

LONDON BOROUGH OF TOWER HAMLETS

MINUTES OF THE LICENSING SUB COMMITTEE

HELD AT 6.40 P.M. ON TUESDAY, 4 MARCH 2014

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

Members Present:

Councillor Ann Jackson (Chair)

Councillor Marc Francis
Councillor Md. Maium Miah

Other Councillors Present:

Councillor Joshua Peck

Officers Present:

Paul Greeno	- (Senior Advocate, Legal Services)
Alex Lisowski	- (Licensing Officer)
Ian Moseley	- (Trading Standards Officer)
Simmi Yesmin	- (Senior Committee Officer, Democratic Services)

Applicants In Attendance:

James Anderson	- (Coborn Arms)
Steve Gallagher	- (Coborn Arms)
Angela O'Donovan	- (Coborn Arms)
Seema Kansal	- (Preem)
Azmal Hussain	- (Preem)

Objectors In Attendance:

Roy Sully	- (Resident)
Toby Bennett	- (Resident)
Hugo Lane	- (Resident)
Sandy Critchley	- (Resident)
James Imrie	- (Resident)

Apologies

None

1. DECLARATIONS OF DISCLOSABLE PECUNIARY INTEREST

There were no declarations of disclosable pecuniary interest.

2. RULES OF PROCEDURE

The rules of procedure were noted.

3. MINUTES OF THE PREVIOUS MEETING(S)

The minutes of the Licensing Sub Committee meeting held on 28th January 2014 were agreed and approved as a correct record.

4. ITEMS FOR CONSIDERATION**4.1 Application for a Variation of a Premises Licence for the Coborn Arms, 6-8 Coborn Road, London, E3 2DA**

At the request of the Chair, Mr Alex Lisowski, Licensing Officer, introduced the report which detailed the application for a variation of the premises licence for Coborn Arms, 6-8 Coborn Road, London E3 2DA. It was noted that there had been objections from local residents.

At the request of the Chair, Mr James Anderson, Legal Representative for the Applicant briefly summarised the nature of the application, and the history of the premises. He stated that this was a pub in need of investment, and Youngs wanted to invest to refurbish and extend the premises. It was noted that a meeting with residents had taken place and as a result they had amended the plans/proposed layout of the premises and have reduced the size of the extension.

Mr Anderson explained that the extension would be using unused space to make into a dining area, the washrooms would be moved to the back of the premises and the kitchen area would be increased. It was noted that the bar area would remain the same and where it was.

It was further noted that the capacity of the premises would increase from 95 to 140 people. It would still remain a pub subject to refurbishment. Rear of the premises would be used for dining however patrons could eat anywhere in the premises. Mr Anderson stated that the Applicants were mindful of the concerns raised by local residents and believe to have addressed them by reducing the proposed extension applied for.

It was further noted that there would be no change to the licensable hours or the front of the premises. Mr Anderson concluded that the Applicants were aiming to provide a better community pub bringing people to into the pub which has been lost over the years. It was noted that the majority of the

concerns raised by local residents were in relation to the size of the extension which had now been reduced by half.

Members then heard from Mr Hugo Lane, Roy Sully, Toby Bennett and Councillor Joshua Peck (on behalf of Shirley Day) who all expressed similar concerns of public nuisance, anti-social behaviour and crime and disorder, and parking issues. They all paid particular attention to the likely increase in smokers standing outside the premises causing noise nuisance into the early hours of the morning. There were concerns over the lack of consultation on the amended plans/application.

Residents welcomed the changes however requested that the hearing be adjourned in order for the residents to consider the new proposal made by the Applicant.

Mr Anderson stated that the application process had been made since July 2013 and there had been a reduction not an increase and therefore did not believe that the hearing should be adjourned.

At this point Mr Paul Greeno, Senior Advocate, advised Members if they were to defer consideration of this application they would have to demonstrate that it was in the public interest to do so. It was noted that a variation application is open for the applicant to make changes as long as it's not a form of increase. At 7.15pm Members decided to retire to make a decision whether to defer the application. Members reconvened at 7.20pm and the Chair stated that Members had decided to consider the application and had refused to grant an adjournment.

In response to questions from Members the following was noted;

- The increase in capacity would be from 95 to 145
- Additional seating would be made available in the dining area
- Sky Sports would be removed.
- The Orangery proposed open area would now be fully enclosed.
- Drinks would not be allowed to be taken outside the premises after 11pm.
- There was no history of complaints or problems linked to the premises.
- Experienced staff would be employed to manage the outside area and staff would ask customers leave quietly.
- That there had been one consultation meeting with local residents.
- That an earlier consultation meeting had been requested by the applicant, however this was not welcomed by residents.
- It was noted that the Applicants were not expecting further deliveries to be delivered at the premises but would be expecting to get larger orders.
- That empty bottles would be taken out after 9am.
- That a designated parking bay would be available for taxis to use when dropping off or picking up customers.
- The forecourt would remain the same with a capacity of 38 and would be strictly managed.

- It was noted that there had not been complaints of noise or disturbance made to responsible authorities
- Residents described the nuisance as constant low level noise.
- That the forecourt was very busy and heavily used by customers.

Members retired to consider their decision at 7.55.pm and reconvened at 8.15pm.

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 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 application. Members' had carefully listened to representation made by the Applicant's Representative and noted and considered the written objections contained in the agenda and the verbal objections made at the meeting by Cllr Joshua Peck and local residents. However Members' believed that there was insufficient evidence to refuse the application as there were no reported complaints of public nuisance or crime and disorder. It was noted that there was wat had been referred to as a low level of noise concerns that had not been reported to the appropriate authorities. As it was low level concerns, Members did not consider that that was sufficient to refuse in this case. Had these concerns been reported then they would have been investigated by responsible authorities. Further Members considered that the representations made were more appropriately Planning considerations and should therefore be considered by that regime.

The Chair advised that even though a Premises Licence had been granted, the applicant was still required to get planning consent. Member's also suggested a number of informatives to help promote the licensing objectives.

Decision

Accordingly, the Sub-Committee unanimously –

RESOLVED

That the application for a Variation of a Premises Licence for, Coborn Arms, 6-8 Coborn Road, London E3 2DA be **GRANTED**.

To vary the layout of the premises in accordance with the amended plans supplied by the applicant. All licensable activities, permitted hours and opening hours to remain as existing.

In-formatives

- Alcohol to be served with food in the dining area
- Restrict the number of smokers outside to 5 people after 11pm
- To have a designated bay for taxi's to park when picking or dropping off patrons.

4.2 Application for a Premises Licence for Preem, Ground Floor and Basement, 118 - 122 Brick Lane, London E1 6RL

At the request of the Chair, Mr Alex Lisowski, Licensing Officer, introduced the report which detailed the application for a new premises licence for Preem, 118-111 Brick Lane, London E1 6RL. It was noted that there had been objections from the Metropolitan Police, Trading Standards, Licensing Authority and local residents. It was noted that the Licensing Authority had given their apologies for the meeting but wanted their representation on page 148 – 151 to be noted and considered.

Mr Greeno advised Members that the Special Cumulative Impact Policy was subject to a rebuttable presumption and it was for the applicant to satisfy Members through the operating schedule how they would promote the licensing objectives and not add to the existing concerns in the area.

At the request of the Chair, Ms Seema Kansal, Legal Representative for the applicant stated that the Special Cumulative Impact Policy was a rebuttable presumption. She highlighted the nature of the business and stated that customers would be coming into the premises, will be seated and will be dining inside and therefore anti-social behaviour would be minimised as alcohol would be served inside the premises.

Ms Kansal stated that there was no direct evidence of anti-social behaviour linking to the premises. It was noted that toilet facilities were available on the premises and therefore this would address concerns of urination. She concluded that the applicant was an experienced licence holder, and had assisted the Police on a number of occasions with CCTV footage.

At the request of the Chair PC Cruickshank referred to his statement on 154-157 and stated that by staying open until 03:00 would cause anti-social behaviour and public nuisance. He made reference to the cumulative impact zone and the crime statistics in the area. He concluded that the hours applied for were excessive and the hours exceed the vast majority of other restaurants hours in Brick Lane. That more people in the cumulative impact zone during late hours would increase the likelihood of for ASB and disorder.

Members then heard from Ian Moseley, Trading Standards Officer, who explained that the premises had been reviewed previously and there had been breaches of touting and insufficient management of the premises. He stated that the managerial control at the premises was not adequate. The erection of an illegal extension the use of fake blue notices and sales of alcohol during suspension indicated a disregard for legal requirements. The

extension of capacity and hours compared to the existing licence represents a risk of additional strain on the management resulting in further breaches of the law and an increase in public nuisance in the area.

Members also heard from Ms Sandy Critchley and James Imrie, local residents who also expressed concerns about the anti-social behaviour in the area, the applicant's mismanagement, breaches of existing conditions and the effect on the cumulative impact zone.

In response to questions, the Applicant stated he would not be touting anymore and would take positive steps to promote the licensing objectives, would employ additional staff to help customers leave quietly and have voice activated CCTV system and would not allow drunk people to enter the premises.

Members retired to consider their decision at 8.45pm and reconvened at 8.55pm.

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 Licensing Guidance and the Council's Statement of Licensing Policy.

Each application must be considered on its own merits and after careful consideration the Chair stated that the Sub Committee had carefully listened to both the Applicant's Representative and submissions from the Police, Trading Standards and local residents. Members did not think it was appropriate to grant the application as Members felt that it would undermine the Licensing Objectives of crime and disorder.

In making the decision Members noted that the premises was within the area of the Special Cumulative Impact Zone but did not consider whether the applicant had addressed the rebuttable presumption as Members had noted that there had been a number of Licensing breaches including touting; serving alcohol during a period of suspension; and opening outside terminal hours. Members were also concerned that the applicant considered that the retail sale of alcohol was a supply of refreshment and therefore covered by the hours applied for the provision of late night refreshment. Such are different licensable activities however. Therefore Members' decided to refuse the application.

Decision

Accordingly, the Sub-Committee unanimously –

RESOLVED

That the application for a New Premises Licence for, Preem, Ground Floor and Basement, 118-122 Brick Lane, London E1 6RLbe **REFUSED**.

5. ANY OTHER BUSINESS THAT THE CHAIR CONSIDERS URGENT

There was no other business.

The meeting ended at 9.00 p.m.

Chair, Councillor Ann Jackson
Licensing Sub Committee