

LONDON BOROUGH OF TOWER HAMLETS**MINUTES OF THE LICENSING SUB COMMITTEE****HELD AT 6.30 P.M. ON TUESDAY, 5 MARCH 2019****THE COUNCIL CHAMBER, TOWN HALL, MULBERRY PLACE, 5 CLOVE
CRESCENT, LONDON, E14 2BG****Members Present:**

Councillor Eve McQuillan (Chair)

Councillor Shad Chowdhury (Vice-Chair)

Councillor Mohammed Ahbab Hossain

Officers Present:

David Wong	– (Legal Services)
Kathy Driver	– (Principal Licensing Officer)
Simmi Yesmin	– (Democratic Services)

Representing Applicants	Item Number	Role
Gareth Hughes	3.1	(Legal Representative)
Neil Martin	3.1	(Applicant)
Naomi Rodgers	3.1	(Applicant)
Mifta Ahmed	3.2	(Licensing Agent)
Amir Hussain	3.2	(Applicant)

Representing Objectors	Item Number	Role
Lucy Rodgers	3.1	(Resident)
Kristen Perers	3.1	(Resident)
Josh Cook	3.1	(Resident)
Ben Cook	3.1	(Resident)
William Taylor	3.1	(Resident)
Jane Pollard	3.2	(Resident)
Iain Forsyth	3.2	(Resident)
Jack Matthews	3.2	(Resident)

Apologies

None

1. DECLARATIONS OF DISCLOSABLE PECUNIARY INTEREST

No declarations of disclosable pecuniary interests were declared.

2. RULES OF PROCEDURE

The Rules of Procedure were noted by the Sub Committee.

3. ITEMS FOR CONSIDERATION

3.1 Application for Variation of a Premises Licence for Royal Oak, 73 Columbia Road, London E2 7RG

At the request of the Chair, Ms Kathy Driver, Licensing Officer, introduced the report which detailed the application for a variation of the premises licence for Royal Oak, 73 Columbia Road, London E2 7RG. The application was to licence an additional small and private dining room on the 1st floor for licensable activities within the hours of the current licence. It was noted that objections had been received by local residents.

At the request of the Chair, Mr Gareth Hughes, Legal Representative on behalf of the Applicants, Mr Neil Martin and Ms Naomi Rodgers, explained that the premises was a very well and established community pub which had been trading for the past 200 years. He explained that the pub was a destination venue due to its food and ambience and character of the area.

He referred Members to page 58 of the agenda, the plan of the area that they were seeking a licence for. It was noted that the small room which was currently used as a storage and staff room was attached to the main dining room which was a licenced area.

Mr Hughes highlighted the fact that this was not a review of the current licence but a small variation to the licence, that there was no proposal to change the hours or increase clientele but merely to increase an area and space for licensable activities. He explained that it was an extension to the current dining room. Mr Hughes stated that they wish to offer voluntary conditions for the small dining room such as no vertical drinking and alcohol only ancillary to a table meal. These conditions were offered in order to ensure that the first floor dining room would not become a bar area in the future, and would remain a dining room with alcohol served ancillary to table meals. They also proposed to have no regulated entertainment and proposed that the doors and windows would be kept permanently closed whilst the premises was in operation.

It was noted that there had been no objections from Responsible Authorities and that there was no indication that any crime and disorder in the area was associated with the premises. Mr. Hughes said that due to crowds congregating on the street, they would ensure that an SIA accredited door supervisor would be on duty on Fridays and Saturdays from 9.30pm until closing time to ensure that no drinks were allowed outside the premises after this time.

Members then heard from Ms Lucy Rodgers, a local resident, who stated that she had lived there for the past 20 years, and lived directly next door to the premises. She explained that there were thicker walls on the ground floor of the premises, but the first floor of the premises had thinner walls which caused noise leakage. She explained that the proposed dining area was 3 metres from her kitchen, which would mean noise would travel and cause noise disturbance. She further explained that the kitchen was the only area in her house that was quiet and with this proposal, there would be nowhere in the house where she would get the quiet enjoyment of her house.

She explained that the wooden door on the premises which had access to the roof, was opposite her kitchen, was thin and had glass windows making it easier for noise to escape. She suggested that if the application was to be granted, no customers should be allowed to use the roof area, that a noise acoustic report is done, the door leading to the roof is replaced with a thicker door, the room is sound proofed, there be no regulated entertainment and the licensable activities to end earlier than the hours applied for.

Members then heard from Ms Kristen Perers, Mr Josh Cook and Mr William Taylor, local residents who expressed similar concerns of noise nuisance, customers spilling onto the streets, drinking and causing noise and public nuisance outside their home. Ms Perers said that she had tried to work with management but this had not been consistent, she also expressed concerns of the increase in clientele due to the additional space that would be available if the application was granted. She explained that management were currently unable to control the number of customers frequenting the pub and with this additional area it would cause a negative impact on an area the currently experiences public nuisance.

In response to questions, the following was noted:

- That ways to control noise nuisance from the premises would be to permanently keep locked, the door and windows through which the roof could otherwise be accessed from the first floor dining room.
- That there would be an increase from, 42 covers to 60 covers served in the first floor dining room.
- That there would be no regulated entertainment in the first floor dining room.
- That the Applicant was happy to obtain a acoustics report
- That there was no party wall between the first floor dining room and Ms Rodgers' kitchen.
- That the capacity of the 1st floor was for 60 people.
- That one SIA accredited door supervisor would be on duty from 9.30pm until close of business on Fridays and Saturdays.
- That the Applicants envisage one sitting in the first floor dining room, and they were looking for quality, not quantity in terms of clientele for the first floor dining room.
- That the complaints received last year were from a combination of all three premises including the restaurants in Ezra Street and the pub.

- That there were currently no conditions specific to the outside of the premises.
- That there would be two members of staff on duty in the first floor dining area and there would be one runner between both the floors.
- That the premises had a capacity of 150 people downstairs and 60 people upstairs.
- That the 1st floor dining area is closed on Sundays.

Members adjourned the meeting at 7.40pm to deliberate and reconvened at 8.20pm.

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 had carefully considered all of the evidence before them and considered written and verbal representation at the meeting from both the Applicant's Legal Representative and the Objectors with particular regard to the licensing objective of the prevention of public nuisance.

The Sub-Committee noted that the premises in question were situated in a busy and mixed commercial and residential area. The Sub-Committee noted the written representations made by Objectors and also heard oral representations from Objectors at the meeting regarding the impact of the premises on the quiet enjoyment of their homes and their quality of life. The Sub-Committee also noted Objectors' concerns relating to public nuisance, and anti-social behaviour; and noted the concerns about the likelihood of increased noise nuisance, impact upon family environment, and the likely increased numbers of clientele in the area if the application were to be granted, and thereby the likely impact on the area as a result of an additional dining space at the premises.

The Sub Committee noted the Applicant's representation that the impact of the premises licence would not be significant and if granted, would be mitigated by the proposed conditions agreed and offered. Members acknowledged that the Applicant had explained how they would manage the activities within the premises. However, the potential increased footfall arising

from any grant of the application in this instance required a particularly robust operating schedule, which should demonstrate particular measures at the premises to address the likely impact of increased clientele and potential public nuisance and noise nuisance arising there from. The Sub-Committee was not satisfied that the operating schedule as presented at the Sub-Committee meeting met that requirement and therefore imposed further conditions arising only because of licensable activity being allowed in the additional dining area on the 1st floor:-

- there shall be no vertical drinking in the first floor dining area,
- there shall be no regulated entertainment in the first floor dining area,
- alcohol served in the first floor dining area shall be only ancillary to a table meal,
- all licensable activities in the first floor dining area shall cease at 21:30 hours,
- the first floor dining area shall be cleared of customers by 22:00 hours,
- prominent, clear and legible notices shall be displayed at the exits of the premises asking that customers respect nearby residents and leave the premises quietly,
- the premises licence holder shall request that customers not take drinks outside the premises after 21:30 hours,
- the premises licence holder shall ensure that there is one SIA accredited door supervisor on duty from 21:30 hours until closing time,
- the door/window of the roof outside the new room will remain locked during opening hours and no patrons will be allowed onto the roof area at any time.

Members considered that these conditions would help alleviate the concerns raised, and help promote the licensing objectives, in particular the licensing objective of preventing public nuisance.

Accordingly, the Sub Committee unanimously;

RESOLVED

That the application for a Variation of the Premises Licence for Royal Oak, 73 Columbia Road, London E2 7RG be **Granted in part.**

Licensable Area

To include the additional 1st floor dining room for licensable activities

Conditions associated to the additional 1st Floor dining room

1. No Regulated Entertainment
2. No vertical drinking
3. Alcohol ancillary to a tabled meal only.

4. All licensable activities to cease at 21:30 hours and the room to be cleared of customers at 22:00 hours.

Additional Conditions consistent with the operating schedule

1. Only minimal background music will be heard from the main dining room.
2. Prominent clear and legible notices to be displayed at the exits requesting the public to respect nearby residents and leave the premises and area quietly.
3. Customers to be asked not to drink outside after 21:30 hours
4. The door/window of the roof outside the new room will remain locked during opening hours and no patrons will be allowed onto the roof area at any time.
5. One SIA accredited door supervisor to be on duty from 21:30 hours till closing time on Thursdays, Fridays and Saturdays.

3.2 Application for a New Premises Licence for Roman Road PFC 89 Roman Road, London E2 0QN

At the request of the Chair, Ms Kathy Driver, Licensing Officer, introduced the report which detailed the application for a new premises licence for Roman Road PFC, 89 Roman Road, London E2 0QN. The application was for late night refreshments only. It was noted that objections had been received by local residents.

At the request of the Chair, Mr Mifta Ahmed, Licensing Representative, on behalf of the Applicant, explained that the premises had been open since October 2018. It was noted that there had been improvements to the external extractor fan recently which has reduced the noise levels. He explained that the hours applied for were slightly beyond the framework hours, and explained that they would be serving approximately 10-15 additional customers in the additional hours they had applied for. He explained that the Applicant was an experienced manager and aware of the licensing objectives. It was noted that customers usually came with families, and usually sit in to eat, but there are customers that takeaway food.

Members then heard from Mr Jack Matthews, a local resident, who expressed concerns about the noise nuisance from the premises, and increasing smell and litter in the area. He said that he lived right next to the premises, and explained that the extractor fan on the roof terrace was right next to his living room, which caused a constant noise nuisance. There was also noise disturbance from delivery vans delivering to the premises. He said after the modifications to the extractor fan have made an improvement, however, later

at night, it can still cause disturbance as ambient levels were low at the later hours of the night, making any noise more significant.

Members then heard from Ms Jane Pollard, a local resident, who said she was representing herself and the five other residents in Peary Place. She explained that is a small street where they experience consistent problems of litter. They also experienced teenagers and young adults congregating on the street, blocking the pavements, and leaving litter behind which can be intimidating when walking by. She stated that there were no issues from the local pub, the cocktail bar or Chinese takeaway that were nearby. She explained that if the application were granted, it would leave he and fellow residents vulnerable. They therefore opposed a late night licence from being granted. If it was granted, this would set a precedent for other premises to apply for later hours.

In response to questions the following was noted;

- That there were no specific complaints of nuisance regarding the premises except for the noise from the extractor fan which had now been modified.
- That the premises had a previous licence with later hours, which had been surrendered by the previous occupants.
- That complaints had been made to Police about noise and litter in the area.
- That the Applicant had no control over customers when they leave with takeaways.
- That the Applicant was unaware of the concerns raised by the residents until now.
- That they would provide additional bins, have a regular waste collection via Veolia, and would display clear and legible notices asking customers to respect the needs of local residents and leave the area quietly.
- That the noise from the extractor fan had been reduced since the modifications had been made.
- That the shop's busy period was between 5-7pm, and that they could reduce the speed of the fan after that time.
- That the fan could be turned off after 10.00pm
- That the premises did not attract drunk customers. They had a more family orientated and young clientele.
- That after school, $\frac{3}{4}$ of the children going to the premises are seen to be eating chicken. This continues from after school until 9.30pm.
- Residents have been threatened by loud confrontational young adults late at night between the hours of 10-11pm.

In summation Ms Pollard said that the Applicant had been aggressive to neighbours who have complained, and that they do not see any other litter other than chicken boxes from the premises.

In conclusion Mr Ahmed acknowledged that there were issues of litter in the area, but stressed that this could not directly be linked to the premises. He said that the Applicant was now aware of the concerns and would now

address this. He explained that there was a fair distance between the premises and Peary Place as there was no direct route. Mr Ahmed stated that there was no evidence that the Applicant had shown any aggression towards neighbours. Mr Ahmed confirmed that the Applicant would ensure there was regular maintenance of the extractor fan system.

Members adjourned the meeting at 9.15pm to deliberate and reconvened at 9.25pm.

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 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 had carefully considered all of the evidence before them and considered written and oral representation from both the Applicant and his representative and Objectors present at the meeting with particular regard to the licensing objectives of the prevention of public nuisance, the prevention of crime and disorder and public safety.

Members noted the concerns raised by Objectors and in particular the potential public nuisance that licensed premises may cause in an area which was in close proximity to residential properties, and in particular during late evenings where customers would be likely to cause noise nuisance.

Members also noted the concerns from local residents in terms of the increased litter, the anti-social behaviour (ASB) and groups of young adults congregating in Peary Place. Members also noted the noise nuisance caused by the extractor fan which was located in close proximity to residential homes, it was mentioned that recent modifications to the fan had improved the noise but there was the fear this would increase as the years went by.

In the course of Members asking questions of the Applicant, it was noted that the speed of the extractor fan could be reduced and also turned off after peak times, which was between the hours of 17:00-19:00 hours. Therefore Members were of the view that the extractor fan should be stopped at 10pm on a daily basis, in order to mitigate noise nuisance to neighbouring residents. Members also noted the concerns regarding Peary Place and the issues relating to litter and ASB in that area, but had not had any evidence to directly

link these issues specifically to these premises. However, it was felt that the conditions in the operating schedule would help alleviate some of the concerns raised.

The Chair, who is also the Ward Councillor for Bethnal Green, suggested the residents contact her to discuss how the general concerns about ASB and litter in the area could be addressed by the Council

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 Roman Road PFC, 89 Roman Road, London E2 0QN be **GRANTED** with conditions.

The Provision of Late Night Refreshments

Sunday to Thursday from 23:00 hrs to 00:00 hrs (Midnight)
Friday and Saturday from 23:00 hrs to 01:00 hrs (the following day)

Hours premises open to the public

Sunday to Thursday from 06:00 hrs to 00:00 hrs (Midnight)
Friday and Saturday from 06:00 hrs to 01:00 hrs (the following day)

Conditions

1. The external extractor fan to be turned off after 22:00 hours each day.
2. Clear and conspicuous notices warning of potential criminal activity, such as theft, that may target customers will be displayed.
3. Custom will not be sought by means of personal solicitation outside or in the vicinity of the premises.
4. All CCTV cameras will be maintained at the premises in good working order and will continually record whilst the premises is open to the public.
5. CCTV recordings shall be kept for a minimum of 30 days and made available to Police or other licensing authorities on request.
6. Persons appearing drunk or under the influence of illegal substances will not be permitted into the premises.

7. Maintain an incident log of any criminal activity or attempted criminal activity within the premises or within the immediate vicinity of the premises.
8. Prominent, clear and legible notices will be displayed at exits requesting the public to respect the needs of nearby residents and to leave the premises and the area quietly.
9. Customers will be asked not to stand around talking in the street outside the premises; and asked to leave the vicinity quickly and quietly.
10. All the rubbish produced by the premises will be stored securely in a designated area or in a bin with a tight fitting lid.
11. Children below the age of 16 years old will be excluded from the premises between the hours of 23:00 hours to 01:00 hours the following day.
12. An incident report book is kept and maintained.
13. No deliveries to the premises shall take place between 22:00 hours and 08:00 hours the following day.
14. No collections of waste or recycling materials (including bottles) from the premises shall take place between 22:00 hours and 08:00 hours on the following day.

4. EXTENSION OF DECISION DEADLINE: LICENSING ACT 2003

There were no applications that required deadline extensions.

The meeting ended at 9.30 p.m.

Chair, Councillor Eve McQuillan
Licensing Sub Committee