

LONDON BOROUGH OF TOWER HAMLETS

RECORD OF THE DECISIONS OF THE LICENSING SUB COMMITTEE

HELD AT 5.30 P.M. ON MONDAY, 19 JUNE 2017

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

Members Present:

Councillor Dave Chesterton (Chair)

Councillor Rajib Ahmed (Member)

Councillor Shah Alam (Member)

Other Councillors Present:

Officers Present:

Victoria Fowler – (Legal Services)

Kathy Driver – (Principal Licensing Officer)

Farhana Zia –

1. DECLARATIONS OF DISCLOSABLE PECUNIARY INTEREST

No declarations of discloseable pecuniary interest were declared.

2. RULES OF PROCEDURE

The Rules of Procedure were noted by the Sub-Committee.

3. MINUTES OF THE PREVIOUS MEETING(S)

The minutes from the 28th March 2017 were agreed as an accurate record of the meeting.

4. ITEMS FOR CONSIDERATION

**4.1 Licensing Act 2003: New Premises Licence for Hostem, 41 - 43
Redchurch Street, E2 7DJ**

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 licensing 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 applicant and objectors with particular regard to the licensing objectives of prevention of public nuisance and the prevention of crime and disorder.

Members heard from Ms Clare Eames (Solicitor for the applicants) who stated her clients were seeking a premises licence for a high end, exclusive supper club catered by professional chef Nuno Mendes. She stated it was a joint venture between Hostem Limited and Mr Mendes and would provide a gastronomic experience for a discerning clientele. The proposed operation would be for no more than 16 clients at any one time who will pre-book and be greeted at the entrance by a maître d'. The sale of alcohol would be ancillary to them taking a table meal.

Ms Eames advised the Sub-Committee that the applicant already operates within the borough. Hostem Limited is a family run company. Mr Brown, who is an owner of the company, has known Mr Mendes for 10 years.

Hostem Limited currently a high end clothes retailer. Customers pre-book a shopping experience with them. Hostem are hoping that customers of that business will also use the supper club. The cost of attending a supper club evening is £125 per head. The cost of the alcohol wine pairing to each course will cost £75 per head. The aim is for the supper club to achieve a Michelin star.

The supper club experience will last for approximately 3 hours and will be a unique experience. The experience is intended to be put out to a wider audience in approximately 6 months. The reason the applicant has not called the business a restaurant is because they feel that it is more unique. The applicant are the freeholders of the building and they rely on the local residence. Currently the premises is a building site and the applicant has invested hugely in the building.

The balcony will be used for smokers only and the clientele will not be permitted to take drinks out onto the balcony.

The applicant is aware of the local issues within the area relating to anti-social behaviour, noise and littering and has the same concerns as others in the area.

Ms Eames said her clients were mindful the premises location fell within the local authorities Cumulative Impact Zone (CIZ) however she hoped the sub-committee would grant the license on the basis her clients could rebut the CIZ presumption. She said her clients had engaged with the local community and had made every effort to address the concerns of neighbours. She referred members to the bundle of documents submitted on behalf of her clients and informed them Mr Max Jagerberg, the immediate neighbour had withdrawn his objection following a meeting with her and her clients. They had address Mr Jagerberg's concerns and had made suitable changes to their plans in order to satisfy Mr Jagerberg. One of the changes made is that the balcony no longer forms part the licensed area.

Ms Eames stated none of the responsible authorities had raised objections to the application and the hours applied for were within the Council's framework hours. She said she did not believe the type of client attending the exclusive supper club would give rise to anti-social behaviour as there would be no 'off sales' and no entertainment such a live music. She said having a premises license would be in the best interest of her clients as well as the local community because any breach would give local residents better recourse rather than the supper club operating without a licence.

The sub-committee heard from the objectors. Mr James Bruce said that he lived in a small row of houses in Chance Street. He said the area was a mix of residential and commercial properties and his home was part of an architectural award winning development, providing affordable living on a brownfield site.

He explained the impact that anti-social behaviour was having on his family and feared the granting of the licence would add to the problems already experienced. In particular he made reference to noise, foul language and the defecation of property when merry inebriated people are leaving the area. He said the granting of the licence to Hostem Limited would only add to the noise and anti-social behaviour experienced by residents. He was concerned about noise and smells emanating from the professional kitchen. Mr Bruce also pointed out that it would not just be 16 people entering the premises as there would also be the staff who would run the 'supper club' Mr Bruce feels that all that he has mentioned will impact the licensing conditions to Protect Children from Harm, Prevention of Nuisance and Crime and Disorder. Mr Bruce stated that the hours of operation applied for 12 noon until Midnight are too long and would impact on his family life.

Mr Sam Adams also addressed the sub-committee and reiterated the concerns outlined by Mr Bruce. He added that the close proximity of the proposed 'supper club' to residential properties meant the quality of life for residents would be further impaired. It was a matter of semantics whether the licence referred to the proposal as a 'supper club' but for all intent and purposes it was a restaurant. Mr Adams stated he felt the location of such a

premises was inappropriate given it was surrounded by residential properties and impacted on residents especially children. He also stated that if the Members were minded to grant the license it should limit the sale of alcohol to be ancillary to the meal and the timings of the licence.

Mr Adams was concerned regarding the number of covers which the applicant would provide as if the licence is granted it would mean that the 'supper club' experience could be provided from noon until 11pm 7 days a week.

Mr Adams also raised concerns regarding the use of the balcony area. He appreciates then when customers attend these types of events it is a fun and happy time and therefore it is extremely unlikely that users of the balcony will be quiet. Additionally 16 happy people all in one place will without doubt make noise. Mr Adams finished by saying that although the applicant has good intentions the location and the proximity to residential properties seems to be all wrong.

Members of the sub-committee sought clarification with regard to the experience of the Designated Premises Supervisor (DPS) and were told for the purpose of the application Mr Brown, the son of the proprietor of Hostem Ltd was named, however if the application was granted a suitable person, with DPS experience would be employed. Ms Eames further stated the Chef Mr Mendes operated another restaurant in the borough and had experience of running a licenced premise.

Cllr Ahmed asked if the cliental would be queuing outside the premises, to which Ms Eames said "no, they would be met by the Maître d and escorted to the first floor." She said arrival would be between 7:00 p.m. and 7:30 p.m.

When questioned further Ms Eames confirmed the supper club would be operating five days a week, initially Wednesday to Sunday, with the intention of providing a lunchtime service once the club had established itself.

When asked about accepting reduce timings for the supper club to operate, Ms Eames said it was not for her Clients to reduce the hours applied for but Hostem Limited would be considerate to the needs of their neighbours. Ms Eames did appreciate that the framework hours for Sunday were slightly less than what was being applied for.

Cllr Chesterton raised his concern regarding the applicant being a limited company and his experience of companies changing hands, without the Licensing Authority being informed. Ms Eames accepted in principle the difficulties this can cause but reassured the sub-committee her clients were freehold owners of adjacent properties and were providing a retail experience for customers, with the supper club being an off shoot of the current businesses. She said there was longevity in the venture as the company was family owned and well established in the area, however she appreciated the point being made and would not dispute a condition which asked the owners of the company to notify the local authority if the company was to change hands

When pressed further Ms Eames confirmed the supper club would entertain a maximum of 16 people, who would pre-book tables, with one sitting per evening. With regard to lunchtime this would be for Thursday, Friday and Saturday initially, with one lunchtime sitting. Hence making a total of 10 sittings a week, with a maximum of 160 pre-booked guests.

It was also noted that the outside balcony would be used by smokers, which would be screened and controlled so that only two people would be allowed onto the balcony at any time.

The sub-committee were very considerate of all of the issues which the objectors had raised and agreed that there was a risk, on the balance of probability, that the business could cause a nuisance to residents in the surrounding area through the escape of smells from the cooking and noise from the clientele, staff and people using the balcony area. Members were also mindful that should the applied for hours be granted then there could potentially be a high number of new visitors to the area which on balance could add to the issues already experience within the area, especially once the business is rolled out and starts to take bookings on line and possibility introduces a lunch time sitting. It would be ingenuous to believe that this would not impact the area in some way.

In consideration of the applicant's submissions, members accepted that the applicant is an established, well run business which has laid down routes within the borough. Members agreed that this was a high end venture, which secured the experience of an experienced chef.

In considering the Cumulative Impact Zone and whether the applicant had rebutted the presumption members considered that the presumption had been rebutted. The reason for this decision was that the applicant aimed to provide a high end service which offered a limited activity to pre-booked customers. The applicant was already an established business in the high end retail industry and professionally run.

To ensure that the licensing objectives are upheld members believed that it would be necessary and proportionate to add further conditions to the licence which are relevant to the proposed business and to limit the licenced hours.

Therefore after considering all of the above, Members decided to **GRANT** the application.

Decision

Accordingly, the Sub-Committee unanimously –

RESOLVED

That the application for a New Premises Licence for Hostem Limited, 41-43 Redchrch Street, London E2 7DJ be **GRANTED with conditions**.

Hours premises to open to the public:

Monday to Saturday 12:00 noon – 23:30 hours
Sunday: 12:00 noon to 23:00 hours

Sale of Alcohol (on sales only)

Monday to Wednesday: 18:30 to 23:00 Thursday to Saturday: 12:00 noon to 16:30 and then 19:00 to 23:00
Sunday: 18:30 to 22:30

Supper Club sittings

Afternoon sitting 12:00 noon to 4:30 p.m. (1 sitting per period)
Evening sitting 6:30 p.m. to 11:00 p.m. (1 sitting per period)

Conditions consistent with the Operating Schedule

- 1.1 A CCTV system shall be installed at the premises, be maintained in full working order and be continually recording at all times the premises are in use under the licence
- 1.2 A CCTV footage will be kept for a period of 31 days and be available to the police or council officers for viewing on request.
- 1.3 There will be at least one person on duty at all times that is familiar with the operation of the CCTV and able to download footage on request.
- 1.4 The premises shall only operate as a supper club:-
 - In which guests will be pre-booked
 - In which all guests are met by a maitre d'
 - Where alcohol shall only be sold or supplied to persons eating a table meal and for consumption by such persons as ancillary to their meal.
- 1.5 The maximum number of clients/diners per sitting is 16 people.
- 1.6 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 a driving licence, passport or proof of age card with the PASS Hologram.

Additional Conditions

- 1.7 If the Directors or ownership of Hostem Limited change, the Licence Holder must notify the Licencing Authority within 14 days of the change taking place.
- 1.8 No more than 2 people are allowed on the outside terrace /balcony to smoke, at any one time.

- 1.9 Notices shall be prominently displayed at any area used for smoking requesting customers to respect the needs of local residents and use the area quietly.
- 1.10 Notices shall be prominently displayed at all exits requesting customers to respect the needs of local residents and leave quietly.
- 1.11 All windows and external doors must be kept closed from 20:00 hours except for the immediate access and egress of persons.
- 1.12 No drinks, alcohol or soft drinks, to leave the premises or to be taken away by customers.
- 1.13 Staff to receive regular training commensurate to their duties with training records being provided to the licensing authority and police on request.
- 1.14 A direct telephone number for the manager at the premises shall be publicly available at all times the premises is open. This telephone number is to be made available to residents in the vicinity.

4.2 Licensing Act 2003: Time Limited Premises Licence for African Street Festival, Calvert Avenue to Arnold Circus, E2

The applicant and objector were not present for the meeting and the Sub-Committee Members under regulation 20 of the Licensing Act 2003 agreed to ADJOURN the application to:

- Tuesday, 11th July 2017.

Members of the sub-committee made this decision in order to give the applicant the opportunity to explain why the time-limited licence was sought and to satisfy themselves that stringent security was in place for the event.

5. EXTENSION OF DECISION DEADLINE: LICENSING ACT 2003

There were no decisions to be taken to extend decision deadlines under the Licensing Act 2003.

The meeting ended at 7.30 p.m.

Chair,
Licensing Sub Committee