

LONDON BOROUGH OF TOWER HAMLETS

MINUTES OF THE LICENSING SUB COMMITTEE

HELD AT 6.50 P.M. ON THURSDAY, 17 DECEMBER 2009

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

Members Present:

Councillor Carli Harper-Penman (Chair)

Councillor Rupert Eckhardt
Councillor Alexander Heslop

Other Councillors Present:

Councillor David Snowdon

Officers Present:

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| Kathy Butler | – (Consumer Services Officer) |
| Zakir Hussain | – (Solicitor) |
| Jackie Randall-Peltier | – (Acting Licensing Services Manager) |
| Simmi Yesmin | – (Senior Committee Officer) |

Applicants In Attendance:

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| Elaine King | (Applicant) |
| Maureen Sullivan | (Applicant) |
| Paul Lewis | (Resident) |
| Nina Ezra | (Resident) |

Objectors In Attendance:

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|---------------|---------------------------|
| Chris Hepher | (Licensing Consultant) |
| Deepak Sharma | (Premises License Holder) |
| Mr Sharma | (Director, Troxy) |
| Will Poole | (Director, Troxy) |

Members of the Public In Attendance:

There were a number of members of the public present who did not sign the attendance register.

At 6.45pm the Legal Advisor extended the meeting start time by a further 30 minutes for Members to view some evidence that had been provided by the applicants.

1. APOLOGIES FOR ABSENCE

There were no apologies for absence.

2. DECLARATIONS OF INTEREST

There were no declarations of interest made.

3. RULES OF PROCEDURE

The rules of procedures were noted.

4. UNRESTRICTED MINUTES

The minutes of the Licensing Sub Committee held on 17th November 2009 were agreed as a correct record of proceedings.

5. ITEMS FOR CONSIDERATION

5.1 Application to Review the Premises Licence for The Troxy, 490 Commercial Road, London E1 OHX (LSC 041/910)

The Chair welcomed everyone to the meeting, ensured that introductions were made and then briefly outlined the procedure of the meeting.

At the request of the Chair, Kathy Butler, Acting Principal Licensing Officer introduced the report which detailed the review application for The Troxy, 490 Commercial Road, London E1 OHX. It was noted that the review had been triggered by two local residents, and supported by a local Tenants Resident Association, and other local residents.

At this point Ms Elaine King, the review applicant raised concerns as to the details which had been blanked out of the supplemental agenda which was inconsistent with the main agenda pack and therefore believed this not to be an open and transparent process. Concerns were noted and the Chair explained that that this would not alter their decision and that the original papers were available to Members if required.

At the request of the Chair Ms Maureen Sullivan, the review applicant explained that she had lived in the area for the past 46 years during which time she had never known it to be so bad since the past 3 years. She explained the incidents which had led to the review, and expressed her

concerns in relation to parking issues, pedestrians unable to access walkways, crime and disorder, traffic congestions and public nuisance due to early morning dispersals. She also stated that attempts had been made to discuss these issues with the Premise License Holder but this was unsuccessful.

Mr Paul Lewis, a local resident spoke on behalf of Mile End Housing Association as well as his own personal experience as a resident and the impact it had on him and local residents. He raised concerns about the illegal parking, the health & safety risks, and of an incident which had occurred as a result of illegal parking and traffic congestion. He explained that the previous owners and the previous nature of the venue had caused no problems in the past.

Ms Nina Ezra, a local resident explained that she lived the closest to the Troxy and experienced the greatest disturbance. It was noted that this caused a negative impact on residents' livelihood, with regular late night events which caused disturbance during entry, intervals and dispersals. She also highlighted that when the venue is used for Cage Fights it attracted a clientele which made residents feel unsafe and in fear due to their disorderly behaviour. She continued to explain the types of anti-social behaviour that takes place i.e. patrons urinating on street corners, showing no respect for residents, littering on the streets, lack of car parking facilities, people often blocking pedestrian footways, and residents are often faced with verbal abuse.

Cllr David Snowdon spoke on behalf of local residents; he explained that the Troxy was an inappropriate late night venue as it's located in a densely populated local housing estate. He briefly explained the history of the venue and its previous purpose of use. He also explained that before its current use the venue did not cause a problem and believed that it could have been brought upon by current business practice. Cllr Snowdon then suggested that operating hours should be reduced to 11:00pm, with no deliveries or queuing on Pitsea Street, possibility of undertaking litter sweeps. He also pointed out that a pre existing condition on the current license was in breach as the Pitsea Tenants Resident Association were currently not being informed of major events taking place at the Troxy. He concluded that the Troxy was a respectable venue and wished it to be prosperous as long as it did not impact on local residents.

Ms Elaine King, the review applicant began by explaining that the review related to all four licensing objectives and briefly explained the incidents which had led to the review and having a negative impact on all residents. She explained that she had been subject to abuse by door men and customers of the Troxy. She also felt that the accusation made by the Premises License Holder in his submission that residents had thrown eggs and stones on customers cars parked were false. She explained that she had made attempts to work with the Premises License Holder however this was not reciprocated and therefore due to the increased disturbance there was a need for this review.

Ms King highlighted that she had lived in the area for the past 25 years and had never experienced any problems when the venue had been used previously as a Bingo Hall, English Opera House Rehearsals and Cinema Hall. She explained that residents on both sides of Commercial Road were affected, and faced issues such as no access on walkways, traffic breaches, health & safety breaches, verbal abuse from stewards and customers etc. She urged members to give customers the quality of life they deserved.

At the request of the Chair Mr Chris Hepher, Licensing Consultant on behalf of the Premises License Holder explained that he also had concerns over the anonymity of information being used as evidence and questioned the authenticity of the incidents which had been reported by residents. The Chair reiterated that fact that this would not reflect on their decision and that Members had access to all the original papers if required.

Mr Hepher, briefly explained the purpose of the premises, the prospective clientele and the style of operation it maintains. He then gave a brief history of the venue and its previous purpose of use and explained that currently the premises was fit for purpose and could not possibly go back to its previous use i.e. bingo hall, cinema. It was noted that it was a listed building and therefore unable to change things however the Premises License Holder has been looking to restore and refurbish the premises.

He referred to pages 9-10 of the supplemental agenda (supporting documents submitted by the Premises License Holder) which listed a chronology of all the events and incidents which had taken place since the venue had been opened. He explained that approximately 300,000 people would have attended the Troxy in the last 3 years and therefore not everyone would be likely to have behaved perfectly. It was acknowledged that there would likely be some disturbance to residents as it was a very big venue. Mr Hepher then explained the types of events which took place in the Troxy with a majority of weddings which were less of a risk.

He stated that the management of Troxy would be happy to impose a condition for Pitsea Residents to be informed of forthcoming events at the Troxy, he also mentioned that when a recent email was sent to Ms King in relation to fortnightly coming events, this was not welcomed.

He mentioned that the Troxy was always under huge scrutiny by the police and the Local Authority, and it was brought to attention that no representation had been received by any responsible authority and questioned why residents and the applicants had not contacted the police or council officers regarding the nuisance.

He then responded to the concerns raised by the applicants during their submissions he stated that a meeting with residents was arranged however was only attended by some residents but not the applicants or members of the tenants residents association, it was noted that all residents had been informed of the meeting.

Mr Hepher then stated that he was agreeable to the proposed conditions made by Cllr Snowdon however did not agree on the 11pm finish, and believed that the leisure industry with the building of its size and the overheads it was not a viable option to close at 11pm.

He continued to explain that substantial money had been spent to restore the venue, with on going expenditure plans, and if hours are to be cut back to 11pm the current operation would be unable to function and would have to close down in 6 months. Mr Hepher felt that Ms King was set on what she felt was right and that management of Troxy were wrong which was an unhelpful approach.

Mr Hepher concluded by making the following points, that customers of Troxy have been subject to assault and have had damage to their cars which have been reported to management, that approximately 300,000 people have benefited from using the venue, some have been local people and some haven't, however a venue its size cannot run on its own local clientele. As for the car parking issues, management have been in contact with the relevant Local Authority Officers to resolve issues of parking and are continuing to do so as it is acknowledged that car parking is a problem. He finally concluded that management would continue to engage with the Police, Local Authority and residents to alleviate problems.

Members asked questions on the alleged incidents on customers, it was noted that it was witnessed by the Troxy security team and photographic evidence had been sent to the Police. Members also asked questions about the number of incidents that have occurred during weddings, what measures have been put in place to prevent these incidents from occurring again, whether customers are told that there is no car parking available for the venue. Concerns were also raised as to the process in which events were managed. It was noted that full scale risk management measures were in place and management of Troxy have had continuous dialogue with John Stuart, Parking Services, LBTH in relation to parking issues.

The Chair advised that the Sub Committee would at 8.50pm adjourn to consider the evidence presented. The Members reconvened at 9.20pm, the Chair reported that the Sub Committee had decided that;

After hearing all of the representations, Members were concerned about the severe nuisance that residents were facing and also concerned at the regularity of incidents occurring in relation to the venue. Members did not believe that sufficient steps had been taken to alleviate the problems and did not think that simply adding conditions would resolve the issues. Members were particularly concerned at the impact that the nuisance would cause residents late at night but welcomed the Licensee's submissions that they were willing to work with residents to resolve issues.

Therefore, on balance, considered that the licensing objectives would best be met by the amendment of the license for the following hours and conditions:

RESOLVED

Sale of alcohol:

Sunday to Thursday from 10:00 hours to 23:00 hours

Fridays and Saturdays from 10:00 hours to 02:00 hours the following days

Regulated entertainment consisting of:

Films, Live Music, Recorded Music, Performance of Dance, provision of facilities for making music, facilities for dancing.

Indoor Sporting Events, Boxing or wrestling entertainments.

Sunday to Thursday from 10:00 hours to 23:00 hours

Fridays and Saturdays from 10:00 hours to 02:00 hours the following days

Plays:

Monday to Saturday from 10:00 hours to 23:00 hours

Sunday from 12:00 hours to 22:30 hours

Late Night Refreshment:

Fridays and Saturdays from 23:00 hours to 02:00 hours the following day

Hours open to the public:

Sunday to Thursday from 10:00 hours to 23:30 hours

Fridays and Saturdays from 10:00 hours until 02:30 hours the following days

Conditions:

1. No waste produced from the premises is to be placed outside the premises between the hours of 8pm and 8am the following day. The agreement that the premises has with its authorised waste collector will stipulate that waste is not be collected between the hours of hours of 8pm and 8am the following day.
2. Management to arrange for rubbish collection patrols to be undertaken after an event from the perimeters of Stepney Causeway (west of the premises) to Ratcliffe Cross Street (east of the premises) and up to Railway Viaduct (south of the premises) and up to Commercial Road (north of the premises).
3. Management to arrange for a Taxi Marshall to be present during Fridays and Saturdays when there is an event where the licence holder anticipates that more than 500 people maybe present at the premises.
4. Management to inform Pitsea Estate Tenants and Residents Association of any forthcoming events that go past 23:00 hours, 14 days before the event is due to take place.
5. The Troxy venue is to be advertised to patrons, businesses, and hirers that there is no car parking available. This information should be included in all of its literature and its website.

The meeting ended at 9.35 p.m.

Chair, Councillor Carli Harper-Penman
Licensing Sub Committee