

LONDON BOROUGH OF TOWER HAMLETS

RECORD OF THE DECISIONS OF THE LICENSING SUB COMMITTEE

HELD AT 2.30 P.M. ON THURSDAY, 22 NOVEMBER 2018

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

Members Present:

Councillor Peter Golds (Chair)

Councillor Ehtasham Haque (Member)

Councillor Mohammed Ahbab Hossain (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. ITEMS FOR CONSIDERATION

3.1 Application for a New Premises Licence for Yummy Pizza, 57 Burdett Road, London, E3 4TN

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. The Sub Committee had carefully considered all of the evidence before them and considered the representation made by the Applicants Legal Representative at the meeting

and also heard from representatives of the Licensing Authority, Metropolitan Police and Environmental Health with particular regard to the licensing objectives of the prevention of public nuisance, and the prevention of crime and disorder.

The Sub Committee welcomed the reduction in the hours offered by the Applicant and heard that the proposed conditions offered would help mitigate the concerns raised by the Responsible Authorities and promote the licensing objectives.

The Sub-Committee noted the representations made by the objectors regarding the impact of the premises on the local area, and the concerns relating to the existing levels of noise nuisance and anti-social behaviour. The Sub-Committee was mainly concerned about the impact of late licensing hours in an area where it would possibly attract a number of people into area and that granting of the application would mean the premises would be one of two premises in the local vicinity that would be open until 2am. Therefore Members were of the view that the hours proposed by the Police (which was beyond the Council's framework hours) would be appropriate for a new premises licence as it would give them the ability to develop and demonstrate compliance with licensing hours and conditions.

The Sub-Committee were satisfied that the operating schedule together with the conditions and reduced hours set out below would mitigate any further negative impact in the area and address the concerns of public nuisance, particularly in the form of noise nuisance, and crime and disorder.

The Sub-Committee therefore granted the application in part with a reduction in the hours applied for and imposed conditions on the licence to support the licensing objectives of prevention of public nuisance and prevention of crime and disorder.

Accordingly, the Sub Committee unanimously

RESOLVED

That the application for a New Premises Licence for Yummy Pizza, 57 Burdett Road, London E3 4TN be **GRANTED in part with conditions.**

The hours for Provision of Late Night Refreshments

Sunday to Wednesday from 23:00 hours to 00:00 hours (midnight)
Thursday to Saturday from 23:00 hours to 01:00 hours (the following day)

The opening hours of the premises

Sunday to Wednesday from 11:00 hours to 00:00 hours (midnight)
Thursday to Saturday from 11:00 hours to 01:00 hours (the following day)

Conditions

1. No customers seated inside the premises after 23:00 hours
2. Takeaway only after 23:00 hours
3. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
4. Reasonable steps shall be taken to ensure that any person loitering outside the premises disperse quickly and do not congregate outside the premises.
5. Vehicles used for delivery must switch off their engines when waiting outside of the premises for the collection of food for delivery.
6. Drivers shall wait inside the premises between deliveries/for deliveries.
7. A notice shall be displayed by the front door stating the restaurant opening hours.
8. No noise generated on the premises, or by its associated plant or equipment, shall emanate from the premises nor vibration be transmitted through the structure of the premises, which gives rise to a nuisance.
9. No rubbish will be moved, removed or placed outside between the hours of 23:00 hours and 08:00 hours.
10. An incident log shall be kept at the premises and made available on request to an authorised officer or the Police.
11. Appropriate staff training to be completed, training records shall be made available for inspection upon request by a relevant officer of a responsible authority
12. The premises shall install and maintain a comprehensive CCTV system.
13. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition.
14. The CCTV system shall record continually while the premises are open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum of 31 days with the date and time stamping. Recordings shall be made available immediately upon the request of a Police Officer or an authorised Officer.

3.2 Application for a Review of a Premises Licence at Cost Price, 41 Brick Lane, London, E1 6PU

A request for adjournment was received by the Applicant's solicitors on the day of the meeting, on the basis that the Applicant was unable to attend as he was recovering post-surgery.

Upon receiving evidence, the Sub Committee considered this request and granted the adjournment in order to allow for the Applicant to attend the next meeting date that is set.

Members requested that the application is rescheduled to the earliest available date.

3.3 Application for a Variation of a Premises Licence for Kays Local, 209 Roman Road, London E2 0QY**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. The Sub Committee had carefully considered all of the evidence before them and considered the representation made by the Applicant's friend at the meeting and also heard from representatives of the Metropolitan Police and Environmental Health with particular regard to the licensing objectives of the prevention of public nuisance, and the prevention of crime and disorder.

Members noted the concerns raised by the Responsible Authorities and the fact that the premises were in an area that suffers from high levels of crime and anti-social behaviour and much of it linked to alcohol. Members also gave weight to the statement from PCSO John Murphy from the Safer Neighbourhood Team for Bethnal Green Ward which gave an insight of the high levels of ASB and public nuisance associated with that particular area.

Members were concerned that the Applicant was not aware of the current anti-social behaviour in the area and also concerned that he had made no attempt to consult with the Police in relation to the application.

The Applicant failed to demonstrate how he would manage the premises and his staff and how he would enforce conditions on a premises licence if it were to be granted and not to add to the negative impact already being experienced in the area. Members were also concerned over the Applicant's lack of the understanding of the licensing objectives.

The Sub Committee was therefore not satisfied with the application and were of the view that the Applicant failed to demonstrate that their application for a variation of a premises licence would not undermine any of the four licensing objectives in particular the prevention of public nuisance and crime and disorder

Members reached a decision and the decision was unanimous. Members refused the application.

Accordingly, the Sub Committee unanimously

RESOLVED

That the application for a variation of a Premises Licence for Kays Local, 209 Roman Road, London E2 0QY be **REFUSED**.

4. EXTENSION OF DECISION DEADLINE: LICENSING ACT 2003

There were no applications that required deadline extensions.

The meeting ended at 4.30 p.m.

Chair, Councillor Peter Golds
Licensing Sub Committee