

LONDON BOROUGH OF TOWER HAMLETS
MINUTES OF THE LICENSING SUB COMMITTEE
HELD AT 6.30 P.M. ON TUESDAY, 28 JULY 2015

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

Members Present:

Councillor Rajib Ahmed (Chair)
Councillor Mahbub Alam
Councillor Candida Ronald

Officers Present:

Andrew Heron	– (Licensing Officer, Licensing Department)
Gurwinder Olive	– (Senior Lawyer, Legal Services)
Simmi Yesmin	– (Senior Committee Officer, Democratic Services)

Applicants In Attendance:

Simon Foster	(Item 4.1)
Sandeep Kang	(Item 4.1)
Abid Hussain	(Item 4.2)

Objectors In Attendance:

H De-Feo	(Item 4.1)
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 meeting were agreed and approved as a correct record.

4. ITEMS FOR CONSIDERATION

4.1 Application for a New Premises Licence for The Royal Pharmaceutical Society of Great Britain, 66-68 East Smithfield, London, E1W 1AW.

At the request of the Chair, Mr Andrew Heron, Licensing Officer, introduced the report which detailed the application for a new premise licence for the Royal Pharmaceutical Society of Great Britain, 66-68 East Smithfield, London E1W 1AW. It was noted that objections had been received by local residents.

At the request of the Chair Mr Simon Foster, Legal Representative on behalf of the Applicant gave a brief background to the Royal Pharmaceutical Society, he explained that it was a professional institute which was previously situated in Lambeth. He explained that the building would have offices on each floor with a museum, and a staff canteen on the ground floor.

It was noted that the Applicant no longer required the provision for regulated entertainment or late night refreshments and that they would only have low level background music which did not require a licence. It was noted that the provision for the sale of alcohol would only be used during events that were to be hosted at the venue, these events would be for members only and would not be for the retail sale of alcohol to members of the public. It was further noted that these events would usually take place during lunchtime.

Ms Foster explained that there were two rooms for events/functions a conference room for 80/90 people and larger conference room on the ground floor for 150 people. He explained that the premise would not be used for parties or weddings and would only be for corporate events, that there would be no bar area and would not be open to the general public. It was suggested that there would be no more than 10-15 events a year and events would be overseen by the Royal Pharmaceutical Society Facilities Manager with no events going beyond 11pm.

It was further noted that the canteen was for staff only, with food being supplied by outside caterers and that there would be no alcohol retained on the premises.

Mr Foster stated that the society had accepted that building works had been delayed and therefore apologised to residents for any disruption that was caused during that time. It was noted that there were no parking facilities at the premises and that all invites would be notified that no parking facilities were available.

It was noted that no children would be allowed on the premises and that the Applicants would work closely with local residents to promote the licencing objectives.

Ms Gurwinder Olive, Legal Advisor asked the Applicant's representative to submit clear plans of the premises should an application be granted.

Members then heard from Ms H De Feo, local resident, she explained that she was representing herself and several other local residents in the area, it was noted that she was not generally objecting to the development, however

residents had not been informed of the disturbances that would be caused as a result of the development. She explained that an alcohol licence with a broad spectrum of hours was concerning and expressed concerns regarding dispersal, the knock on effect on local residents in the area, the nature of events that would take place and potential late night events.

In response to Members questions the following was noted;

- That there would be approximately 1 event per month
- The events were likely to finish by 8pm and that the extra hours had only been applied to allow for flexibility.
- That experiences showed that people usually don't leave together, it was always staggered.
- That signs would be displayed in the premises asking people to leave quietly and respect the needs of local residents.
- That no two events would take place together.
- That a risk management report and audit records would be completed for each event.
- It was noted that the balcony area would not be a licenced and therefore no licensable activities would take place there.

Members retired to consider their decision at 7.15pm 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 the Chair stated that the Sub Committee had carefully considered all of the evidence before them and had heard representation on behalf of the applicant and the objectors.

Members welcomed the proposed conditions offered by the applicant and noted the conscious effort to help alleviate the concerns of local residents. It was confirmed that these further conditions would be read together with and as part of the operating schedule. Therefore Members decided to grant the application and impose conditions in accordance with the operating schedule to help promote the licensing objectives.

Decision

Accordingly, the Sub-Committee unanimously –

RESOLVED

That the application for a New Premises Licence for the Royal Pharmaceutical Society of Great Britain, 66-68 East Smithfield, London E1W 1AW be **GRANTED with conditions.**

Sale of Alcohol (On sales only)

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

Hours the premise is open to the public

Monday to Sunday from 06:00 hours to 20:00 hours.

Conditions

1. The premises will not open to the public save for those invited to attend an event. Those events will be limited to corporate lunches/dinners, meetings, presentations and networking events
2. Attendance at events where there is licensable activity will be limited in capacity to a maximum of 90 people seated or 150 people standing.
3. Where alcohol is served, it will either be served free of charge (most occasions) or as part of an all-inclusive ticket price (less frequent).
4. Attendees at events will be limited to members, associated bodies and invited guests only.
5. The balcony area is expressly excluded from the area where licensable activity is permitted.
6. A dedicated telephone number for a duty manager to be available to local residents.
7. The licence is subject to the submission of suitable plans of the premises compliant and in accordance with regulation 23 of the Licensing Act 2003 (Premises Regulations) 2005. No Licensable activity is permitted until plans have been received and approved by the Licensing Authority.

4.2 Application for a Premises Licence for Shiraz Food and Wine - 178 Hackney Road, London, E2 7QL

At the request of the Chair, Mr Andrew Heron, Licensing Officer, introduced the report which detailed the application for a new premise licence for Shiraz Food & Wine, 178 Hackney Road, London E2 7QL. It was noted that objections had been received by the Police and local residents. It was noted that the premises was subject to a review previously where the licence had been revoked and that this was a new application by a new applicant.

At the request of the Chair, Mr Abid Hussain, Applicant, explained that he was a new applicant and shouldn't be seen in the same light as the previous licensee. He explained that high strength alcohol would be sold at a high price and therefore would be above the price range for street drinkers.

He said that street drinking was common in the area and that the safer neighbourhood team should be dealing with this. He explained that street drinkers were still hanging around the area despite the shop not having a licence and not selling alcohol.

He further explained that the local resident objector, Mr Jorde had had previous conflict with the previous licensee and since then Mr Jorde has been making complaints against the premises. He concluded by urging Members to grant the licence as the business was not viable without a licence.

Members then heard from PC Mark Perry, Metropolitan Police who explained that this was nothing to do with previous application but was more to do with the area in which the premises was in as it was a magnet for street drinkers who cause nuisance to local residents and it was evident that a lot of alcohol brought by the street drinkers had been previously purchased from Shiraz Food and Wine.

He said that if a licence was granted then street drinkers would start buying from the premises and the anti-social behaviour would start again. He referred to page 139 of the agenda and stated that since the licence had been revoked the anti-social behaviour had dramatically reduced. This was also referenced on page 173 of the agenda. PC Perry said that the shop was the source of anti-social behaviour and that anti-social behaviour would start again if a licence is granted.

In response to questions the following was noted;

- That the applicant had paid for half the lease subject to the licence being granted.
- That the premises was currently open selling groceries, oyster and paypoint
- That the applicant took over the premises in March 2015
- That the applicant had no relation with the previous owner
- The applicant confirmed that CCTV cameras were in operation and that a personal licence holder would be at the premises at all times.
- That customers who were inebriated or seen to be inebriated would not be served.
- That the applicant would operate a challenge 25 policy and work closely with responsible authorities to help promote the licencing objectives.

Members retired to consider their decision at 8.00pm and reconvened at 8.15pm.

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 representation from the applicant and the Metropolitan Police as a responsible authority.

Members gave serious weight to the Police's comments regarding the premises and considered their duties in the prevention of crime and disorder and protecting the public and local residents from crime and anti-social behaviour. Members took note of the residents' complaints but were cautious and mindful that complaints related to a previous licence/licensee and therefore they considered only the extent to which a new licence at the same premises might impact the licensing objectives.

It was noted that the applicant himself demonstrated previous knowledge and experience. However, Members were not convinced that there would be sufficient conditions that could address concerns about anti-social behaviour and public nuisance and the wider impact on the local residents.

Members reached a decision and the decision was unanimous. Members refused the application and advised the applicant to work with responsible authorities to come up with a more robust application specifically with the aim to prevent anti-social behaviour and public nuisance.

Decision

Accordingly, the Sub-Committee unanimously –

RESOLVED

That the application for a New Premises Licence for, Shiraz Food & Wine, 178 Hackney Road, London E2 7QL be **REFUSED**.

5. ANY OTHER BUSINESS THAT THE CHAIR CONSIDERS URGENT

There was no other business.

The meeting ended at 9.00 p.m.

Chair, Councillor Rajib Ahmed
Licensing Sub Committee