

LONDON BOROUGH OF TOWER HAMLETS

MINUTES OF THE LICENSING SUB COMMITTEE

HELD AT 6.40 P.M. ON TUESDAY, 19 AUGUST 2014

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

Members Present:

Councillor Peter Golds
Councillor Rachel Blake
Councillor Andrew Cregan

Officers Present:

Kathy Driver – (Principal Licensing Officer)
Paul Greeno – (Senior Advocate, Legal Services)
Antonella Burgio – Committee Officer

Applicants In Attendance:

Gaia Enria	Burro E Salvia
Daniel de Filippis	Burro E Salvia
Nathan McCann	Pilpel Spitalfields
Vizi Dinay	Pilpel Spitalfields
Morgan Clement	Autumn Street Studios
Charlie Porter	Autumn Street Studios
Daniel Beaumont	Autumn Street Studios
Alex Benson	Autumn Street Studios
George Hull	Autumn Street Studios

Objectors In Attendance:

PC Mark Perry Metropolitan Police

Apologies

No apologies for absence were received.

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 meetings held on 26th June 2014 and 8th July 2014 were agreed and approved as a correct record.

4. ITEMS FOR CONSIDERATION

4.1 Application for a New Premises Licence for City of Paris Limited - 74 Bonner Street, London, E2 0QP

The Chair noted that:

- the applicants had requested that the application be deferred and
- advice from the Council's legal officer that, since the application was for a new premises licence, the deferment would cause no prejudice to either applicant or objectors. As it was a new application and as the applicants were unable to attend then it was in the Public Interest for the applicant to be given the opportunity to make their application to Members rather than the case being determined in their absence.

RESOLVED

That the item be deferred.

4.2 Application for a Variation to the Premises Licence for Burro E Salvia, 52 Redchurch Street, London, E2 7DP

At the request of the Chair, the Principal Licensing Officer, introduced the report which detailed the variation to the licensable activities applied for by Burro E Salvia, 52, Redchurch Street, London, E2 7DP and noted there had been a representation by the Police, a responsible authority under the Act but no other eligible groups.

The Chair invited the applicant to make her representations and she provided the following information in support of the application to vary the premises licence. Members considered the applicant's submission that:

- whilst operating under the current licence, there had been no complaints or issues around crime or public nuisance.
- the primary business activity was to purvey speciality pasta. This remained, although the business had diversified to offer small scale dining based on its products.
- the Police wished to impose a CCTV installation condition, however costs would be prohibitive to the business.
- the applicant maintained good order at the premises and there had been good cooperation with the Police.

- the zones in which there was alcohol sales and consumption did not encourage street drinking or other crime / public nuisance.
- Sale of alcohol generally stopped at 9.30pm at which time last orders for food, to eat in or take away, were placed; this acted as an informal “drinking up time”.

Members heard from the objector, in this case the Metropolitan Police and noted:

- that the objection from the Police was based on its policy to object to all new licences and variations in the cumulative impact zone.
- no evidence as to what actual disturbance would be caused was presented.
- the conditions requested by the Police as preventative measures that:
 1. CCTV be installed at the premises or installation be deferred for 6 months and
 2. off sales be removed from the variation.

The Sub-Committee retired at 7.00pm to consider its decision and reconvened at 7.03pm.

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 written information placed before them and had taken account of the evidence submitted by the Police, a responsible Authority under the Act and the applicant.

Members were satisfied that the variation would not have a detrimental cumulative impact in the area nor did the establishment expose the Council to risks of crime and disorder and public nuisance and therefore considered the installation of CCTV unnecessary at this time. Noting that the ethos and primary purpose of the establishment was to experience artisan pasta, they considered it appropriate that sale of alcohol should accompany food and the time of the termination of sale of alcohol be reduced to 9.30pm, in keeping with this. They therefore granted the variation subject to this amendment which in their view would promote the licensing objectives.

Decision

Accordingly, the Sub-Committee unanimously –

RESOLVED

That the application for a variation of the premises licence for Burro E Salvia, 52 Redchurch Street, London, E2 7DP be **GRANTED**, subject to the cessation of the sale of alcohol at 9.30pm, for the following activities:

On and Off Sale of Alcohol

- Thursday to Saturday, 10.00am to 21.30pm

The Opening Hours of The Premises

- Thursday to Saturday, 10.00am to 22.00pm

4.3 Application for a New Premises Licence for (Pilpel Spitalfields), 38 Brushfields Street, London E1 6NG

At the request of the Chair, the Principal Licensing Officer, introduced the report which detailed the application for a new premises licence for Pilpel Spitalfields, 38 Brushfields Steet, London, E1 6NG and noted that a representation had been made by the Police and the Licensing Authority, responsible authorities under the Act.

The Chair the invited the applicant's representative to make his representations accompanied by the premises manager and he provided the following information in support of the application for a new premises licence. Members noted:

- conditions were offered at Annex A to the application; in particular, substantial CCTV equipment beyond the standard required would be installed.
- two temporary events under the Act had been held at the premises which had caused no issues of crime and disorder or public nuisance.
- it was not intended that the premises would operate and a bar or off licence but the primary business remained that of a hot food outlet. Therefore there would be no late hours.
- a small range of specialist beers only would be offered for sale and all alcohol would be stored away from customer access.
- off sales of alcohol was requested to enable customers to purchase beer with hot food which was the main offer.
- as speciality beers were intended to be sold, any litter could be easily traced to the premises should any such incident occur.

Members heard from the objector, the Metropolitan Police that:

- objections from the Licensing Authority and Police were made on the basis that the application was in a cumulative impact zone on the grounds of crime and disorder and public nuisance. In the case the premises were in the Brick Lane cumulative zone.
- no Licensing Authority representative attended to respond to Members in support of the submission.
- the objection from the Police was due to its policy to object to all new licences and variations in such zones, however no specific evidence of

how this premises would contribute to the cumulative effects was given. Members were informed the premises raised no cause form concerns in relation to alcohol sold for consumption with food but there were concerns in relation public nuisance such as littering and outdoor drinking in connection to off sales.

They also noted the written representation from the Licensing Authority which argued against the application also on the basis that the application was in the cumulative impact zone.

The Sub-Committee retired at 7.20pm to consider its decision and reconvened at 7.31pm.

The Licensing Objectives

In considering the application for a new premises licence, 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 written information placed before them and had taken account of the evidence submitted by the responsible Authorities under the Act and the applicant.

Members noted that the applicant had offered measures in the operating schedule of the application that address the promotion of the Licensing Objectives. They considered the schedule and how effective these measures would be in promoting the licensing objectives and mitigate any potential impact in the cumulative impact zone in relation to the increase in capacity. They determined it was appropriate that alcohol off sales terminate at 9.00pm.

Members reached a decision and this decision was unanimous. Members decided to grant the application incorporating all of the conditions offered. Members noted that the premises was within the cumulative impact zone, however, Members were satisfied that having seen the evidence provided prior to and at committee, the Applicant's measures were sufficient to mitigate further impact within the cumulative impact zone and Members were content that the conditions proposed would promote the licensing objectives.

Decision

Accordingly, the Sub-Committee unanimously –

RESOLVED

That the application for a new premises licence for, (Pilpel Spitalfields), 38 Brushfields Street, London E1 6NG be GRANTED for the following activities with conditions stipulated in Annex A.

- The sale by retail of alcohol (On and off sales)
Monday to Sunday, from 10:00 hours to 21:00 hours

- Hours open to the public
Monday to Sunday, from 10:00 hours to 21:00 hours

Conditions

The measures offered in Annex A of the application to be incorporated into the Premises Licence

1. the supply of alcohol at the premises shall only be to a person taking a meal there and for consumption by such a person as ancillary to their meal.
2. A direct telephone number for members of management at the premises shall be made available to the local residents associations and to any person wishing to comment on the operation of the premises
3. CCTV must be installed at the premises. Tapes and visual images recorded shall be retained for a period of 31 days and the system installed at the premises must be at least in accordance with the specification issued by the Licensing Authority. Access to the system must be made available to an Authorised officer on request.
4. All sales of alcohol for consumption off the premises shall be in sealed containers only.
5. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of the local residents and leave the area quietly.
6. No rubbish including bottles, shall be moved, removed or placed in outside areas between 2300 hours and 0800 hours.
7. substantial food and non-intoxicating beverages, including drinking water, shall be available in all parts of the premises where alcohol is sold or supplied for consumption on the premises.
8. A proof of age scheme, such as Challenge 21, shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence or passport.
9. an incident log shall be kept at the premises and made available on request to an authorised officer of the Council or the Police which will record the following
 - a. all crimes reported to the venue
 - b. all ejections of patrons
 - c. any complaints received
 - d. any incidents of disorder
 - e. seizures of drugs or offensive weapons
 - f. any faults in the CCTV system or searching equipment or scanning equipment
 - g. any refusal of the sale of alcohol or
 - h. any visit by a relevant authority or emergency service
10. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance

4.4 Application for a Temporary Event Notice for Autumn Street Studios, Unit 3, 39 Autumn Street, London, E3 2TT

At the request of the Chair, the Principal Licensing Officer, introduced the report which detailed the application for a temporary event notice under the Licensing Act 2003 by Autumn Street Studios, Unit 3, 39 Autumn Street, London, E3 2TT. She advised that this year, the applicant had been granted without objections, 15 days of temporary event notices over 7 events for the same hours applied for. However, in this instance, a representation regarding the event which was to be held over the Bank Holiday weekend had been made by the Police, a responsible authority under the Act.

The applicants were invited to consider if they wished to amend the Temporary Event Notice submitted and offered a revised terminal hour of 6.00am.

The Chair then invited the applicant to make his submission in support of the application assisted by his supporters. They provided the following information which was noted by Members:

- an amended termination time of 6.00am was offered.
- the premises was pre-licensed and had previously delivered other temporary events ending at 8.00am without issues.
- the target clientele was LGBTG community which are not associated with high crime rates. Additionally promotion was aimed locally, by word of mouth.
- all events (current and previous) were risk assessed and assessment outcomes indicated the events were well planed
- conditions to be included at Annex A to the application; in particular, substantial CCTV installation.

Members heard from the Metropolitan Police who had objected to the temporary event notice and noted the following matters:

- the objection related to Police capacity and staffing levels to deal with any incidents for the period of the temporary event notice which coincided with the annual Notting Hill Carnival.
- objections from the Police were made on the grounds of crime and disorder and public nuisance.
- there were no Police concerns around the running/operation of the venue but around egress and removal patrons from the premises
- there were no indications of likely crime at the time of the hearing.
- the event had been risk assessed as low risk.

The Sub-Committee did not retire but considered its decision in session.

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 heard representations and taken account of the evidence submitted by both the objector, the Police which was a Responsible Authority under the Act and the applicants.

Members reached a decision and this decision was unanimous. Members decided to grant the amended application for the Temporary Event Notice as offered by the applicants and with conditions contained in the premises licence of the premises. Members noted that the premises was within the cumulative impact zone, however, Members were satisfied that having seen the evidence prior to and at Committee, the event should not cause further impact within the cumulative impact zone if the conditions of the premises licence continued to be observed and they were satisfied that the event would not harm the licensing objectives.

Decision

Accordingly, the Sub-Committee unanimously –

RESOLVED

That the amended application for a Temporary Event Notice for Autumn Street Studios, Unit 3, 39 Autumn Street, London, E3 2TT under the Licensing Act 2003 be **GRANTED with the following conditions contained in the premises licence of the business** for the following licensable activities:

The date applied for:

Bank Holiday Monday, 24th August, 2014

Times applied for:

00.01 hours – 06.00 hours

Licensable Activities:

- Sale by retail of Alcohol (on premises only)
- The Provision of Regulated Entertainment -live music DJs and dancing (on premises only)
- The Provision for Late Night Refreshments (on premises only)

Conditions**Annex 3 - Conditions attached after a hearing by the licensing authority on 30th April 2013**

1. The premises remains a member of Venue Watch;
2. A Security Plan is to be provided to the Police for the Police to review;
3. A Transport Plan is to be provided to the Police for the Police to review;
4. A 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 the premises is open a person who can operate the CCTV system must be present on the premises;
7. The DPS or a personal licence holder will be at the premises at all times it is open to the public;
8. An incident log will be maintained by the premises showing a detailed note of incidents that occur in the premise. The incident log will be inspected and signed off by the DPS (or a person with delegated authority) at least once a week. The log book should be kept on the premises and be available for inspection at all times the premises are open by inspection of the incident log to be limited to inspection by the Police and Licensing Authority. A recordable incident will be one which involves an allegation of a criminal offence;
9. There will be a search policy;
10. SIA staff will operate from the premises at a ratio of one per one hundred persons or part thereof;
11. No persons under the age of 18 will be permitted upon the premises at any time;
12. A challenge 25 policy will be implemented by SIA staff on entrance to the venue;
13. One SIA guard to be positioned 30 minutes from opening till 30 minutes past closing at the top of Autumn Street;

14. One SIA guard to be positioned 30 minutes from closing till 30 minutes past closing at the top of Autumn Street;
15. Large street signage to deter taxi touting to be displayed during opening times;
16. Prominent and clearly legible notices shall be displayed in all egress areas of Autumn Street Studios requesting patrons to respect the needs of local residents and to leave the premises and area quietly;
17. Road cones to be placed on double yellow lines outside of sensitive areas of Wick Lane to stop taxi's pulling up;
18. Autumn Street public highway area is to be included in the Waste Management Plan;
19. Professional noise monitoring is to be conducted on Autumn Street during opening hours.

5. ANY OTHER BUSINESS THAT THE CHAIR CONSIDERS URGENT

Nil items.

The meeting ended at 7.48 p.m.

Chair, Councillor Peter Golds
Licensing Sub Committee