

LONDON BOROUGH OF TOWER HAMLETS**MINUTES OF THE LICENSING SUB COMMITTEE****HELD AT 6.30 P.M. ON TUESDAY, 19 JUNE 2018****THE COUNCIL CHAMBER, TOWN HALL, MULBERRY PLACE, 5 CLOVE
CRESCENT, LONDON, E14 2BG****Members Present:**

Councillor Peter Golds (Chair)
Councillor Shad Chowdhury
Councillor Tarik Khan

Officers Present:

Mohshin Ali	– (Senior Licensing Officer)
Kathy Driver	– (Principal Licensing Officer)
Vivienne Walker	– (Senior Prosecution Lawyer)
Simmi Yesmin	– (Senior Committee Officer, Democratic Services)

Representing applicants	Item Number	Role
Robert Sutherland	3.1	Legal Representative
Andy Bird	3.1	Applicant
Jo Batt	3.1	Applicant
Alica Motta	3.1	Manager

Representing objectors	Item Number	Role
Peter Pritchard	3.1	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. ITEMS FOR CONSIDERATION

3.1 Application for a Variation of a Premises Licence for Nelson's Head, 32 Horatio Street, Bethnal Green, London E2 7SB

At the request of the Chair, Mr Mohshin Ali, Licensing Officer, introduced the report, which detailed the application for a variation of the premises licence for Nelson's Head, 32 Horatio Street, Bethnal Green Road, London E2 9SB. It was noted that objections had been received on behalf of the Licensing Authority and local residents. The application was to vary the licence to remove a condition that restricted drinks to be consumed outside the premises.

At the request of the Chair, Mr Robert Sutherland, Legal Representative on behalf of the Applicant, explained that the application was a modest application and that the premises has had a licence since the 19th century. It was noted that the previous operators had mismanaged the premises and had offered up outside drinking hours to extend indoor licensing hours. He explained that the premises had changed from the way it had previously operated and was now more of a community pub. It was noted that there were a number of pubs in the local area with the provision to drink outside. It was further noted that having consulted with the Police the applicant was seeking the use of the outdoor area up till 8pm.

It was noted that the Applicant took over the premises in 2016 and since having taken over, he had installed a CCTV camera system and had created a general presence in the area. It was noted that last year they had operated with tables and chairs outside the premises, as they complied with the measurements and requirements of the Highways Team. He highlighted that it was a community pub focussing on food and alcohol.

Mr Sutherland explained that they were only seeking to remove a condition and to allow drinks to be consumed outside the premises between the hours of 5-8pm on the weekdays and 12- 8pm on the weekends. Mr Sutherland offered further conditions for Member to consider such as restricting the outside area to 16 covers, which would also be monitored and controlled by staff and to also consider putting a time limit for a licence for 6 months.

Members then heard from Ms Kathy Driver, Principal Licensing Officer who explained that a representation had to be made on the basis of the number of complaints received about noise and public nuisance, she explained that if this condition was removed or replaced this would cause more complaints, she referred to the pictures of the premises which clearly showed how close residential homes were to the actual premises. She explained that complaints were received especially during the summer months and this was a time of the year when it becomes a problem.

The Chair then invited Mr Peter Pritchard, local resident, to address the Committee. He briefly explained that since the current owners had taken over the premises, it has improved and had been well run and well managed.

However the width of the pavement would cause a restriction to passers-by, with no clear walk way for pedestrians and this would cause and has caused a problem in the past in terms of Health & Safety. He also addressed the issue of noise emanating from the premises and affecting his quiet enjoyment of life and area.

It was noted that there were other premises in the local vicinity that had the facility to drink outside. At this point Mr Driver stated that complaints have been received about those premises too and would be investigated.

In response to questions the following was noted;

- The Applicant offered an option for drinks not to be allowed outside in Shipton St and drinks to be only taken outside onto Horatio Street.
- That food and drinks would be served directly to the tables.
- That following previous complaints a warning letter was sent out to the Premise Licence Holder, reminding them of their conditions and that there had also been a visit to the premises.
- That the venue was over two floors with the following capacity, 20 people for the basement level and 40 people for the ground floor.
- That there was no live TV screenings and only had provision for background music.
- That in previous TEN applications, the applicant had stated that the premises had the capacity for 130 people.
- A brief summary of the hours and the conditions that other local premises had was noted.

In summing up Ms Driver explained that it would be impractical to have seats set outside, and allowing for the provision to drink outside would cause further noise nuisance.

Mr Sutherland urged Members to grant the variation as they were applying for a change to modest terms and had offered a range of options i.e. for a limited period of 6 months, until 8pm, and for a maximum 16 people. Mr Sutherland also reminded Members that Responsible Authorities and residents had the option to the review the premises if they didn't adhere to licence conditions.

Members adjourned the meeting at 7.20pm for deliberations and reconvened at 7.45pm.

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 considered all of the evidence before them and heard representations made on behalf of the Applicant by their Licensing Representative and also heard from the objectors present at the meeting.

Members welcomed the efforts made on behalf of the Applicant by offering optional conditions, however, Members noted concerns of the Principal Licensing Officer and noted that the Licensing Team had received a number of complaints regarding noise nuisance from the premises.

Members looked carefully at the location and although Horatio Street was wider, Members of the Sub Committee were of the view based on the evidence put before them that residents of the street would suffer noise pollution.

Members also noted the width of the pavement, the positioning of the safety bollards and believed that this would impair the passage way for disabled persons and people using pushchairs were there to be 16 people having meals served to them.

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 the Premises Licence for Nelson's head, 32 Horatio Street, Bethnal Green London E2 7SB be **REFUSED**.

3.2 Application for a New Premises Licence for Cookies and Cream, Unit 5 The Chronos Building, 9-25 Mile End Road, London, E1 4TW

In the absence of the Applicant, Members decided to defer consideration of this application in order to give the applicant another chance to attend the meeting.

4. EXTENSION OF DECISION DEADLINE: LICENSING ACT 2003

There were no applications that required a deadline extension.

The meeting ended at 7.45 p.m.

Chair, Councillor Peter Golds

