

LONDON BOROUGH OF TOWER HAMLETS

RECORD OF THE DECISIONS OF THE LICENSING SUB COMMITTEE

HELD AT 6.30 P.M. ON TUESDAY, 18 SEPTEMBER 2018

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

Members Present:

Councillor Peter Golds (Chair)

Councillor Faroque Ahmed (Member)

Councillor Zenith Rahman (Member)

1. DECLARATIONS OF DISCLOSABLE PECUNIARY INTEREST

There were no declarations of disclosable pecuniary interest made.

2. RULES OF PROCEDURE

The rules of procedure were noted.

3. MINUTES OF THE PREVIOUS MEETING(S)

The unrestricted minutes of the Licensing Sub Committee meetings held on 19th June, 10th July and 24th July 2018 were agreed as a correct record of proceedings.

4. ITEMS FOR CONSIDERATION

**4.1 Application for a Variation of a Premises Licence for Boxcar Brewery, 1
Gales Gardens, London E2 6JY**

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 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 his Legal Representative and noted the written objections made by the local resident, whom was not present at the meeting.

Members welcomed the efforts made by the Applicant by offering conditions and accepting a reduction in hours in line with the Council's Framework hours and in consultation with the Responsible Authority.

Members noted the concerns raised about noise emanating from the premises, therefore Members believed that the conditions such as loudspeakers shall not be located in the entrance lobby or outside the premise building and that all windows and external doors shall be kept closed after 22:00 hours would help prevent this and alleviate some of those concerns. Members were also satisfied that a modification of the hours on the license would also relieve the concerns of the local resident and avoid any future disturbances.

Members believed that restricting the use of the smoking area outside the premises to ten people at any one time would also help with noise control.

Members reached a decision and the decision was unanimous. Members granted the application subject to conditions to help promote the licensing objectives.

Accordingly, the Sub Committee unanimously

RESOLVED

That the application for a New Premises Licence for Boxcar Brewery, 1 Gales Garden, London E2 6JYbe **GRANTED** with conditions.

Sale of Alcohol (on and off sales)

Sunday to Wednesday from 11:00 hrs to 23:00 hrs.

Thursday to Saturday from 11:00 hrs to 23:30 hrs

The Provision of Late Night Refreshments (indoors)

Thursday to Saturday from 23:00 hrs to 23:30 hrs

The Provision of Regulated Entertainment in the form Recorded Music (indoors)

Sunday to Wednesday from 11:00 hrs to 23:00 hrs.

Thursday to Saturday from 11:00 hrs to 23:30 hrs

Non-standard timings for all of the above

Until midnight on Sundays immediately before a Bank Holiday.
From end of permitted hours on New Years Eve to the start of the permitted hours on New Years Day.

Hours premises is open to the public

Sunday to Wednesday from 11:00 hrs to 23:30 hrs.
Thursday to Saturday from 11:00 hrs to 00:00 hrs (midnight)

Until 00:30 hrs on Sundays immediately before a Bank Holiday.
From end of permitted hours on New Years Eve to the start of the permitted hours on New Years Day.

Conditions

1. Off sales shall not be sold as open containers.
2. SIA supervisors shall be employed at the premises based on an operational risk assessment.
3. 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.
4. CCTV camera system covering both internal and external to the premises is to be installed.
5. The CCTV recordings are to be maintained for 30 days and to be provided upon request to either a police officer or any officer of any other Responsible Authority.
6. At all times when the premises is open, a person who can operate the CCTV system must be present on the premises.
7. 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:
 - a) All crimes reported to the venue;
 - b) All ejections of patrons;
 - c) Any complaints received;
 - d) Any incidents of disorder;
 - e) All seizures of drugs or offensive weapons;
 - f) Any faults in the CCTV system;
 - g) Any refusal of the sale of alcohol;
 - h) Any visit by a relevant authority or emergency service.
8. Clear signage is to be displayed prominently and maintained at all exits of the premises requiring patrons to leave and enter the premises and area quietly out of respect for local residents.

9. Refuse, including bottles are to be taken and placed into receptacles outside the premises at times which will minimise the disturbance to nearby premises.
10. No drinks to be taken outside after 22:00hrs (including external area).
11. No noise from regulated entertainment shall be audible at any affected façade at a level that causes a public nuisance.
12. No more than 10 smokers allowed to smoke in the external areas after 22:00hrs.
13. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
14. Loudspeakers shall not be located in the entrance lobby or outside the premises building.
15. All windows and external doors shall be kept closed after 22:00hrs, except for the immediate access & egress of persons

4.2 Application to Review the Premises Licence for The Lighthouse, 421 Wick Lane, London E3 2NG

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 merits and the Chair stated that the Sub Committee had carefully listened to the representations made by the Applicants, the residents supporting the review as well as the Premises Licence Holder and those against the review application. The Sub Committee also took into consideration the comments from the Environmental Health Officer.

Members were concerned over the number of complaints logged by the Applicant together with those made by other individual residents. Although Members took into account Mr Kishan Bhatt's representation that he suffered

no noise nuisance whilst living directly above the premises except once, Members could not disregard the written representations and the video evidence provided by the Applicant which showed incidents of noise nuisance and public nuisance. As well as this, it was noted that Enforcement Officers had witnessed statutory noise nuisance from the premises and consequently served noise abatement notices.

Members also had serious concerns that on one occasion the premises licence holder had took it upon himself to close off a public road to benefit his patrons without any prior permission from the Highways Team for such a road closure and this to Members demonstrated a blatant disregard to rules and regulations.

In reaching their decision, Members noted the current demographics of the area and noted that the area that was once derelict, was now full of industry, amenities, entertainment venues and most importantly a rapidly growing residential community. Members noted that the objections from local residents covered a wide range of concerns which was evident in demonstrating that there was already public nuisance in the form of noise nuisance.

However, Members welcomed the agreement from the Premises Licence Holder to reduce the current licensable hours to come in line with the Council's Framework hours and believed that this was a way forward to help address the concerns of residents and promote the licensing objectives. Members believed that further conditions restricting the number of patrons smoking outside the premises at any one time and no drinks allowed outside the premises and no off sales would help alleviate the remaining concerns of local residents and also address the issues of public nuisance and noise nuisance emanating from the premises.

Members were satisfied that imposing conditions including altering existing permissions that relate to problems which they considered had been identified were necessary and proportionate to ensure that the licensing objectives are met.

Therefore Members made a decision and the decision was unanimous. Members granted the application in part with a reduction in hours and imposed additional conditions.

Decision

Accordingly, the Sub-Committee unanimously –

RESOLVED

That the Review application for, The Lighthouse, 421 Wick Lane, London E3 2NG be **GRANTED in part** with conditions.

The premise licence be amended to the following;

Sale of Alcohol (On sales only)

Monday to Thursday from 10:00 hours to 23:00 hours
Friday & Saturday from 10:00 hours to 00:00 hours (midnight)
Sunday from 10:00 hours to 22:30 hours

The Provision of Regulated Entertainment (films, indoor sporting events, recorded music)

Monday to Thursday from 10:00 hours to 23:00 hours
Friday & Saturday from 10:00 hours to 00:00 hours (midnight)
Sunday from 10:00 hours to 22:30 hours

The Provision of Regulated Entertainment (live music)

Friday & Saturday from 18:00 hours to 00:00 hours (midnight)
Sunday from 11:00 hours to 22:30 hours

The Provision for Late Night Refreshments

Friday & Saturday from 23:00 hours to 00:00 hours (midnight)

Non Standard Times

Christmas Eve, St Patricks Day, St George's Day, St Andrew's Day, St David's Day, Diwali Day from 10:00 hours to 02:00 hours (the following day)

NB. New Years Eve is subject to the Regulatory Reform (Special Occasions Licensing) Order 2002. Which means that while that order is in effect the premises may remain open for twelve hours between 11pm in New Years Eve and 11am on New Years Day.

Hours premises are open to the public:

Monday to Thursday from 10:00 hours to 23:30 hours
Friday & Saturday from 10:00 hours to 00:30 hours (midnight)
Sunday from 10:00 hours to 23:00 hours

Conditions

1. No off sales.
2. No drinks to be taken outside the premises.
3. No more than 10 smokers allowed to smoke outside the premises at any one time.
4. CCTV camera system covering both internal and external to the premises is to be installed.

5. The CCTV recordings are to be maintained for 30 days and to be provided upon request to either a police officer or any officer of any other Responsible Authority.
6. At all times when the premises is open, a person who can operate the CCTV system must be present on the premises.

5. EXTENSION OF DECISION DEADLINE: LICENSING ACT 2003

There were no extensions to decision deadlines.

The meeting ended at 9.00 p.m.

Chair, Peter Golds
Licensing Sub Committee