

LONDON BOROUGH OF TOWER HAMLETS**MINUTES 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

Councillor Zenith Rahman

Officers Present:

Mohshin Ali

– (Senior Licensing Officer)

Nicola Cadzow

– (Environmental Health Officer)

Corinne Holland

– (Licensing Officer)

Vivienne Walker

– (Senior Prosecution Lawyer)

Simmi Yesmin

– (Senior Committee Officer, Democratic
Services)**Representing applicants**

Richard Wormald

4.1

(Legal Representative)

Steven Finch

4.1

(Applicant)

Wayne Lloyd

4.2

(Applicant)

John Sharp

4.2

(Local Resident)

Perry Miller

4.2

(Local Resident)

Emma Lloyd

4.2

(Local Resident)

Representing objectors

Ren Patel

4.2

(The Lighthouse)

Kishan Bhatt

4.2

(Local Resident)

Jean Paul Minet

4.2

(Local Resident)

William Harbridge

4.2

(Local Resident)

Apologies

None

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 New Premises Licence for Boxcar Brewery, 1 Gales Gardens, London E2 6JY

At the request of the Chair, Mr Mohshin Ali, Licensing Officer, introduced the report, which detailed the application for a new premises licence for Boxcar Brewery, 1 Gales Gardens, Birkbeck Street, London E2 6JY. It was noted that there was one objection from a local resident on the grounds of public nuisance. It was also noted that the hours had been reduced in consultation with Environmental Health.

At the request of the Chair Mr Richard Wormald, Legal Representative on behalf of the Applicant explained that the premises was an unused and unlicensed railway arches which was a fair distance away from residential properties, it building had thick walls and therefore there were no concerns of noise breakout.

Mr Wormald gave a brief background of the Applicant's history, experiences and achievements over the years especially in the licence trade. It was noted that the Applicant had a chain of five venues trading as Vagabond Wines providing high end and premium beers and wines and has not had any complaints from these venues.

It was noted that the premises would be divided into two sections, one part would be the brewery and the other would be used as a bar selling craft and exclusive beers, selling at high end prices and therefore discouraging street drinkers. It was noted that an experience manager would be managing the premises, there would be no live music only low background music. Members were asked to note the proposed conditions which were listed on page 91 of the agenda.

The objector was not present at the meeting therefore Members noted and considered the written objections.

In response to questions the following was noted;

- That the applicant was happy to add a condition not to sell off sales in opened containers.
- That there was no parking facilities available on the premises site.
- That they would be happy to offer a dedicated number for management if there were any complaints/concerns from residents.
- That they would also look to employ local people once opened.

Members adjourned the meeting at 7.10pm for deliberations and reconvened at 7.15pm.

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 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 6JY be **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

At the request of the Chair, Mr Mohshin Ali, Licensing Officer, introduced the report, which detailed the application for a review of the premises licence for The Lighthouse, 421 Wick Lane, London E3 2NG. It was noted that representations had been received in support of the review and one representation against the review.

At the request of the Chair, Nicola Cadzow, Environmental Health Officer, stated that she was not objecting or supporting the review but wanted to give noise comments in her capacity as an Environmental Health Officer. She explained that they had received complaints from resident previously but had no evidence to support public nuisance. However since the review, a visit was made in response to a complaint and a statutory noise nuisance was witnessed which then followed a noise abatement notice being served on the Premises Licence Holder, this was referred to in supplemental agenda 1.

At the request of the Chair, Wayne Lloyd, local resident and Applicant of the review, briefly explained that he was not trying to be unreasonable but wanted to enjoy his property, his home, he explained that on occasions he has had to leave his house during weekends, go to friends houses or hotels as its been impossible to escape the noise. He also stated that he regularly witnessed customers of The Lighthouse urinating and vomiting on the streets and by cars and causing general public nuisance. He concluded that this was causing a negative impact on his life, his neighbours and the area as a whole.

Members then heard from John Sharp, Perry Miller and Emma Lloyd who expressed similar concerns of noise nuisance and public nuisance specifically linked to the premises. It was noted that attempts to contact the owner had been made but as a result they have been subject to abuse and intimidating behaviour. There was also reference to blocking off a public road for a party the venue was hosting without any authority, affecting residents from driving/walking through. It was noted that these changes had started from the beginning of this year 2018 with excessive late night parties and people drinking and congregating on the streets causing nuisance.

Members then heard from Mr Kishan Bhatt, local resident against the review, he explained that he lived directly above the premise and had been for the past 2 years and has lived in the area since 2000. He explained that throughout his stay he had only been woken up by excessive noise the once, this was brought to Mr Ren Patel's attention who addressed this immediately and since then, noise has never been a problem. He said that it was a community pub, he went there regularly and had never witnessed any anti-social behaviour or underage drinking.

Mr Ren Patel, Designated Premises Supervisor stated briefly that he was not an unreasonable man, disputed the accusations that had been made by the residents. He said that the premises had sound proofing, had drapes to stop noise breakout. It was noted that security staff were also employed to move customers away from the residential homes.

In response to questions the following was noted;

- That the applicant and residents had no concerns of underage sales at the premises.
- That a public road was closed off by Mr Patel without any authorisation from the Council's Highways Team or the Police.
- That the window of one resident was shattered from the inside but there was a loud sound from outside which is believed to have caused the breaking of the glass.
- That Mr Patel did not accept that vandalising of the bus stop was by customers of The Lighthouse as there was another event going on in the club in Autumn St and therefore hard to say who's customers they were.
- That approximately 90-100 guests would attend an event throughout the evening.
- That late night events are usually twice a month.
- That Mr Patel agreed to reduce the current licence hours to the Council's framework hours, on the basis that this whole procedure would end.

Members adjourned the meeting at 8.30pm for deliberations and reconvened at 8.55pm.

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 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 are 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, Councillor Peter Golds
Licensing Sub Committee