

LONDON BOROUGH OF TOWER HAMLETS

MINUTES OF THE LICENSING SUB COMMITTEE

HELD AT 5.40 P.M. ON THURSDAY, 26 JUNE 2014

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

Members Present:

Councillor Peter Golds (Chair)

Councillor Khaled Uddin Ahmed
Councillor Muhammad Ansar Mustaqim

Other Councillors Present:

Councillor Racheal Saunders

Officers Present:

Paul Greeno – (Senior Advocate, Legal Services)
Alex Lisowski – (Licensing Officer)
Simmi Yesmin – (Senior Committee Officer, Democratic Services)

Applicants In Attendance:

Theodore Holder - (Qualm Free Tea Room)
James Deery - (Qualm Free Tea Room)
Gregory Holder - (Qualm Free Tea Room)
David Smith - (As Nature Intended)
Jeff Martin - (As Nature Intended)

Objectors In Attendance:

Jane Miller - (Resident)
Tim Rich - (Resident)
Bridget Irving - (Resident)
PC Alan Cruickshank - (Metropolitan Police)

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 Committees held on 22nd April, 8th May and 15th May 2014 were agreed.

4. ITEMS FOR CONSIDERATION

4.1 Application for a New Premises Licence for Qualm Free Tearoom/The Hawkhurst Vault, 240 Brick Lane, London, E2 7EB

At the request of the Chair, Mr Alex Lisowski, Licensing Officer, introduced the report which detailed the application for a new premises licence for Qualm Free Tearoom/ The Hawkhurst Vault, 240 Brick Lane, London E2 7EB. It was noted that objections had been made by local residents.

At the request of the Chair, Mr Theodore Holder, Applicant, briefly explained that crime and disorder in the area pre-dated before the premises was open. He stated that the premises was of a gentle nature and drinks would be priced at £4.50 + and this would therefore be a deterrent for street drinkers etc.

He explained that the application had been modified due to the objections received, the hours had been reduced and conditions proposed by the Police accepted. It was noted that suitable signage would be placed around the premises asking customers to leave quietly and respect the needs of local residents, that there would be family friendly events and did not envisage customers causing disorder due to the nature of the premises.

Members then heard from Councillor Racheal Saunders representing Frances Carroll & Michael Holden who were unable to attend the meeting. She explained that there were real concerns of public nuisance, public safety and crime and disorder in the area and the opening of this premise has made it worse. She stated that the nature of the premises and the size of the premise meant that customers end up standing in the streets, blocking pavements causing residents and pedestrians to walk on the road to get passed the premises.

She also highlighted that there were concerns of poor management, customers regularly spilling on to the streets, noise nuisance at night and chairs and furniture left outside the premises causing obstruction to passers by.

Members then heard from Jane Miller, Tim Ross, and Bridget Irving, local residents who expressed similar concerns of noise and public nuisance, and public safety with benches and chairs left outside the premises, street corner

and pavements obstructed by furniture and customers making it difficult for pedestrians to walk past. There were also concerns that taking drinks outside the premises would potentially cause more disorder.

In response to questions from Members the following was noted;

- That the capacity of premise was for 35 people
- The applicants previous experiences of working in licensed premises
- That the premises was a tea room and not a bar
- That the crowding on the street referred to in the photos submitted by the objectors were from one of the first TEN application they had.

In summing up the application, objectors believed that management were unable to manage the premises currently without a licence and having a licence would make it worse.

The applicants reassured Members that the premises was not a bar but a tea room and furniture would not be left outside and methods would be improved and every effort would be made to manage the premises legally and keep accesses clear.

Members retired to consider their decision at 6.40pm and reconvened at 6.55pm.

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.

Consideration

Each application must be considered on its own merits and the Chair stated that the Sub Committee had carefully considered all of the evidence before them and had taken account of the evidence submitted by both the objectors and the applicant.

Members had reached a decision and this decision was unanimous. Members had noted the reduction in hours proposed by the Applicant and amendments to the licence sought. Members noted the issues and concerns of public nuisance and crime and disorder for and on behalf of local residents. Members were minded however that there were no representations from any of the relevant responsible authorities, namely the Police and Environmental Health.

Members noted that the issues of disorder related to items being placed on the highway outside the premises and by allowing persons to consume drinks on the highway.

Before refusing a licence outright, Members had to consider whether conditions could be placed on the licence and which could address such concerns. Members also had to take into account that issues of highway obstruction could be dealt with by the Council as the appropriate highway authority.

Members considered that with the reduced hours and by adding the additional conditions and later set out, the Licensing Objectives would be promoted .

Members would also recommend that the relevant Council Services attend the premise location and undertake relevant and deal with any issues of highway obstruction.

Decision

Accordingly, the Sub-Committee unanimously –

RESOLVED

That the application for a New Premises Licence for, Qualm Free Tearoom/ The Hawkhurst Vault, 240 Brick Lane, London E2 7EB be **GRANTED with conditions.**

Sale of Alcohol (on sales)

Sunday to Thursday from 11:00 hours to 20:00 hours
Friday and Saturday from 11:00 hours to 21:00 hours

The Presentation of Films

Monday to Sunday from 08:00 hours to 21:00 hours

Hours Premises is open to the Public

Monday to Saturday from 07:00 hours to 23:00 hours
Sunday from 07:00 hours to 22:00 hours

Conditions

1. There shall be no off sales
2. No alcohol purchased within the premises is to be allowed to be taken outside the premises to be consumed outside the premises
3. Alcohol is only to be served to persons who are seated at tables within the premises .
4. There is to be no vertical drinking of alcohol
5. There will be no advertisement of alcohol sale via on street flyers

6. The capacity of the venue will be monitored and set at 35 inside the venue, 15 on the ground floor and 20 in the basement.
7. A challenge 25 policy will be operated and suitable signage will be displayed in the premises to that effect.
8. A refusal book is to be kept at the premises and maintained by logging incidents when sale of alcohol is refused.
9. No under 18s will be allowed on the premises after 9pm
10. 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.

4.2 Application for a Premises Licence for (As Nature Intended), 132 Commercial Street, London E1 6NG

At the request of the Chair, Mr Alex Lisowski, Licensing Officer, introduced the report which detailed the application for a new premises licence for As Nature Intended, 132 Commercial Street, London E1 6NG. It was noted that objections had been made by local residents and the Metropolitan Police.

At this point Mr Paul Greeno stated that the resident representations were not valid as they refer to planning permission, licence past 11pm and make reference to Costa Coffee.

At the request of the Chair, Mr David Smith, Legal Representative for the applicant gave a brief summary of the history and nature of the premises. It was noted that they were specialist in organic products. It was noted that the sale of alcohol would not be advertised, that it was organic and alcohol was of the part of the range of products offered. He stated that there would be no adverse effects and their operating schedule on page 172 of the agenda was significant to address the concerns raised.

It was also noted that the display of alcohol would not exceed 5% of the premises area and digital CCTV was in place to safeguard against any crime and disorder.

Mr Smith concluded that there had been no incidents of crime and disorder or complaints at the premises and that its clientele were females aged between 25-35.

Members then heard from PC Alan Cruickshank he explained that his objection was not a reflection on the applicant but a response to the saturation Policy. He explained that since the introduction of the policy and the cumulative impact zone, licenses have been granted in this area but the continuing introduction of new licensed premises however small or well run will compound the problems in the cumulative impact zone.

There were no questions from members.

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 noted that the operating schedule (and which was confirmed by the Applicant's representative) provided that alcohol would only be sold for off sales and would make up no more than 5% of the retail stock. Further, the alcohol being supplied was organic and was therefore not likely to attract street drinkers. As a result, Members were satisfied that the operation of the premises would not lead to an increase in crime and disorder or public nuisance and therefore would not add to cumulative impact.

Decision

Accordingly, the Sub-Committee unanimously –

RESOLVED

That the application for a New Premises Licence for, As Nature Intended, 132 Commercial Street, London E1 6NG be **GRANTED** with conditions.

The sale by retail of alcohol (off sales)

Monday to Friday from 08:00 noon to 20:00 hours
Saturday and Sunday from 09:00 hours to 19:00 hours

Hours open to the public

Monday to Friday from 08:00 noon to 20:00 hours
Saturday and Sunday from 09:00 hours to 19:00 hours

Non standard timings

In the month of December each year the terminal hour is extended to 22:00 hours on Monday to Friday and on Saturday and Sunday to 20:00 hours.

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.

5. EXCLUSION OF THE PRESS AND PUBLIC

The Chair Moved and it was: -

Resolved:

That in accordance with the provisions of Section 100A of the Local Government Act 1972, as amended by the Local Government (Access to Information) Act 1985, the press and public be excluded from the remainder of the meeting for the consideration of the Section Two business on the grounds that it contained information defined as exempt or confidential in Part 1 of Schedule 12A to the Local Government, Act 1972.

6. RESTRICTED MINUTES

The restricted minutes of the Licensing Sub Committees held on 22nd April 2014 were agreed.

7. ANY OTHER BUSINESS THAT THE CHAIR CONSIDERS URGENT

There was no other business.

The meeting ended at 7.30 p.m.

Chair, Councillor Peter Golds
Licensing Sub Committee