

LONDON BOROUGH OF TOWER HAMLETS
MINUTES OF THE LICENSING SUB COMMITTEE
HELD AT 2.00 P.M. ON TUESDAY, 23 JULY 2013

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

Members Present:

Councillor Peter Golds (Chair)

Councillor Khaled Uddin Ahmed
Councillor Rajib Ahmed

Officers Present:

Luke Elford – (Lawyer – Enforcement and Litigation Team)
Andrew Heron – (Licensing Officer, Licensing Department)
Simmi Yesmin – (Senior Committee Officer, Democratic Services)

Applicants In Attendance:

David Crank - (Powerleague Fives)
Aaron Bullock - (Powerleague Fives)
Antony Edwards - (Chillies)
Goyas Miah - (Chillies)
Afzol Miah - (Chillies)
Susan Schmieder - (German Deli)

Objectors In Attendance:

PC Mark Perry - (Metropolitan Police)

1. APOLOGIES FOR ABSENCE

There were no apologies for absence.

2. DECLARATIONS OF DISCLOSABLE PECUNIARY INTEREST

There were no declarations of disclosable pecuniary interest.

3. RULES OF PROCEDURE

The rules of procedure were noted.

4. ITEMS FOR CONSIDERATION**5. APPLICATION FOR A NEW PREMISES LICENCE FOR POWERLEAGUE FIVES, BRAITHWAITE STREET, LONDON, E1 6SY**

- 5.1** At the request of the Chair, Mr Andrew Heron, Licensing Officer, introduced the report which detailed the application for a new premises licence for Powerleague Fives, Braithwaite Street, London E1 6SY. It was noted that objections had been made by local residents.

At the request of the Chair, Mr David Crank, Legal Representative, gave a brief background of the premises, he explained that the premises was a sporting facility, and was one of 40 other Powerleague sites in the UK. He said that as a result of consultation with the police, they had amended their application and reduced the hours for sale of alcohol, and had offered further conditions to assist with the concerns raised by the objectors.

Mr Crank stated that Mr Aaron Bullock, Manager and Designated Premises Supervisor has had previous experience of managing a site at Worship Street and had not had any problems. He explained that there would be a limited selection of alcohol, and would mainly attract clients for corporate events.

Mr Crank said that there had been no problems or complaints about noise from parties leaving the premises, however this was a concern for residents and therefore he offered to have a condition to place suitable notices asking customers to leave quietly and respect the needs of local residents. He also highlighted that the main concerns raised by objectors were regarding other late night venues in the area and not the premises itself.

There were no objectors present at the meeting. Members therefore noted and considered their representations contained in the agenda.

In response to a question, it was noted that the amended hours and conditions had been discussed with the Police and the Licensing Officer had notified the objectors of these changes

Members retired to consider their decision at 2.30pm and reconvened at 2.32pm.

The Licensing Objectives

In considering these applications, Members were required to consider the same in accordance with the Licensing Act 2003 (as amended), the Licensing Objectives, the Licensing Guidance and the Council's Statement of Licensing Policy. The main

Consideration

Each application must be considered on its own merits and after careful consideration the Chair stated that the Sub Committee had decided to grant

the licence and impose conditions in order to address the concerns raised in relation to the licensing objective of “the prevention of public nuisance”.

The Sub Committee recognised the efforts and professionalism demonstrated by the applicants to appease residents and noted that the reduction in hours and the additional conditions offered would alleviate the concerns raised by the local residents. The hours granted and conditions imposed were believed to achieve a balance between the applicant running their business and not damaging the lifestyle of local residents.

Decision

Accordingly, the Sub-Committee unanimously –

RESOLVED

That the application for a New Premises Licence for Powerleague Fives, Braithwaite Street, London E1 6SY, **be GRANTED**, with conditions;

Sale of Alcohol (on sales only)

Monday – Friday from 10:30 hours to 22:30 hours

Saturday & Sunday from 10:30 hours to 21:00 hours

Opening Hours of the Premises

Monday – Sunday from 07:00 hours to 00:30 hours (the following day)

Conditions

1. CCTV camera system covering both internal and external to the premises is to be installed.
2. The CCTV recordings are to be maintained for 30 days and to be provided upon request to either a Police Officer or an officer of any other Responsible Authority.
3. At all times when the premise is open, a person who can operate the CCTV system must be present on the premises.
4. Prominent and clearly legible notices shall 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.
5. The licensed facilities will only be available to Members and patrons of the Powerleague facilities
6. Only plastic bottles and glasses will be used in the area designed for licensable activities.

6. APPLICATION FOR A NEW PREMISES LICENCE FOR CHILLIES, 76 BRICK LANE, LONDON, E1 6RL

At the request of the Chair, Mr Andrew Heron, Licensing Officer, introduced the report which detailed the application for a new premises licence for Chillies, 76 Brick Lane, London E1 6RL. It was noted that an objection had been made by a local resident and that the application had been amended to include additional conditions. It was also noted that this premises had previously been subject to a review application and subsequently had its licence revoked.

At the request of the Chair, Mr Anthony Edwards, Legal Representative explained that the when the applicants had first acquired the premises they were unaware that the premises had been in breach of their suspension. The previous owner was keen to sell the premise in a hurry and therefore no legal advice was sought before the purchase took place. It was noted that the premises was transferred over on the 28th February 2013 and the notice for breach of suspension was served on 6th March 2013.

Mr Edwards confirmed that the new owners were applying for a new licence with amended hours and conditions. He stated that touting was an issue in the Brick Lane area, however he had spent time with the applicants and explained the seriousness of touting and the need to promote the licensing objectives. He urged members to re-grant the application.

The objector was unavailable to attend the meeting. Members therefore noted and considered his representations contained in the agenda.

Members commented that touting is taken very seriously in Tower Hamlets and caused public nuisance and crime and disorder.

In response to a question Mr Edwards confirmed that the premises would have CCTV cameras installed.

Members retired to consider their decision at 2.40pm and reconvened at 2.45pm.

The Licensing Objectives

In considering these applications, Members were required to consider the same in accordance with the Licensing Act 2003 (as amended), the Licensing Objectives, the Licensing Guidance and the Council's Statement of Licensing Policy.

Consideration

Each application must be considered on its own merits and after careful consideration the Chair stated that the Sub Committee had decided to grant the licence and impose conditions in order to address the concerns raised in relation to the licensing objective of "the prevention of public nuisance" and "crime and disorder".

Members felt that the conditions imposed would help in addressing the main concern of the resident which was the issues around touting. Whilst Members noted the fact that a previous suspension of the licence had been breached and there had been incidents of repeated touting by previous owners, there was confidence in the new owners to abide by the terms and conditions of their new licence. However, it was noted that if this premises appeared in front of another Licensing Sub Committee for similar issues, Members would reconsider their decision very seriously.

Decision

Accordingly, the Sub-Committee unanimously –

RESOLVED

That the application for a New Premises Licence for Chillies, 76 Brick Lane, London E1 6RL, be **GRANTED**.

Sale of Alcohol (on & off sales)

Monday to Saturday from 10:00 hours – 00:00 hours (midnight)

Sunday from 10:00 hours – 23:00 hours

The Provision of Regulated Entertainment (recorded music)

Monday to Saturday from 10:00 hours – 00:00 hours (midnight)

Sunday from 10:00 hours – 23:00 hours

The Provision of Late Night Refreshments

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

Hours premise is open to the public

Monday to Saturday from 10:00 hours – 00:30 hours (the following day)

Sunday from 10:00 hours – 00:00 hours (midnight)

Conditions

1. Alcohol to be served with food only
2. No open drinks to be taken outside the premises
3. To operate a challenge 21 policy
4. CCTV camera system covering both internal and external to the premises is to be installed.
5. The CCTV recordings are to be maintained for 30 days and to be provided upon request to either a Police Officer or an officer of any other

Responsible Authority.

6. At all times when the premise is open, a person who can operate the CCTV system must be present on the premises.
7. No person shall be employed to solicit for custom or be permitted to solicit for custom for business for the premises in any public place within a 500 metres radius of the premises.
8. Clear signage to be placed in the restaurant windows stating that the premises supports the Council's 'No Touting Policy'.

7. ANY OTHER BUSINESS THAT THE CHAIR CONSIDERS URGENT

Temporary Event Notice for German Deli, Unit 1 Hamlet Industrial Estate, 96 White Post Lane, London E9 5EN

At the request of the Chair, Mr Andrew Heron, Licensing Officer, introduced the report which detailed the application for a Temporary Event Notice for German Deli, Unit 1 Hamlet Industrial Estate, 96 White Post Lane, London E9 5EN. It was noted that objection had been made by the Metropolitan Police.

At the request of the Chair Ms Susan Schmieder, on behalf of German Deli explained that the owner wanted to take part in the Hackney Wicked Festival to sell German beer she explained that this would be a limited amount of German beer, it would be priced at £3.50 a pint and customers would be restricted to two drinks per customer and this would be monitored with stamps and they would not sell to people who were intoxicated. She explained that it was not to increase problems but to join in with the festival.

Members then heard from PC Mark Perry, Metropolitan Police, who explained the previous problems of anti-social behaviour, crime and disorder and public nuisance which occurred at last year's Hackney Wicked Festival.

He explained that this year he had been working with the festival organisers to better organise the event and to prevent same issues as last year. it was noted that a designated area had been set out for the sale of alcohol, and therefore no sale of alcohol should be outside this contained area, and this area would be manned by SIA security staff.

He stated that if other venues were to start selling outside the designated area there would be a lack of control which would cause problems of public nuisance. He did suggest that the applicant contact the organisers to see if they could have a stall area within the designated area to sell their German beer.

In response to questions, PC Perry confirmed that he would be objecting to other premises applying for TEN applications in the area during the period of the festival. It was also noted that the premises had been opened since last year and was 50 meters from the festival venue.

Members retired to consider their decision at 3.05pm and reconvened at 3.10pm.

The Licensing Objectives

In considering these applications, Members were required to consider the same in accordance with the Licensing Act 2003 (as amended), the Licensing Objectives, the Licensing Guidance and the Council's Statement of Licensing Policy.

Consideration

Each application must be considered on its own merits and after careful consideration the Chair stated that the Sub Committee had decided to refuse the application due to substantial concerns raised by the metropolitan police in terms of incidents of public nuisance and crime and disorder at the previous event last year.

Decision

Accordingly, the Sub-Committee unanimously –

RESOLVED

That the application for a New Premises Licence for Temporary Event Notice for German Deli, Unit 1 Hamlet Industrial Estate, 96 White Post Lane, London E9 5EN, be **REFUSED**.

The meeting ended at 3.15 p.m.

Chair, Councillor Peter Golds
Licensing Sub Committee