

LONDON BOROUGH OF TOWER HAMLETS**MINUTES OF THE LICENSING SUB COMMITTEE****HELD AT 2.05 P.M. ON TUESDAY, 18 AUGUST 2015****THE COUNCIL CHAMBER, TOWN HALL, MULBERRY PLACE, 5 CLOVE
CRESCENT, LONDON, E14 2BG****Members Present:**

Councillor Peter Golds (Chair)
Councillor Rajib Ahmed
Councillor Muhammad Ansar Mustaqim

Officers Present:

Mohshin Ali	– (Senior Licensing Officer)	
Kathy Driver	– (Principal Licensing Officer)	
Vivienne Walker	– (Senior Prosecution Lawyer)	
Simmi Yesmin	(Senior Committee Officer, Democratic Services)	

Applicants In Attendance:

Jack Speigler	(Item 4.1)
Sarah Le Ferve	(Item 4.1)
Jonathan Cowley	(Item 4.1)
Henry Dimbleby	(Item 4.1)
Graham Hopkins	(Item 4.2)
Linder Potter	(Item 4.2)
Mr Awal	(Item 4.2)
Mr Uddin	(Item 4.2)
Azmal Hussain	(Item 4.3)
Philip Howarth	(Item 4.3)

Objectors In Attendance:

PC Mark Perry	((Item 4.1 & Item 4.3)
Giampaulo Guglielmi	(Item 4.3)

1. DECLARATIONS OF DISCLOSABLE PECUNIARY INTEREST

Councillors Peter Golds, Rajib Ahmed and Ansar Mustaqim asked it to be noted that the Applicant for Item 4.3 Application for a Variation of the Premises Licence for Preem, 118-122 Brick Lane, London E1 6RL, was known to them. However, they confirmed that this would not influence their decisions and they had not discussed this application prior to the hearing.

2. RULES OF PROCEDURE

The rules of procedure was noted.

3. MINUTES OF THE PREVIOUS MEETING(S)

The minutes of the Licensing Sub Committee held on 14th July 2015 were agreed as a correct record.

4. ITEMS FOR CONSIDERATION**4.1 Application for a New Premises Licence for Truck Stop, West India Quay, Hertsmere Road, London, E14 4AE**

At the request of the Chair, Mr Mohshin Ali, Licensing Officer, introduced the report which detailed the application for a new premises licence for Truck Shop, West India Quay, Hertsmere Road, London E14 4AE. It was noted that objections had been received from the Metropolitan Police. It was noted that Environmental Health had also objected but had withdrawn their representation as conditions had been agreed.

At the request of the Chair Ms Sarah Le Ferve, Legal Representative explained that this was a time limited premises application and would only be in use between the months of May to October each year. There would be no music beyond background music and wanted an alcohol licence till 10pm.

She explained that the Applicants were operators, creators and drivers of street food in London. It was noted that the Applicant had experience of operating licences as they were doing the same in areas such as Hackney, Lewisham, and Battersea.

It was reported that there had been no incidents of serious disorder at any of the sites, and this was due to careful operational provisions, good management and having robust security in place. Ms Le Ferve explained that an average spend at the food stall would be approximately £10 each and £3.50pm for alcohol.

It was noted that the food operators have been asked to come in by the Landlord. It was noted that they have been trading this summer and have had around 13/14,000 customers over the past months and this was without the sale of alcohol. It was noted that if a licence was granted then they would start using the licence from May next year. Mr Henry Dimbleby, Applicant, concluded by highlighting the experiences of traders, explaining how they would manage the area, and manage the role of security staff and marshals.

Members then heard from PC Mark Perry, Metropolitan Police, who stated that there haven't been any issues with the company and there was no doubt that they were reputable. However the main concern was the location, it was noted that there had been no consultation with the local Pub Watch

organisers or other licensed premises in the area and how this would impact on them, nor had there been any details on how the security would manage the open area.

PC Perry explained that there was potential for disorder, as there was no place for people to consume their food as it was a very narrow place. He questioned how security would manage inebriated people and anti-social behaviour caused to local residents and therefore concluded that the location was inappropriate and was not satisfied with the management of the security.

In response to Members questions the following was noted;

- That the consultation process/application was advertised according to the statutory deadlines.
- That Environmental Health object due to concerns of local residents but they have withdrawn their representations and had agreed conditions.
- That the Applicants had been working closely with Landlord.
- As for CCTV, it was noted that Tower Hamlets CCTV cameras covered the area where the stalls would be as it was difficult to install CCTV cameras in public places.
It was noted that all drinking vessels would be polycarbonate, non-glass or other shatter proof containers.
- That sufficient security staff would be employed to deal with littering, anti-social behaviour etc.
- That the stalls were light weight construction and would be packed up and taken away every night.
- That the plans were indicative and that the bars stalls located in the plans could be moved to anywhere.
- The Applicant agreed not to have the bar stalls located near the bridge entrance.
- It was noted that food and alcoholic drinks would be in separate stalls.
- That the Applicants were happy to draw up a security plan with West India Quay Landlords.
- That the Applicants were happy to accept conditions for CCTV cameras to be installed.

Members retired to consider their decision at 3.15pm 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 representation from the Applicant's representative and PC Perry.

It was noted that the Applicants demonstrated previous knowledge and experience. However, Members gave serious weight to the Police's comments regarding the premises and its locality and therefore believed that it would be sufficient to strengthen the conditions proposed and add an additional condition that the bar stalls should not be located near the entrance of the bridge as set out in the plans.

Members reached a decision and the decision was unanimous. Members granted the application and advised the applicant to continue working with the Landlord 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, Truck Stop, West India Quay, Hertsmere Road, London E14 4AE be **GRANTED with conditions**.

Sale of Alcohol (On and Off Sales)

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

The Opening Hours of the Premises

Monday to Sunday from 10:00 hours to 22:30 hours

Conditions

1. At no times should the Bar stalls be located near the bridge entrances.
2. Stewards and/or SIA registered supervisors shall be employed on an operational risk assessment basis.
3. A telephone number to the duty manager shall be available to local residents.
4. There shall be a written dispersal policy, a copy of which shall be kept on the premises and produced to police or an authorised officer upon request.
5. The premises shall operate a dispersal policy and all staff shall be trained in its implementation.
6. Customers shall be supervised when leaving the premises and shall be asked to leave quietly.

7. Signs will be prominently displayed at all exit points reminding customers to leave quietly and respect local residents.
8. A Challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as driving licence or passport.
9. An incident log 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:
 - All crimes reported;
 - All ejections of patrons;
 - Any incidents of disorder;
 - Seizure of drugs or offensive weapons;
 - Any refusal of the sale of alcohol;
 - Any visit by a relevant authority or emergency service.
10. The premises licence will only take effect from 1 May to 31 October each calendar year.
11. The licence holder will engage with the management of adjacent licence holders and Canary Wharf central security.
12. All drinking vessels shall be polycarbonate, non-glass or other shatter proof containers.
13. SIA registered door supervisors shall be employed from 6pm until close on Thursday to Saturday evenings . At all other times stewards and/or SIA registered supervisors shall be employed on an operational risk assessment basis
14. Stewards or SIA registered door supervisors will be responsible for ensuring that any queue is orderly and noise kept to a minimum.
15. All staff will be given regular training on the legislation relating to the sales of alcohol to underage persons and drunken persons.
16. During the hours of operation of the premises, the licence holder shall ensure sufficient measures are in place to remove and prevent litter or waste arising or accumulating from customers, and that the area shall be swept and or washed, and litter and sweepings collected and stored in accordance with approved refuse storage arrangements by close of business.

17. No music other than background to be played during hours of operation.
18. To work with the Landlord to ensure that the CCTV camera system covers the licensable area.
19. 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.
20. 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.
21. To agree a security plan with Canary Wharf Security, West India Quay Management and the licensed premises on West India Quay. The security plan is to be agreed and in place at least 1 month prior to the event taking place. The security agreement will include but is not limited to:
 - Managing people using the bridge linking Canary Wharf and West India Quay.
 - A procedure for allowing people to move freely down West India Quay when the Truck Stop is operating.
 - A plan for working with security of licensed premises in West India Quay, and West India Quay Management to ensure that people to be ejected or refused entry from any licensed premises are dealt with effectively, and safely.
 - That staff are deployed to Hertsmere Road and the surrounding areas to ensure customers of Truck Stop are not causing anti-social behaviour or littering.

4.2 Application for a New Premises Licence for Real Taste - 185 East India Dock Road, London, E14 0EA

At the request of the Chair, Mr Mohshin Ali, Licensing Officer, introduced the report which detailed the application for a new premises licence for Real Taste, 185 East India Dock Road, London E14 0EA. It was noted that objections had been received by two local residents.

At the request of the Chair, Mr Graham Hopkins, Licensing Representative on behalf of the Applicant said that the premise was a fast food take away, providing home delivery and was catering for local residents and for passing by trade.

It was noted that the premises had a car park for delivery staff, it was also noted that the premise was under a block of flats and that no objections had been received from residents living above the premises. Mr Hopkins explained that they were only applying for the provision of late night refreshments to meet customer demands and improve the viability of the business.

Mr Hopkins explained that they kept CCTV footage for 31 days, did regular staff training and kept an incident book. It was noted that no alcohol would be permitted on the premises and that last orders for the restaurant would be taken 30 minutes before closing and 15 minutes for delivery or takeaway. It was also noted that phone numbers for management would be available to residents if they have any problems.

Mr Hopkins asked Members to note that no objections had been received by responsible authorities or residents directly above the premises and asked them to note the distance between the objectors houses and the premises.

In response to questions it was noted that there would be no seating area outside the premises and that there had been no incidents in the past 8 years whilst the premises had been open.

The objectors were not present at the meeting, therefore Members noted and considered their written objections.

Members retired to consider their decision at 3.40pm and reconvened at 3.45pm.

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 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 noted the written objections from two local residents.

Members welcomed the proposed conditions offered by the applicant and noted the conscious effort to help alleviate the concerns of local residents. Therefore Members decided to grant the application and impose conditions in conjunction 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 Real Taste, 185 East India Dock Road, London E14 0EA be **GRANTED with conditions.**

The Provision for Late Night Refreshments

Monday to Wednesday from 23:00 hours to 00:30 hours (the following day)
Thursday to Saturday from 23:00 hours to 02:00 hours (the following day)

Hours the premise is open to the public

Monday to Wednesday from 08:00 hours to 00:30 hours (the following day)
Thursday to Saturday from 08:00 hours to 02:00 hours (the following day)
Sunday from 08:00 hours to 23:00 hours

Conditions

- 1) There shall be no seating or eating outside the premises.
- 2) A CCTV camera system covering both the interior & exterior of the premises is to be installed & which shall be capable of taking a head and shoulders shot of persons entering the premises.
- 3) 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.
- 4) A system shall be in place to maintain the quality of the recorded image and a complete audit trail maintained.
- 5) The system will be maintained and fully operational throughout the hours that the premises are open for any licensable activity.
- 6) At all times the premises is open, a person shall be on duty who can download the images and present them immediately on request by a police officer or other responsible authority.
- 7) Notices shall be prominently displayed by the entry door and at the servery stating that CCTV cameras are in use.
- 8) No alcohol shall be permitted in or be allowed to be consumed in the premises at any time. Staff will monitor customer conduct while in the shop including the ban on alcohol. Drunk, abusive or aggressive customers will be refused service & asked to leave.
- 9) Notices shall be prominently displayed by the entry door stating that no alcohol may be taken into the restaurant or consumed in the premises.

- 10) The last order times will be: for sit down service in the restaurant 30 minutes before the terminal hour and for take away or home delivery 15 minutes before the terminal hour.
- 11) The restaurant seating shall be closed to new customers 30 minutes before the terminal hour. Staff will advise customers ordering after the seating is closed that service is take away only and notices shall be displayed to advise customers.
- 12) Notices will be prominently displayed by the entry doors advising customers of the opening hours and last order times.
- 13) Notices will be prominently displayed by the exit door requesting customers to respect residents and to leave the shop and area quietly, not to loiter or eat outside the shop and to dispose of litter legally.
- 14) Staff will receive training for their role on induction & refresher training every 6 months. Training will include acknowledging & serving customers in turn, explaining service times & delays in service, monitoring customers & avoiding conflict or disorder.
- 15) Written training logs will be kept for all members of staff which shall be signed and dated by the trainer & trainee in respect of all training received and produced to a police officer or authorised officer of the council on request.
- 16) A minimum of 3 staff shall be on duty during permitted (licensed) hours.
- 17) Management & staff will monitor the outside of the premises physically and by CCTV and actively discourage customers from loitering outside the premises & in the immediate vicinity.
- 18) An incident book shall be kept which shall be produced to police officers or authorised officers of the council on request and in which details of:
 - all crimes reported to the venue;
 - all ejections of patrons;
 - any complaints received;
 - any incidents of disorder;
 - any faults in the CCTV system;
 - any refusal of service;
 - any visit by a relevant authority or emergency service
- 19) A fire risk assessment & emergency plan will be prepared and regularly reviewed. Staff will be given appropriate fire safety training.
- 20) Notices will be prominently displayed by the exit door requesting customers to respect residents and to leave the shop and area quietly, not to loiter or eat outside the shop and to dispose of litter legally.

- 21) A rubbish bin will be provided for customers to place any unwanted material in as they leave the shop.
- 22) No deliveries of goods will be received at the premises or rubbish removed between 20.00 and 07.00 daily.
- 23) The shop frontage will be kept tidy at all times and swept at close.
- 24) A phone number will be displayed for residents to contact with any concerns.
- 25) Delivery drivers will be asked to turn off their engine outside the shop and customers premises and not to start it until they are ready to depart. They will be instructed to wait inside the shop in between deliveries.
- 26) No unaccompanied children under 16 will be allowed in the premises after 23.00 hours.

4.3 Application for variation of a Premises Licence for Preem Restaurant - 118-122 Brick Lane, London, E1 6RL

At the request of the Chair, Mr Mohshin Ali, Licensing Officer, introduced the report which detailed the application for a variation of the premises licence for Preem Restaurant, 118-122 Brick Lane, London E1 6RL. It was noted that objections had been received by the Metropolitan Police, Environmental Health, Licensing Authority and Local Residents.

At the request of the Chair, Mr Philip Howarth, Legal Representative on behalf of the Applicant explained that the application was to extend the hours for sale of alcohol and late night refreshments from 11pm to 3am. It was noted that the Applicant currently had a licence for sale of alcohol and regulated entertainment.

It was noted that they weren't applying for regulated entertainment and would only have background music and therefore not adding to the noise levels in the area. Mr Howarth said that they meet the licensing objectives as they currently have a licence and would not cause a negative impact in the area as there were a number of restaurants in Brick Lane with later hours.

He stated that alcohol would be ancillary to a meal as the main sales would be of food, he acknowledged that anti-social behaviour was a serious problem in the area. He mentioned a number of conditions to control the premises such as discouraging people to stand outside the premise, having CCTV cameras, that there were six toilets at the premises which were adequate facilities for the capacity of the premises. Mr Howarth explained that the Applicant was working with the Council to stop curry touting as they were now

doing digital marketing via the website, phone apps etc. taking a more modern approach to advertising.

It was noted that the Applicant's other premise on 124-126 Brick Lane had been closed for the past 5 months and would be changing into a chocolate shop and therefore the impact in the area would be reduced.

Members then heard from PC Mark Perry, representing the Metropolitan Police, he explained that there were serious concerns about the premises. He said that that alcohol should be ancillary to a meal as late night hours would attract more people to come to the area to drink. He questioned why there would be an SIA door staff if it was only a restaurant. PC Perry also made reference to the premise being in the cumulative impact zone, and therefore increasing the number of people coming into the Brick Lane area to consume alcohol and potentially causing disorder.

He then highlighted the lack of trust the Police had in the Applicant, as the Applicant has been accepting breaches of licensing conditions on a regular basis. He believed that by granting the variation there would be a risk of increasing anti-social behaviour, continuous mismanagement of the premises and a potential risk that the restaurant might turn into a bar.

Members then heard from Kathy Driver, representing the Licensing Authority who referred to her representation and detailed the previous history of the premises, the number of breaches made, and also mentioned the breaches during a suspension period where alcohol was served. It was also noted that complaints of touting had increased again particularly in the Hanbury Street area. Ms Driver stated that she was not confident that conditions would be satisfied as conditions have been ignored previously and did not feel the Applicant has addressed the concerns raised by objectors.

Members also heard from Mr Giampaolo Guglielmi, local resident, who briefly stated that a later premises licence would be detrimental to the area and would attract more intoxicated people which would increase anti-social behaviour in the area.

In response to Member's questions the following was noted;

- It was noted that Brick Lane had a long history of touting.
- That the Applicant would now be using IT technology to promote the business i.e. via the internet, phone apps, website etc.
- That the applicant was happy to accept a reduction in hours in line with other premises in Brick Lane.
- That door staff would be appointed to alleviate the fears of customers causing nuisance outside the premises.
- That the restaurant's turnover was for 80% food and 20% alcohol.
- That responsible authorities had no confidence that the Applicant would adhere to conditions
- That there would be no off sales

At 4.45pm the Chair and Legal Officer formally extended the meeting by 1 hour.

Members retired to consider their decision at 4.45pm and reconvened at 5.00pm.

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 objectors.

Whilst Members considered the implications of the Cumulative Impact Zone, Members noted that Mr Hussain's premises on 124-126 Brick Lane which had a premises licence for late hours was no longer in operation. Members had concerns over the number of previous breaches and prosecutions however Members believed that the conditions imposed would help prevent repeat incidents and alleviate the concerns of the objectors.

Members welcomed the amended hours proposed by the Applicant. Members reached a decision and the decision was unanimous Members decided to grant the application in part with reduced hours and imposing of conditions in conjunction with the operating schedule to help promote the licensing objectives.

Decision

Accordingly, the Sub-Committee unanimously –

RESOLVED

That the application for a Variation of the Premises Licence for the Preem Restaurant, 118-122 Brick Lane, London E1 6RL be **GRANTED in part with conditions**.

Sale of Alcohol (On Sales Only)

Monday to Sunday from 23:00 hours to 01:00 hours (the following day)

The Provision for Late Night Refreshments

Monday to Sunday from 23:00 hours to 01:00 hours (the following day)

The Opening Hours of the Premises

Monday to Sunday from 12:00 hours to 01:30 hours (the following day)

Conditions

1. Alcohol to be only served ancillary to a meal
2. There to be no off sales of alcohol
3. Photo identification badges must be worn by staff at all times and surrendered to an officer of the responsibility authority upon request.
4. At all times two trained security staff will be on duty within the premises with one person on door control to maintain good order and public safety.
5. The management will offer customers complementary teas and coffees after a meal to positively promote leaving the premises in an orderly manner and to not cause any problems relating to anti-social behaviour.
6. No regulated entertainment is to be provided except low key background music only. A noise limiter is to be installed the settings (maximum music noise levels generated) of which are to be set and agreed beforehand with the Environmental Protection Service. To ensure, as far as reasonably practical, that patrons that enter and exit the premises, especially late at night will act quietly and considerately at all times. No anti -social behaviour (shouting and screaming) or other forms of anti-social behaviour will be tolerated.
7. No food or drinks to be allowed to be consumed immediately outside the premises in the street.
8. Patrons will be encouraged to leave the premises quietly and considerately especially late at night. A dedicated taxi or mini cab service will be made available and offered to assist patrons on leaving the premises quietly as required. They will be asked to wait at the table until a taxi or other transport arrives in order to discourage patrons from standing and talking.
9. CCTV covering the inside and outside of the premises shall be installed. It shall be capable of taking a head and shoulders shot of person entering the shop and storing image for a period of at least 31 days. The CCTV shall be in operation during all the hours that the premises are open to the public. A member of staff capable of downloading images for Police or Authorised Council Officers shall be on duty at all times the premises are open to the public.

10. No person will be employed to solicit for custom or be permitted to solicit for custom in any public place within 500 meter radius of the premises.

11. Clear signage is to be placed in the restaurants windows stating that the premises supports the Council's "No Touting Policy".

5. ANY OTHER BUSINESS THAT THE CHAIR CONSIDERS URGENT

There was no other business.

The meeting ended at 5.05 p.m.

Chair, Councillor Peter Golds
Licensing Sub Committee