

**LONDON BOROUGH OF TOWER HAMLETS**

**MINUTES OF THE LICENSING SUB COMMITTEE**

**HELD AT 6.30 P.M. ON THURSDAY, 24 JUNE 2010**

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

**Members Present:**

Councillor Peter Golds (Chair)

Councillor Zara Davis  
Councillor Harun Miah

**Officers Present:**

Kathy Driver	- (Acting Principal Licensing Officer)
Paul Greeno	- (Senior Advocate)
Simmi Yesmin	- (Senior Committee Officer)

**Applicants In Attendance:**

Kutub Din	- Subway
Shahbir Din	- Subway
Brian Coughlan	- The Castle
Andrew Mac Manus	- The Castle
Colin Weaving	- The Castle
Chris Lewis	- Zonemax

**Objectors In Attendance:**

PC Alan Cruickshank	- Metropolitan Police
Ian Wareing	- Environmental Health
Alex Southern	- The Castle
Charles Morris	- The Castle
Ben Ward	- Zonemax
Jane Curtis	- Zonemax
John Critchley	- Zonemax
Juliet McKoen	- Zonemax
Keith Bowler	- Zonemax
Clair Johnston	- Zonemax

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

**1. APOLOGIES FOR ABSENCE**

There were no apologies for absence.

**2. DECLARATIONS OF INTEREST**

Councillor Peter Golds, declared a personal interest in agenda item 4.3, Application for a time limited premises license for Zonemax, 91-95 Brick Lane London E1 6RL on the basis that there was a representation made by an acquaintance of his, however he confirmed that he had no contact with them regarding the application.

**3. RULES OF PROCEDURE**

The Rules of Procedures were noted.

**4. ITEMS FOR CONSIDERATION****4.1 Application for Premises Licence for Subway, 395 Bethnal Green Road, London E2 0AN (LSC 03/011)**

At the request of the Chair, Ms Kathy Driver, Acting Principal Licensing Officer, introduced the report which detailed the application for a new premises license for Subway, 395 Bethnal Green Road, London E2 0AN. It was noted that objections had been received by three local residents.

Ms Driver informed Members that the applicants, since making the application, had amended their hours for the provision of late night refreshments by reducing the hours to 23:00 hours to 00:00 hours (midnight) on Fridays and Saturdays to accommodate the concerns of residents.

The applicant, Mr Kutub Din, explained that ever since they had opened Subway, customers have always encouraged and requested Subways to stay open till late as it was a healthier option for customers and on that basis had applied for a late night refreshments license.

Mr Din stated that there were already other premises licensed to stay opened till late and he strongly believed that Subway staying open till midnight would not cause any additional nuisance then what currently existed. He explained that he and his business partner have tried everything to minimise nuisance that could be associated with the premises. Mr Din stated that some of the statements made by the residents were false, and questioned why the Police there was no objections made by the Police if these were genuine concerns. It was noted that if the premises was to stay open till late, the area would be well lit and would deter people from causing anti social behaviour nearer the premises. Mr Din named a few other premises in the local vicinity with late night licenses with residents living in flats directly above the premises and questions why there had not been any objections to those. He concluded by

stating that anti-social behaviour existed widely in Bethnal Green Road and could not be identified with Subway.

It was noted that the resident objectors were not present at the meeting and therefore Members noted and considered the written representations contained in the agenda.

In response to questions from Members, Mr Din confirmed the hours applied for and that there were no toilet facilities for members of the public in the premise. In response to questions Mr Shahbir Din, Applicant, explained additional measures that were in place such as CCTV cameras and also suggested that another camera could be placed on the fire exit doors behind the shop to prevent people congregating behind the premises. It was further noted that on an occasion Police had used their CCTV camera footage for their investigation. Mr Din also suggested using the fire exit door for deliveries etc and felt that if regularly used then this would also lessen opportunity for youth to congregate at the back of the premise, it was noted that previously the fire exit door was not used at the request of the tenants who lived above the premises.

The Chair advised that the Sub Committee would at 6.48pm adjourn to consider the evidence presented. The Members reconvened at 6.55pm. The Chair reported that;

Members considered the representation made at the meeting by the applicant and noted the written representations made by objectors and were satisfied that the granting of the licence would not lead to an increase in anti-social behaviour, as strong concerns of anti-social behaviour already existed in the local area and could not be identified with the premises.

Members also suggested that local Police Officers and Tower Hamlets Enforcement Officers (THEO's) should do regular patrols in the area to help prevent anti-social behaviour.

### **RESOLVED**

That the new application for Subway, 395 Bethnal Green Road, London E2 0AN be **GRANTED**;

#### The Provision of Late Night Refreshments

Monday to Saturday from 23:00 hours – 00:00 hours (midnight)

#### Hours Premises Open to the Public

Monday to Saturday from 08:00 hours – 00:00 hours (midnight)

Sunday from 08:00 hours – 23:00 hours

#### **4.2 Application to Vary the Premises Licence for The Castle, 44 Commercial Road, London E1 1LN (LSC 04/011)**

At the request of the Chair, Ms Kathy Driver, introduced the report which detailed the application for a variation of the premises license for The Castle, 44 Commercial Road, London E1 1LN. It was noted that objections had been received from the Metropolitan Police, Environmental Health and local residents. It was further noted that the Fire Authority had made a representation however had now withdrawn their objection.

At the request of the Chair, Mr Colin Weaving, representative for the Castle explained that they had a 24 hour license which was not used on a regular basis, however allowed them the flexibility if needed to be used. It was noted that they would always consult with the Police if the license was to be used for 24 hours.

Mr Weaving stated that there were often gangs of 30-40 youths congregated outside the venue causing public nuisance, they were not customers and therefore anti-social behaviour should not always be associated with the Castle.

He explained that bottles were not allowed to be taken outside the premises after 9pm and that individuals have a responsibility to look after their own belongings while they are in the premises. He stated that smashed glasses outside the premises were allegations and could not be verified. Mr Weaving stated that the Premises License Holder would be happy to agree to increase the number of SIA door supervisors and increase CCTV cameras from 8 to 16 cameras however cannot insist on limiting only 5 people to smoke outside at any one time. He explained that they were willing to compromise on the hours for regulated entertainment in the hope that this would alleviate the concerns of residents.

At the request of the Chair PC Alan Cruickshank referred to his statement on page 137 of the agenda. He detailed the incidents which had taken place in the premises and highlighted the on going problem of thefts inside the pub. It was noted that a further two reports of the theft had been reported since the representation was made. He briefly explained that he was also aware of noise complaints and the growing concerns in regard to anti-social behaviour. He stated that the pub was open until early hours of the morning during the weekend and it is the only one in the area that is opened till late. He believed that the current hours for regulated entertainment are more than sufficient and Members should refuse the application.

Mr Ian Wareing, Environmental Health Officer referred to his representation on pages 143-145, he explained that Environmental Health had received many requests for service because of the noise levels emanating from the premises and despite letters being sent, warnings given and visits made no action has been taken by the Premises License Holder to resolve these issues. It was noted that Environmental Health continues to receive complaints. Mr Wareing also told members about his experience during a service request visit at the premises and that he too witnessed problems of

noise nuisance. He suggested that music activities should be moved to the basement.

Mr Alex Southerland, a resident objector, explained that the Castle regularly abused its license and illegally extends its hours for regulated entertainment on a regular basis, even when complaints are made. He stated that on occasions he has had to contact the noise pollution team to report these nuisances.

He stated that the premises was an old fashioned Victorian pub which was now operating as a club in an increasing residential area, he explained that the Castle allows its patrons to stand outside on the pavement until all hours drinking, shouting, smoking, smashing bottles and urinating in the streets. Mr Southerland explained that there was no sound proofing and no double glazed windows and if regulated entertainment is moved to the basement this would still be a problem for those with basement flats.

He concluded that there had been an increase in anti-social behaviour since the Pub had changed. He also mentioned that there were other pubs/clubs and strip clubs in the local area however these did not cause any nuisance/problems as door staff control their customers.

In response to questions Mr Weaving stated the reason for the increase in the number of people is to accommodate the increase number of people now living and visiting the Whitechapel area. It was confirmed that the Castle currently had the capacity of 260 people and if numbers are increased, the Premises License Holder would increase door security from 2/3 to 6 SIA door supervisors and increase CCTV cameras from 8 to 16 cameras.

In response to a question Mr Southerland confirmed that he didn't experience any form of nuisance from other clubs in the area other than the Castle. Mr Wareing also confirmed that music could clearly be heard emanating from the Castle past 2am in the mornings.

The Chair referred to a written representation contained in the agenda and highlighted the abuse the resident had received from a member of staff from the Castle. Mr Andrew Mac Manus, DPS, believed this not to be true and welcomed for the resident to give the name of the staff.

In summing up Mr Weaving explained that the conditions offered will help alleviate problems that residents have, and assured Members that the Castle would be run properly and in turn benefit the local community. Mr Mac Manus explained by moving regulated entertainment to the basement would be help reduce noise levels and that the 24 hour license would only be used on Fridays and Saturdays and not during the rest of the week. He also offered to work with residents to identify ways to help reduce anti-social behaviour.

Mr Sutherland stated that he had lived in the borough for 12 years and that even moving the entertainment to the basement would mean that sound would still be permitted everywhere. He believed that the Castle had increased the anti-social behaviour in the area.

Mr Greeno advised Members to consider whether a variation of the license would increase public nuisance and crime and disorder and to make sure that conditions are necessary, clear and concise not only to persons who enforce them but to holders of licences and local residents who may be effected by the conditions and wish to report a breach..

The Chair advised that the Sub Committee would at 7.35pm adjourn to consider the evidence presented. The Members reconvened at 7.45pm. The Chair reported that;

After hearing representations from both parties, Members felt that they could not be satisfied that the Licensee would promote the licensing objectives of the prevention of crime and disorder and the prevention of public nuisance.

Members believed that public nuisance and anti-social behaviour already existed with the current number of people attending the premises and if Members were minded to increase the capacity to 350 people it was likely that this would give rise to an increase in anti-social behaviour and public nuisance. Having heard representations made by objectors it was clear that anti-social behaviour and public nuisance was identified with the premises. Therefore Members felt that there was no other option but to refuse the application as Members were satisfied that there were no conditions appropriate to alleviate their strong concerns.

#### **RESOLVED**

That the variation application for The Castle, 44 Commercial Road, London E1 1LN be **Refused**.

#### **4.3 Application for a Time Limited Premises Licence for Zonemax Ltd, 91 - 95 Brick Lane, The Old Truman Brewery (Z Block outdoor area), London E1 6RL (LSC 05/011)**

At the request of the Chair, Ms Kathy Driver, introduced the report which detailed the application for a time limited premises license for Zonemax, 91-95 Brick Lane, London E1 6RL. It was noted that objections had been received by Environmental Health and local residents.

It was noted that no representative from Environmental Health was present at the meeting and it was not clear whether representation had been withdrawn and if conditions had been agreed.

At the request of the Chair the applicant Mr Chris Lewis explained that he had done everything in his power to satisfy residents concerns ie. employing 15 SIA door supervisors, exiting customers through Hanbury Street, avoiding residential areas such as Wilkes Street, and Princelet Street.

Mr Lewis explained that all drinks were decanted into plastic containers and that they had voluntarily taken it upon themselves to do this. It was noted that Zone Bar had its own recycling program, sound proof fabric was used in the bar, that they employed twice as many SIA door supervisors, and had adequate toilet facilities such as urinals, porter loos, toilet cubicles and disabled toilet facilities. It was also noted that at present, customers were asked to bring their own drinks and reiterated that fact that all drinks were decanted in to plastic containers and therefore broken glass could not be associated with the Zone Bar. It was further noted that from next week wine would be sold in PET bottles which demonstrated their responsible attitude to drinking and residents.

Mr Lewis stated that the three England matches were successful and customers were given lollipops when leaving to help reduce levels of noise. Mr Lewis concluded by stating that Hanbury Street and Quaker Street was used for customer egress and no complaints had been received from residents living there.

The Chair then invited residents who wished to address the Committee, Jane Curtis, John Critchley, Juliet McKoen, Keith Bowler and Ben Ward on behalf of Clair Johnston were among the residents who spoke in objection to the application, each addressing similar concerns in relation to noise nuisance, public disorder, anti-social behaviour, and crime and disorder.

In response to questions, Mr Lewis explained that the televising of the football matches would finish by 9.30pm and the area was cleared straight afterwards. He also confirmed that families were welcome to attend and some had done. In response to another question it was noted that building developments were taking place and there were other venues in the area which contributed to the problems residents' experienced.

Mr Lewis was then asked to give an approximate breakdown of the number of people who have attended the events. Mr Lewis assured members that he was going to all lengths to minimise impact on residents ie. increasing security staff and using Quaker Street and Hanbury Street as egress exits.

The Chair advised that the Sub Committee would at 8.30pm adjourn to consider the evidence presented. The Members reconvened at 8.45pm. The Chair reported that;

Members considered all representations made both by the applicant and local residents and felt that they could not be satisfied that the licensing objectives of crime and disorder and public nuisance would be upheld and promoted.

Members appreciated the steps taken by the applicant to adhere to the licensing objectives, however believed that in granting the license, it would give rise to an increase in anti-social behaviour and public nuisance. Members recognised that the premises was allowed to open without the sale of alcohol and it was noted that without the sale of alcohol there had been a reduction in the number of customers attending the event. Members also referred to guidance from the Licensing Act 2003 section 182 para 9.9 where

it refers to the cumulative impact on the licensing objectives of a concentration of multiple licensed premises which may also give rise to relevant representation(s).

**RESOLVED**

That the Time Limited Premises Licence for Zonemax Ltd, 91-95 Brick Lane, The Old Truman Brewery (Z Block Outdoor Area) London E1 6RL be **Refused**.

The meeting ended at 8.55 p.m.

Chair, Councillor Peter Golds  
Licensing Sub Committee