

**LONDON BOROUGH OF TOWER HAMLETS**

**MINUTES OF THE LICENSING SUB COMMITTEE**

**HELD AT 6.30 P.M. ON THURSDAY, 11 APRIL 2024**

**COUNCIL CHAMBER - TOWN HALL, WHITECHAPEL**

**Members Present in Person:**

Councillor Marc Francis  
Councillor Faroque Ahmed  
Councillor Leelu Ahmed

**Apologies:**

**Others Present in Person:**

Samuel Smith	(Applicant – Item 4.2)
Sarah Taylor	(Legal Representative – Item 4.2)
Duncan McLaughlin	(Resident – Item 4.2)

**Officers Present in Person:**

Jonathan Melnick	(Principal Lawyer-Enforcement)
Lavine Miller-Johnson	(Licensing Officer)
David Wong	(Legal Services)
Simmi Yesmin	(Democratic Services Officer, Committees, Governance)

**1. DECLARATIONS OF INTEREST**

Cllr Marc Francis disclosed in relation to item 4.2 that he had frequented the premises on a few occasions in the past, and that that had no bearing on his consideration of that application.

**2. RULES OF PROCEDURE**

The rules of procedure were noted.

**3. MINUTES OF THE PREVIOUS MEETING(S)**

The minutes of the meeting held on 12<sup>th</sup> March 2024 were agreed and approved as a correct record. The minutes of the meeting held on 27<sup>th</sup> February 2024 were deferred to the next meeting of the Licensing Sub Committee.

#### **4. ITEMS FOR CONSIDERATION**

##### **4.1 Application for a New Premise Licence for Focaccia Mia (Ida's Kitchen), Arch 271, Poyser Street, London, E2 9RF**

This application was resolved prior to the meeting and subsequently all objections had been withdrawn.

##### **4.2 Application for a Variation of a premises licence for (Captain Kidd), 108 Wapping High Street, London E1W 2NA**

At the request of the Chair, Ms Lavine Miller-Johnson, Licensing Officer introduced the report which detailed the application for a variation of the premises licence for Captain Kidd, 108 Wapping High Street, London E1W 2NA. The application sought authorisation to extend the terminal hour for the sale by retail of alcohol from 23:00 hours to 00:00 hours (midnight) on Fridays and Saturdays; from 22:30 hours to 23:00 hours on Sundays; and in relation to non-standard timings, to end the hours from the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.

It was noted that the application received representations against it from the local residents. The representations were concerned with the impact of the additional hours on residents in relation to public nuisance, particularly in terms of noise disturbance and anti-social behaviour. It was also noted that the current licence had no conditions.

At the request of the Chair, Ms. Sarah Taylor, legal representative for the applicant presented the business as a family operated and traditional public house. Unlike other pubs, the business was not offering karaoke, screening of sporting events or other regulated entertainment. She explained that the extended hours were sought following the impact of the pandemic, since more potential patrons now work from home, and it was hoped that the additional hours sought would generate more trade. She explained that it was not a substantial variation and did not envisage any problems because of additional hours being granted.

Ms. Taylor referred to the lack of representations from responsible authorities. She suggested that the statutory guidance refers to responsible authorities as the main sources of advice to sub-committees in respect of crime and disorder and public nuisance. It was also noted that there was no history of complaints to the licensing authority or other responsible authorities about the operation of the premises.

The applicant confirmed the maximum capacity, and presented the conditions offered as mitigation of the likely impact of later footfall from any additional hours granted, particularly conditions 7 to 11 inclusive in the supplementary agenda.

At the request of the Chair, Mr Duncan McLaughlin, resident, addressed the Sub-Committee. He informed the Sub-Committee that he lived next door to a pub and had no issue with that. He also stated that he frequented the pub on occasion. However, his concerns were that there would be additional impact arising from the extension, if granted. There was no effective dispersal at present. He accepted that it could possibly work, if done properly, but it did not seem to at present, with no visible staff present during dispersal, which gave rise to noise nuisance, as the street was quite narrow, and noise tended to reverberate off the buildings. The lack of dispersal gave rise to other issues such as public urination, and poor behaviour. Given that dispersal can take time, one of his main concerns was that the proposed closing time at midnight on Friday and Saturday meant people might still be hanging around in the area much closer to the earlier hours of 01:00 hours.

Mr. McLaughlin stated that he was not particularly concerned about the additional thirty minutes on a Sunday, and that he did not consider it to be likely to adversely affect the area.

In response to questions the following was noted;

- The premises had a capacity of 100.
- The premises had a large beer garden and during the summer period during 8-9pm it would reach its maximum capacity.
- That dispersal of customers would be staggered between 11pm to 12 midnight and therefore did not envisage an increase in noise nuisance.
- The dispersal policy was a live document and could be amended at anytime to include provision to deploy a staff member to oversee during the dispersal at closing time.
- That the proposed conditions include a condition that a direct telephone number for the manager would be available for residents to log any complaints or concerns.
- That management have not had any direct complaints made to them.
- The Licensing Officer confirmed that only two complaints have been logged with the Licensing Authority and Environmental Health one in 2020 and another in 2021.
- There was no objection to the increase in hours on Sundays.
- There were no conditions currently on the licence and therefore no current requirements of the licence to which the premises licence holder could be held to account.
- That it was possible to identify customers from the premises as they would be holding Sam Smith labelled bottles.
- That the beer garden was unique in the sense that it was secluded with no residential properties adjoined to it and it overlooked the river, staff accommodation and an office building.

Concluding remarks were then made by both parties.

**DECISION**

This is an application by Samuel Smith (Southern), the holder of a premises licence in respect of Captain Kidd, 108 Wapping High Street, London E1W 2NA.

The existing licence authorises the sale by retail of alcohol (on and off-sales) as follows: -

Monday to Saturday, from 11:00 hrs. to 23:00 hrs.  
Sunday from 11:00 hrs to 22:30 hrs.

The application sought to extend the terminal hour to midnight on Friday and Saturday and to 23:00 hours on Sunday.

Non-standard timings for New Year's Eve into New Year's Day were also sought.

Representations were received against the application from three local residents. The representations were concerned with the impact of the additional hours on residents in relation to public nuisance, particularly in terms of noise disturbance.

Ms. Taylor, legal representative for the applicant presented the business as a traditional family public house. It was not offering things offered by other public houses, such as karaoke and sports events. The extended hours were sought following the impact of the pandemic, since more potential patrons now work from home, and it was hoped that the additional hours sought would garner more trade. There would therefore be no disturbance from music or televisions being played at the premises.

Ms. Taylor referred to the lack of representations from the police or Environmental Health, who the statutory guidance says Committees should expect to be the main sources of advice in respect of crime and disorder and public nuisance. In addition, she drew attention to the lack of complaints about the operation of the premises to the licensing authority or to other authorities. The applicant confirmed the maximum capacity, and that the conditions offered aimed to mitigate the likely impact of later footfall from any additional hours granted, particularly conditions 7 to 11 inclusive in the supplementary agenda.

Mr. McLaughlin addressed the Sub-Committee. He informed the Sub-Committee that he appreciated that he lived next door to a pub and had no issue with that. He also stated that he frequented the pub on occasion. His concern was that there would be additional impact arising from the extension, if granted. There was no effective dispersal at present. He accepted that it could possibly work, if done properly, but it did not seem to at present. That gave rise to noise nuisance, as the street was quite narrow, and noise tended to reverberate off the buildings. The lack of dispersal gave rise to other issues such as public urination. Given that dispersal can take time, one of his

predominant concerns was that the proposed closing time at midnight on Friday and Saturday meant people might still be hanging around in the area much closer to 01:00 hours.

Mr. McLaughlin admitted that he was not particularly concerned about the additional thirty minutes on a Sunday and that he did not consider it to be likely to adversely affect the area.

This application engages the licensing objective of the prevention of public nuisance. The Sub-Committee listened to the parties' submissions. The written representations of those who did not attend were also read and considered,

There did not appear to be any real concern over the non-standard timings for New Year's Eve. The real issue seemed to be the extension on Friday and Saturdays, particularly given that Mr. McLaughlin himself was not overly concerned with the extra half-hour on a Sunday. The Sub-Committee accepted, as Mr. McLaughlin said, that when people drink, they often get louder, which would impact on the quality of life of nearby residents, particularly in the later hours.

The Sub-Committee noted comment by Mr. McLaughlin that although the additional half hour sought on Sundays was not as much of an issue with residents, the additional hour sought on Fridays and Saturdays presented an extra hour in which residents would likely suffer more noise disturbance, public urination and other anti-social behaviour by patrons leaving much later than the current terminal hour on Fridays and Saturdays. The Sub-Committee welcomed the additional conditions suggested by the applicant to mitigate the impact of the extension, if granted.

Whilst no responsible authorities, particularly Environmental Health or the police had made any representations, that in itself was not considered by the Sub-Committee not to be determinative of matters. It could not be considered to be tacit support; at its highest, it was of neutral significance.

The Secretary of State's guidance given under S182 of the Licensing Act 2003 says at paragraph 10.14 that "Where there are objections to an application to extend hours during which the licensable activities are to be carried on and the licensing authority determines that this would undermine the licensing objectives, it may reject the application or grant it with appropriate conditions and/or different hours from those requested."

Paragraph 16.6 of the London Borough of Tower Hamlets' Statement of Licensing Policy says, "The Licensing Authority considers that the possibility of disturbance to residents late at night and in the early hours of the morning, and the effect that any such disturbance may have, is a proper matter for it to consider when addressing the hours during which licensable activities may be undertaken."

The Sub-Committee accepted that a full additional hour on Fridays and Saturdays would likely lead to public nuisance at a later hour arising from issues such as patrons dispersing.

The Sub-Committee was concerned to reflect a balanced approach with regard to the legitimate aims of the business, and the legitimate concerns of residents. Members were satisfied on the balance of probabilities that residents had genuine concerns about the likely impact of the additional hour sought on Fridays and Saturdays. The Sub-Committee took into account the likely mitigation of conditions offered, but felt on the balance of the evidence that additional mitigation was needed to uphold the licensing objective of preventing public nuisance. The conditions alone did not entirely mitigate the potential impact.

The Sub-Committee therefore considered that a combination of the conditions offered by the applicant plus a reduction in the hours sought presented an appropriate and proportionate way of mitigating the impact on the public nuisance licensing objective,

**Therefore, the Sub-Committee decided to grant the application in part and allow the sale by retail of alcohol as follows: -**

Friday and Saturday, from 11:00 hrs. to 23:30 hrs.  
Sunday from 11:00 hrs to 23:00 hrs.  
and with the non-standard timings sought

with the following conditions: -

1. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Tower Hamlets Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the entire 31-day period.
2. The CCTV system serving the premises shall: be maintained fully operational and in good working order at all times; make and retain clear images that include the points of sale of alcohol and facial images of the purchasers of the alcohol; and show an accurate date and time for when the images were made.
3. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises are open. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.
4. An incident log shall be kept at the premises and be available on request to the Police or an authorised officer. It must be completed within 24 hours of any incident and will record the following: all crimes reported to the venue; all ejections of patrons; any complaints received concerning crime and disorder

any incidents of disorder; all seizures of drugs or offensive weapons; any faults in the CCTV system, searching equipment or scanning equipment; any refusal of the sale of alcohol; any visit by a relevant authority or emergency service.

5. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.

6. A direct telephone number for the manager at the premises shall be publicly available at all times the premises is open. This telephone number is to be made available to residents and businesses in the vicinity.

7. A written dispersal policy shall be in place and implemented at the premises to move customers from the premises and the immediate vicinity in such a way as to cause minimum disturbance or nuisance to neighbours.

8. The premises licence holder shall ensure that any patrons drinking and/or smoking outside the premises do so in an orderly manner and are supervised by staff so as to ensure that there is no public nuisance or obstruction of the public highway.

9. No waste or recyclable materials, including bottles, shall be moved, removed from or placed in outside areas between 20:00 hours and 07:00 hours on the following day.

10. No collections of waste or recycling materials (including bottles) from the premises shall take place between 20:00 hours and 07:00 hours on the following day.

11. During the hours of operation of the premises, the licence holder shall ensure sufficient measures are in place to remove and prevent litter or waste arising or accumulating from customers in the area immediately outside the premises, and that this area shall be swept and or washed, and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements by close of business.

12. A Challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport, or proof of age card with the PASS Hologram.

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

The following applications were extended till 30<sup>th</sup> June 2024.

- Lucia's Unit 5007, Queens Yard, 43 Whitepost Lane
- Carwash), 1 Quaker Street, London E1 6SZ
- Local Café, 84 St Stephens Road, London, E3 5JL

- Studio Spaces Ltd/E1) 110 Pennington Street London E1W 2BB
- Victoria Park Market, Night Walk, Approach Road /Gore Road , London, E3 5TB
- Burgers LDN 141 Leman Street E1 8EY
- Sainsburys 409-413 Mile End Road E3 4PB

The meeting ended at 8.05 p.m.

Chair, Councillor Marc Francis  
Licensing Sub Committee