London E2 0DJ be **REFUSED**.

The meeting ended at 4.45 p.m.

Chair, Councillor Peter Golds
Licensing Sub Committee