

**LONDON BOROUGH OF TOWER HAMLETS**  
**MINUTES OF THE LICENSING SUB COMMITTEE**  
**HELD AT 6.45 P.M. ON TUESDAY, 30 JULY 2019**

**COMMITTEE ROOM C1, TOWN HALL, MULBERRY PLACE, 5 CLOVE  
CRESCENT, LONDON, E14 2BG**

**Members Present:**

Councillor Mohammed Pappu (Chair)  
Councillor Victoria Obaze  
Councillor Gabriela Salva Macallan

**Officers Present:**

Luke Wilson – (Legal Services)  
Mohshin Ali – (Senior Licensing Officer)  
Simmi Yesmin – (Democratic Services)

<b>Representing applicants</b>	<b>Item Number</b>	<b>Role</b>
Anthony Edwards	3.1	(Legal Representative)
Ben Todd	3.1	(Applicant)
Sara Dixon	3.1	(Resident – Supporter)
Barry Murphy	3.1	(Resident – Supporter)
Aaron Curtis	3.2	(Applicant)

<b>Representing objectors</b>	<b>Item Number</b>	<b>Role</b>
Peter Pritchard	3.1	(Resident)
Nikki Collins	3.1	(Resident)

**Apologies**

None

**1. DECLARATIONS OF DISCLOSABLE PECUNIARY INTEREST**

Councillor Gabriela Salva-MacCallan declared a personal interest on both items 3.1, Application for a variation of the premises licence for Nelson's Head, 32 Horatio Street, London E2 7SB and item 3.2, Application for a variation of the premises licence for Mick's Garage, Queens Yard, White Post Lane, London E9 5EN on the basis that she had been to the premises in the past.

## **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 premise licence for Nelson's Head, 32 Horatio Street, London E2 9SB. It was noted that the application was to vary a condition on the licence. It was further noted that there were objections from local residents and there were local residents supporting the application.

At the request of the Chair, Mr Anthony Edwards, Legal Representative on behalf of the Applicant, explained that the application was to vary two conditions on the existing licence, it was noted that the variation had been agreed with the Responsible Authorities. Mr Edwards explained that the Applicant stayed at the premises, was a good neighbour, wanted the community to prosper and create good relations. He said it was very much a community pub and often let out the basement for community groups to use for meetings – free of charge. Mr Edwards explained that the Applicant was a member of the Weavers Ward ASB Group and had made many attempts to mediate with the residents. It was noted that a dedicated telephone number for the Landlord (applicant) was displayed outside the pub. It was also noted that an application was made last year but there were some difficulties, however measures were now in place and as a result there were no objections from Responsible Authorities.

Members were asked to note the petition and letters in support of the application.

Members then heard from Ms Sara Dixon and Mr Barry Murphy residents in support of the application, both residents had been residing in the area for many years, they expressed their support for the premises, its benefit to the community, that it was well managed and safe. They also expressed their concern over the lack of community pubs in the borough and how this premises was a community asset.

At the request of the Chair, Mr Peter Pritchard, local resident in objection to the application explained that he lived opposite the pub, had put forward a petition which was not a personal attack on the Applicant. Mr Pritchard pointed out that when the licence was taken over by the applicant he should have known what he was taking on and what the conditions on the licence were– he said that last year an application was made which was unanimously refused by a Licensing Sub Committee and if conditions were to be removed then this would cause further noise nuisance. He questioned what had changed in one year for the application to be reconsidered again. He further

explained that issues of public nuisance and noise got a lot worse when there were karaoke nights, concerns were also raised as to the size of the pavement, people hanging around, and glasses being left outside the premises etc.

Members also heard from Ms Nicola Collins, local resident objecting to the application, she also explained that the Applicant had willingly taken over the licence knowing what the conditions were and therefore there was no need to changes these. She explained that it was important for the pub and residents to coexist peacefully however due to the current noise levels this was proving to be difficult.

In response to questions from Members the following was noted;

- That the police were not objecting to the application.
- The one complaint that was made – was on the day that a Temporary Event Notice was in operation.
- Karaoke nights were held once a week.
- That the Applicant was happy to remove benches/furniture from outside the premises which would allow ample space for customers to stand outside.
- Security would manage the outdoor area on Sundays.
- The Applicant was happy to have SIA door staff on Thursday, Friday and Saturday.
- That Sunday was the busiest day with a lot of people traffic.
- That noise outside the premises was a concern for objectors and was often worse after 8pm.
- A one meter roped off area would help control and manage the outdoor area.

Both parties gave a brief summation.

Members adjourned the meeting at 19:40 hours to deliberate and reconvened at 20:15 hours

### **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 representations from the Applicant's Legal Representative and had also heard from the Supporters and Objectors present at the meeting.

Members welcomed the efforts made by the Applicant, in offering robust conditions and also accepting and agreeing to the conditions suggested by the Responsible Authorities and the Sub-Committee.

The Sub Committee reached a decision and the decision was unanimous. The Sub-Committee agreed to grant the variation of the premises licence subject to the conditions, Members were satisfied that the granting of the variation licence on these conditions will help promote the licensing objectives and minimise the risk of public nuisance. In particular, the condition to limit patrons to Horatio Street and rope off the area for outdoor drinking would ensure that pedestrians would not be obstructed.

Accordingly, the Sub-Committee unanimously

### **RESOLVED**

That application for a Variation of the Premises Licence for Nelson's Head, 32 Horatio Street, Bethnal Green, London E2 7SB be **GRANTED** with conditions.

### **Annex 3 – (existing conditions amended to the following)**

- Condition 2 – There shall be no alcohol consumed outside the premises after 20:00 hours
- Condition 3 – No persons under the age of 18 to be allowed on the premises with the exemption of Sundays up to 18:00 hours.

### **Additional Conditions (to be imposed on the licence)**

1. All drinks consumed outside the premises shall be in plastic/polycarbonate cups only.
2. The maximum number of persons permitted to drink outside the premises is 25 persons at any one time. The premises shall ensure that patrons are behind a roped off area on Horatio Street. The roped off area shall allow a minimum 1 metre of pavement clearance at all times.
3. One SIA registered door staff to be employed on Sundays between the hours of 12:30 hours and 20:30 hours.

### **3.2 Application for a Variation of a Premises Licence for Mick's Garage, Queens Yard, White Post Lane, London E9 5EN**

At the request of the Chair, Mr Mohshin Ali, Licensing Officer, introduced the report, which detailed the application for a variation of the premise licence for Mick's Garage, Queens Yard, White Post Lane, London E9 5EN. It was noted that the application was to extend the hours for sale of alcohol, regulated entertainment and late night refreshments. It was noted that there was one objection from a local resident.

At the request of the Chair Mr Aaron Curtis, Applicant, explained that the venue had been successfully in operation for the last 4 years, it was a well-attended venue with a clean licence and the hours applied for had been tested by way of Temporary Events Notices and there have been no problems. He also explained that egress at 4am than 2.30am was better as it was less likely to cause disturbance. It was noted that they have never had any complaints or visits by the Police. That there was only one objection but there was a robust set of conditions in place to prevent any nuisance.

It was noted that the objector was not present at the meeting, therefore Members noted and considered the written objection contained in the agenda.

There were no questions from Members.

Members adjourned the meeting at 20:25 hours to deliberate and reconvened at 20:35 hours

#### **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 the representation made by the Applicant at the meeting and noted and considered the written objection contained in the agenda pack.

The Sub-Committee reached a decision and the decision was unanimous. The Sub-Committee agreed to grant the variation of the premises licence in its entirety and subject to the existing conditions on the current premises licence.

The Sub-Committee found that there was insufficient evidence to suggest that the increased licensing hours will result in noise nuisance. The Sub-Committee were of the view that the existing measures will promote the licencing objectives.

### Decision

Accordingly, the Sub-Committee unanimously –

### **RESOLVED**

That the application for a Variation of the Premises Licence for, Mick's Garage, Unit 8a Queens Yard, White Post Lane, London E9 5EN be **GRANTED**.

### **The sale by retail of alcohol (on sales only)**

- Monday to Thursday, from 17:00 hours to 23:00 hours
- Friday, from 17:00 hours to 03:30 hours (the following day)
- Saturday, from 09:00 hours to 03:30 hours (the following day)
- Sunday, from 09:00 hours to 00:00 hours (midnight)

### **The provision of late night refreshment – Indoors and outdoors**

- Friday and Saturday, from 23:00 hours to 02:00 hours the following day

### **The provision of regulated entertainment – Indoors**

#### (Plays, Performances of Dance)

- Monday to Thursday, from 17:00 hours to 23:30 hours
- Friday, from 17:00 hours to 04:00 hours (the following day)
- Saturday, from 09:00 hours to 04:00 hours (the following day)
- Sunday, from 09:00 hours to 00:00 hours (midnight)

#### (Films)

- Monday to Friday, from 17:00 hours to 23:30 hours
- Saturday, from 09:00 hours to 02:30 hours the following day
- Sunday, from 09:00 hours to 23:30 hours the following day

#### (Indoor Sporting Event)

- Monday to Thursday, from 17:00 hours to 23:00 hours
- Friday, from 17:00 hours to 02:30 hours (the following day)
- Saturday, from 09:00 hours to 02:30 hours (the following day)
- Sunday, from 09:00 hours to 23:30 hours

#### Live Music

- Monday to Thursday, from 17:00 hours to 23:30 hours
- Friday, from 17:00 hours to 04:00 hours (the following day)

- Saturday, from 09:00 hours to 04:00 hours (the following day)
- Sunday, from 09:00 hours to 00:00 hours (midnight)

#### Recorded Music

- Monday to Thursday, to 17:00 hours to 23:30 hours
- Friday, from 17:30 hours to 04:00 hours (the following day)
- Saturday, from 09:00 hours to 04:00 hours (the following day)
- Sunday, from 09:00 hours to 00:00 hours (midnight)

#### Non-standard timings

No change

#### **The opening hours of the premises**

- Monday to Thursday, from 17:00 hours to 23:30 hours
- Friday, from 17:00 hours to 04:00 hours (the following day)
- Saturday from 09:00 hours to 04:00 hours (the following day)
- Sunday, from 09:00 hours to 00:00 hours (midnight)

#### **4. EXTENSION OF DECISION DEADLINE: LICENSING ACT 2003**

The Chair agreed to extend the decision deadlines for the following applications;

Premises	Hearing Date	Decision by
Faizah Mini Market, 2 old Montague St, London E1 5NG	12/11	13/08
East Shack, 61a Alie Street, London E1 8EB	12/11	20/08

The meeting ended at 8.50 p.m.

Chair, Councillor Mohammed Pappu  
Licensing Sub Committee