

LONDON BOROUGH OF TOWER HAMLETS

RECORD OF THE DECISIONS OF THE LICENSING SUB COMMITTEE

HELD AT 6.30 P.M. ON TUESDAY, 17 JANUARY 2017

THE COUNCIL CHAMBER, TOWN HALL, MULBERRY PLACE,

5 CLOVE CRESCENT, LONDON, E14 2BG

Members Present:

Councillor Suluk Ahmed (Member)
Councillor Candida Ronald (Member)
Councillor Sirajul Islam (Member)

Officers Present:

Teresa Champion	Legal Services
Andrew Heron	Licensing Officer
Antoinette Duhaney	Democratic Services

1. DECLARATIONS OF DISCLOSABLE PECUNIARY INTEREST

No declarations were made.

2. RULES OF PROCEDURE

The rules of procedure were noted.

3. ITEMS FOR CONSIDERATION

3.1 Licensing Act 2003: Application to Review the Premises Licence for Two One Two, 212 Brick Lane, London, E1 6SA

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 and in particular to have regard to the promotion of the four licencing objectives:

1. The Prevention of Crime and Disorder;
2. Public Safety;
3. Prevention of Public Nuisance; and
4. The Protection of Children from Harm

Consideration

Each application must be considered on its own merit. The Sub Committee has carefully considered all of the evidence before them and considered written and verbal representations from the Review Applicant (the Metropolitan Police) and Review Supporters (Licensing Authority, Environmental Health, Leaseholder for the premises). The Sub Committee also considered representations made by the Premises License Holder and the Designated Premises Supervisor.

The Sub Committee noted that it was requested to review a Premises License for Two One Two, 212 Brick Lane, E1 6SA. Members noted that written and oral evidence from the Metropolitan Police, the Licensing Authority and Environmental Health flagged up their concerns about the management of the premises and the failure of the Premises License Holder and Designated Premises Supervisor to uphold the licensing objectives particularly in relation to the prevention of crime and disorder and the prevention of public nuisance.

The Sub Committee heard that:

- The Metropolitan Police were concerned about a person with a close association to the premises and also had serious concerns over crime and disorder and public nuisance at the premises,
- The Licensing Authority had issued warnings regarding unlicensed activity at the premises and the Waste Enforcement Team had issued fixed penalty notices for littering. The Licensing Authority added to the review on the grounds of Prevention of Public Nuisance and Crime and Disorder on the grounds of unlicensed regulated entertainment and disposal of waste. They were of the view that the Premises Licence should be revoked as imposing further licensing conditions, removing the DPS or suspending the licence would not address the issues of lack of understanding of the Licensing regulations and lack of control by management.
- Environmental Health had received 30 complaints alleging noise nuisance since 18th March 2016. A Noise Abatement Notice was served on 25th November and breach of this notice was witnessed on 14th January 2017. Environmental Health and the Police were of the view there no licensing conditions could be placed on the Premises Licence to address their concerns. The suspension of the Premises Licence or removal of the Designated Premises supervisor would equally not resolve their concerns.
- The Leaseholder of the premises had served an eviction notice to the Premises License Holder to vacate the premises by 23 January 2017 for breach of contract. He was unaware of the seriousness of the incidents being investigated by the Police Crime Squad
- The Premises License Holder was not aware of the permitted hours for licensed activity when he became involved in the management of the

premises in June 2016. He admitted that he was inexperienced as he was not aware of the Licensing Objectives and its rules and regulations. Nor was he aware of the terms and conditions of the Premises Licence which did not permit music to be played after 11.00pm. He admitted that he was “learning on the job.”

- The Designated Premises Supervisor accepted that there had been issues with littering which had now been resolved. The noise complaints were decreasing and he wanted the opportunity to put things right as the business showed potential.

Having considered all the written and oral representations, the Sub Committee noted that the options available were -

- Take no further action as they do not consider it proportionate to do so;
- Impose conditions (including altering existing permissions) that relate to problems which they consider have been identified and which are necessary and proportionate to ensure that the licensing objectives are met;
- Suspend the licence for a fixed period not exceeding 3 months; and
- Revoke the licence completely.

However a license could only be suspended or revoked it was felt that amending the current licence, (including imposing new conditions) had no reasonable prospect of ensuring that the licensing objectives were met in relation to the prevention of crime and disorder and public nuisance.

The Sub Committee was concerned that -

- The Premises License Holder had limited experience of managing the premises and at the time he became involved in the business, was unaware of the licensing objectives or the hours for licensed activity which had been granted.
- Since 18th March 2016, there had been 26 complaints to the Noise Nuisance Service. Reference was also made to 4 further complaints in an additional representation from Environmental Health and warnings had been issued by the Licensing Authority in respect of regulated entertainment being carried out without a license.
- Despite a Noise Abatement Notice being served on 25th November 2016, the premises continued with unlicensed activity and a breach of the Noise Abatement Notice was witnessed on 14th January 2017.
- Fixed Penalty Notices had been issued for littering and bar receipts from the premises which were found in the litter suggested that the premises was operating outside of licensed hours and had sold alcohol for a period of time despite the fact that there was no Designated Premises Supervisor in place.

- The Premises License Holder and the Designated Premises Supervisor had not put forward any evidence to satisfy Members that adequate measures would be put in place to address all the concerns raised and ensure that the licensing objectives were upheld with particular regard to the crime and disorder objective and the prevention of public nuisance.

In view of the above concerns, the Sub Committee was satisfied that amending the current licence and/or imposing new conditions had little prospect of ensuring that the licensing objectives were met with particular regard to the crime and disorder objective and prevention of public nuisance.

Given that the Metropolitan Police were concerned about a person with a close association to the premises and also had serious concerns over crime and disorder and public nuisance at the premises, this completely undermined the Licensing Objective of preventing crime and disorder. Furthermore, despite the warnings issued by the Licensing Authority and the service of a Noise Abatement Notice, the premises had continued with regulated entertainment without a license and the Noise Abatement Notice also had been breached, thereby not meeting the licensing objective of prevention of public nuisance and prevention of crime and disorder.

The Sub Committee was not satisfied that suspending the License for a fixed period, imposing additional conditions on the Premises Licence, or removing the Designated Premises Supervisor would address the concerns of Members and agreed unanimously that the only appropriate course of action was revocation.

RESOLVED – That the Premises License for Two One Two, 212 Brick Lane, E1 6S be **REVOKED**.

3.2 Licensing Act 2003: Application for a Premises Licence for (Domino's Pizza), 269 Bethnal Green Road, London E2 6AH

Officers advised that the Police and Environmental Health had withdrawn their objections on the basis that the applicant had agreed to reduce the hours of operation to Sunday to Wednesday 11am - 12 midnight, Thursday to Saturday 11am – 1am on the day following. Additional conditions in relation to the provision of CCTV and maintaining an incident record book were also agreed.

The meeting ended at 8.10 p.m.

Chair,
Licensing Sub Committee