

LONDON BOROUGH OF TOWER HAMLETS

MINUTES OF THE LICENSING SUB COMMITTEE

HELD AT 6.30 P.M. ON TUESDAY, 3 AUGUST 2010

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

Members Present:

Councillor Carlo Gibbs (Chair)

Councillor Zara Davis
Councillor Amy Whitelock

Officers Present:

Cain Duncan	- (Planning Enforcement Officer)
Derrick Harrington	- (Principal Environment Health Officer)
Nick Kemp	- (Licensing Officer)
Ryan Kohle	- (Legal Advisor)
Kerry Mure	- (Senior Lawyer)
Simmi Yesmin	- (Senior Committee Officer)

Applicants In Attendance:

Peter Glazebrook	- (Café Pont)
Tom Haworth	- (Café Pont)
Azmal Hussain	- (108/118 Brick Lane)
Mahima Khatun	- (108/118 Brick Lane)
Hannah Platt	- (The Old Distillery)

Objectors In Attendance:

Alan Cruickshank	- (Metropolitan Police)
Jane Curtis	- (118 Brick Lane)
John Crichley	- (118 Brick Lane)

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 Zara Davis declared a personal interest in agenda item 4.1, application for a new premises licence for Café Pont, Block D, Unit 5, 14 Hertsmere Road, London E14 4AF on the basis that the premises was in her ward, however she confirmed that she had not had any discussions regarding this application prior to the hearing.

3. RULES OF PROCEDURE

The Rules of Procedures were noted.

4. ITEMS FOR CONSIDERATION

5. APPLICATION FOR A NEW PREMISES LICENCE FOR CAFÉ PONT, BLOCK D, UNIT 5, 14 HERTSMERE ROAD, LONDON E14 4AF (LSC 15/011)

At the request of the Chair, Mr Nick Kemp, Licensing Officer, introduced the report which detailed the application for a new premises license for Café Pont, Block D, Unit 5, 14 Hertsmere Road, London E14 4AF. It was noted that an objection had been received by a local resident.

At the request of the Chair, Mr Peter Glazebrook, Counsel for the applicant explained that they were applying for the same terms as a previous licence which was granted for the premises when trading as Café Beluga.

He explained that Café Pont would be different and independent from other café bars, It would be food driven with alcohol as an ancillary and had 40/50 covers. He also mentioned that there may have been some confusion as the objector may have felt that the entertainment license would be used to play music in outside area of the café, however he confirmed that the regulated entertainment would only be used for background music inside the premises.

Mr Glazebrook then introduced Tomas Haworth, the Designated Premises Supervisor for Café Pont, he explained that he had 10 years of experience in the restaurant trade. It was highlighted that no regulated body had objected to the application or raised any concerns or complaints.

It was noted that the times of the opening hours, sale of alcohol and regulated entertainment was incorrectly detailed in the licensing report on page 16 of the agenda. The applicant confirmed that the times should reflect what was detailed in the original application in appendix 1 of the report.

The Chair reported that the objector was not present at the meeting and therefore Members noted and considered the written objection detailed on page 51 of the agenda.

In response to questions, the following was noted, that very light background music would be played during breakfast hours, that windows and doors would be shut however during the summer these might be left open, that background music would not be used for the seating area outside the premises and it was confirmed the outside area associated with the premises would be used for dining as is done currently.

In response to a question, Mr Haworth stated that he did not want to restrict customers from using the outside area associated with the premises area, he explained the bar next door to the premises, did have a sign up asking customers not to use the outside area after 23:30 hours, however this was a voluntary agreement without any conditions/restrictions on the license. It was noted that the applicant would like the background music to remain playing until the closing time. Mr Haworth did not feel that premises being opened till the hours applied for would cause great disturbance to local residents.

Mr Glazebrook explained that the applicant would operate the same terms as his predecessor and had strong stringent measures in place to prevent the concerns of local residents in terms of public nuisance.

The Chair advised that the Sub Committee would at 6.45pm adjourn to consider the evidence presented. Members reconvened at 7.10pm. The Chair reported that;

Having heard from the applicant and taking in the views of the objector, Members decided to grant the application, with conditions, based on the licensing objective of the prevention of public nuisance.

RESOLVED

That the new application for Café Pont, Block D, Unit 5, 14 Hertsmere Road, London E14 4AF be **GRANTED**, with the following conditions;

Sale of Alcohol (on and off sales)

Monday to Saturday from 10:00 hours – 23:00 hours
Sunday from 11:00 hours – 22:30 hours

The Provision for Regulated Entertainment

(For recorded music and anything like recorded music)

Monday to Saturday from 07:00 hours – 23:30 hours
Sunday from 07:00 hours – 23:00 hours

Hours Premises is Open to the Public

Monday to Saturday from 07:00 hours – 23:30 hours
Sunday from 07:00 hours – 23:00 hours

Conditions

1. The outside area associated with the premises be closed and free of customers by 23:00 hours on Mondays to Saturdays and by 22:30 hours on Sundays.
2. No music should be audible outside the premises above the background level at any time.
3. Prominent and clearly legible notices shall be displayed at all exits of the premises requesting patrons to respect the needs of local residents and to leave the premises and area quietly.

6. APPLICATION FOR A NEW PREMISES LICENCE FOR 108 BRICK LANE, LONDON, E1 6RL (LSC 16/011)

The application was resolved prior to the hearing as conditions were agreed with the applicant. Therefore this application did not require consideration by the Licensing Sub Committee.

7. APPLICATION FOR A NEW PREMISES LICENCE FOR 118-122 BRICK LANE, LONDON, E1 6RL (LSC 17/011)

At the request of the Chair, Mr Nick Kemp, introduced the report which detailed the application for a new premises license for 118 Brick Lane, London E1 6RL. It was noted that an objections had been received by the Metropolitan Police, Environmental Protection, Planning Enforcement and local residents.

At the request of the Chair Mr Azmal Hussain, applicant explained that the license had elapsed and wanted a like to like license as previously granted. He explained that there were a couple of off licenses in the area which had sale of alcohol licenses until 03:00 hours in the morning and other restaurants on Brick Lane had licenses until 02:00 hours and therefore requested that the sub-committee grant the license. He also stated that he was happy for conditions to be imposed to help promote the licensing objectives.

Mr Alan Cruickshank, Metropolitan Police, referred to his statement on page 135 of the agenda and explained that Brick Lane was already a very busy area, one which would be suitable for a saturation policy. He highlighted that the night time economy was important, however needed to be balanced between the needs of the residents and those of the local businesses. He explained that the hours were excessive and the hours exceeded the vast majority of other restaurants in Brick Lane. He believed that if the license was to be granted in its entirety there would be a number of other restaurants that would apply for similar hours and this would have a detrimental effect on the lives of the local residents.

Mr Cain Duncan, Planning Enforcement, referred to his statement on page 141 of the agenda and explained that planning enforcement did not support the application to supply alcohol until 02:00 hours, as this would cause

serious public nuisance to surrounding residential occupiers later into the evening than what currently occurs. He stated that brick lane had reached a point where the late night economy is drawing uncontrollable large volumes of people to the area, late at night especially in weekends and is causing serious late night noise and disturbance issues to residents who live in the area. He explained that the granting of the premises license will not maintain a balance between commercial activities and residential amenity.

He also explained that the hours being applied for could not legally be implemented as the premises did not have planning permission nor was planning permission likely to be granted. It was noted that he would support the application if the hours of operation were restricted to midnight in accordance with the granting of planning permission.

Derrick Harrington, Environmental Protection referred to his statement on page 147 of the agenda and stated that the applicant had told him that he had sent in an application with amended hours, however this had not been received and therefore Environmental Protection was still in objection the application. He explained that the hours are both excessive and unreasonable and lacked managerial control.

Mr Harrington explained that the applicant had not applied for late night refreshments and the hours proposed for the sale of alcohol for consumption on the premises was the same as the proposed opening hours with no 30 minutes drinking up period. He suggested that if the application is to be granted then the same hours and conditions be imposed as agreed and resolved for the applicant's application for 108 Brick Lane.

The Chair then invited residents who wished to address the Committee, Jane Curtis, and John Critchley, spoke in objection to the application, each addressing similar concerns in relation to noise nuisance, public disorder, anti-social behaviour, and crime and disorder.

It was noted that all residents who had made representations were sent notifications letters informing them of the meeting on 16th June 2010.

In response to a question Mr Cruickshank explained that on 23rd July 2010 during the consultation period he had seen people drinking in premises at 21:00 hours, when there was no premises license for the sale of alcohol.

In response to further questions, the applicant confirmed that it was two premises which were linked through the basement, that he believed that customers could bring their own drinks if there was no premise license, that there was 60/70 covers for each premises and that he already employed SIA door staff. Concerns were raised as to the warning letters, Mr Hussain explained that he did not apply for planning permission because he wasn't aware that he required planning permission. In response to another question Mr Hussain confirmed that CCTV cameras would be in operation within the premise.

The Chair advised that the Sub Committee would at 7.45pm adjourn to consider the evidence presented. Members reconvened at 8.40pm. The Chair reported that;

Having heard from applicant, local residents and officers representing the Metropolitan Police, Environmental Protection and Planning Enforcement, the decision was to grant the application in part with a number of conditions.

The Sub-Committee considered the application based on the information that was provided at the meeting, giving due weight to planning and environmental issues in this instance. However the decision was ultimately decided in regard to the licensing objectives, in this case, the prevention of crime and disorder and the prevention of public nuisance.

It was noted that the Sub-Committee could only impose conditions that related to the licensing objectives and believed that it was not within their remit to impose all conditions suggested by Planning Enforcement, however hoped a voluntary agreement could be reached between the applicant and Council's Planning Enforcement Department.

RESOLVED

That the new application for 118-122 Brick Lane, London E1 6RL be **Granted in part** with the following conditions;

Sale of Alcohol (on and off sales)

Monday to Saturday from 12:00 hours to 23:00 hours
Sunday from 12:00 hours to 22:30 hours

The Provision of Regulated Entertainment (Recorded music only)

Monday to Saturday from 12:00 hours to 23:00 hours
Sunday from 12:00 hours to 22:30 hours

Hours Premises is Open to the Public

Monday to Saturday from 12:00 hours to 23:30 hours
Sunday from 12:00 hours to 23:00 hours

Conditions

1. No regulated entertainment is to be provided except low key background music only. A noise limiter is to be installed, the settings (maximum music noise levels generated) of which are to be set and agreed beforehand with the Environmental Protection Service, and the agreed level be made available to the public on request.
2. To ensure, as far as reasonably practical, that patrons who enter and exit the premises especially late at night will act quietly and

considerately at all times by ensuring prominent and clearly legible notices to be displayed at all exists of the premises requesting patrons to respect the needs of local residents and to leave the premises and area quietly.

3. At all times, two trained SIA security staff will be on duty within the premises, with one on each door, for door control to maintain good order and public safety.
4. The premise is required to have CCTV cameras installed, covering the premises internally and externally.
5. That the CCTV system should incorporate a recording facility and any recording should be retained and stored in a suitable and secure manner for a minimum of 31 days. A system should be in place to maintain the quality of the recorded image and a complete audit trail maintained. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. Recordings shall be made available immediately upon the request of Police or authorised officer throughout the preceding 31 day period.
6. No food or drink will be allowed to be consumed outside the premises.
7. There will be no early morning (before 08:00 hours) or late night (after 19:00 hours) deliveries of food and drink to the premises. No bottles or refuse will be placed outside the premises after 21:00 hours.

8. ANY OTHER BUSINESS THAT THE CHAIR CONSIDERS URGENT

8.1 Application for a Temporary Event Notice for 4th to 5th September 2010 at The Old Distillery, 33-35 Commercial Road, E1 1LD

This item was withdrawn by the applicant at the meeting. Therefore the application did not require consideration by the Licensing Sub Committee.

The meeting ended at 8.50 p.m.

Chair, Councillor Carlo Gibbs
Licensing Sub Committee