

LONDON BOROUGH OF TOWER HAMLETS

MINUTES OF THE LICENSING SUB COMMITTEE

HELD AT 6.30 P.M. ON TUESDAY, 30 SEPTEMBER 2014

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

Members Present:

Councillor Rachel Blake (Chair)

Councillor Rajib Ahmed
Councillor Amina Ali

Other Councillors Present:

Councillor Candida Ronald

Officers Present:

Kirsty Panton	(Legal Services)
Alex Lisowski	(Licensing Officer Directorate Law, Probity and Governance)
Zoe Folley	(Committee Officer, Directorate Law, Probity and Governance)

Applicants In Attendance:

Jacques Rene (6.1)
Tazul Islam (6.1)
Alun Thomas (6.2)
Noam Bar (6.2)
Jeremy Bark (6.3)
Hardip Hoodle (6.3)

Objectors In Attendance:

David Richards (6.2)
Robin Moore(6.2)
PC Alan Cruickshank, Metropolitan Police (6.2)
Nadia Mahmood (6.3)

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. ITEMS FOR CONSIDERATION**3.1 Application for a New Premises Licence for City of Paris Limited - 74 Bonner Street, London, E2 0QP**

At the request of the Chair, Mr Alex Lisowski, Licensing Officer, introduced the report which detailed the application for a new premises licence for the City of Paris Limited -74 Bonner Street, London, E2 0QP. It was noted that objections had been made by local residents and Councillors. A supplemental agenda for this item had been previously circulated.

The Chair then invited the applicant's representative Jacques Rene to make his representations accompanied by the applicant Tazul Islam and he provided the following information in support of the application for a new premises licence.

- That the Applicant had agreed to install CCTV at the premises and to restrict use of the outdoor areas (as set out in the correspondence with the Police in the agenda papers) as well as other measures.
- That the objections were mainly about the former public house judging by the dates. None of the incidences could directly be attributed to the current restaurant solely. They could even have been caused by passers-by and other businesses.
- No complaints had been made to the Police about the current premises.
- The new company was a high quality restaurant.

In response to questions

- The type of events that would be held would be weddings and birthday parties.
- That the Applicant was agreeable to restricting the number of smokers outside and varying the hours on Sunday to Thursday.
- Music would be mainly background music.
- Explained the measures to manage exits to minimise disturbance.

It was noted that Councillors Amy Whitelock Gibbs and Sirajul Islam had objected to the application but could not be present tonight and had submitted a written statement. The Panel also noted the points about the lease for the premises and that this was not a Licensing matter.

The Licensing Objectives

In considering the application, Members were required to consider the Licensing Act 2003 (as amended), the Licensing Objectives, the Home Office 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. Members heard representations and considered the licensing objective for the prevention of crime and disorder and public nuisance.

Members noted the conditions offered by the Applicant to install CCTV, to restrict use of the outdoor area and the use of an incident/refusal book.

They also carefully considered the concerns from residents and local Councillors about anti-social behaviour and disturbance around the premises particularly from the use of alcohol. It was feared that this application would worsen these problems.

In view of the above, the Panel agreed to grant the application but to impose a number of safeguarding conditions on the application to prevent crime and disorder and public nuisance.

Decision

Accordingly, the Sub-Committee unanimously –

RESOLVED

That the application for a New Premises Licence for City of Paris Limited - 74 Bonner Street, London, E2 0QP be **GRANTED** subject to the following:

Hours premises is open to the public:

Sunday to Thursday from 12:00hrs to 14:30hrs and from 17:30hrs to 22:30
Friday to Saturday from 12:00hrs to 14:30hrs and from 17:30hrs to 23:00

Sale of Alcohol (on sales only)

Sunday to Thursday from 12:00hrs to 14:30hrs and from 17:30hrs to 22:00
with a drinking up time to 22:30
Friday to Saturday from 12:00hrs to 14:30hrs and from 17:30hrs to 22:30 with
a drinking up time to 23:00

The Provision of Regulated Entertainment in the form recorded music(indoors):

Sunday to Thursday from 12:00hrs to 14:30hrs and from 17:30hrs to 22:30
Friday to Saturday from 12:00hrs to 14:30hrs and from 17:30hrs to 23:00

Conditions

- No alcohol be served in the outdoor area after 18:00
- Outdoor area to close at 21:00
- No more than four smokers be permitted in the outdoor area after 21:00
- Use of an incident book/refusal book

Install and maintain CCTV at the premises.

The CCTV system shall incorporate a recording facility and any recordings shall be retained and stored in a suitable and secure manner for a minimum of 31 days. A system shall be in place to maintain the quality of the recorded image and a complete audit trail maintained. The system will comply with other essential legislation, and all signs as required will be clearly displayed. The system will be maintained and fully operational throughout the hours that the premises are open and for any licensable activity. There must also be someone on the premises, who can download the images and present them on request by a police officer or another responsible authority.

3.2 Application for Variation of a Premises Licence for Ottolenghi, 11 Artillery Passage, London, E1 7LJ

At the request of the Chair, Mr Alex Lisowski, Licensing Officer, introduced the report which detailed the application for the variation of a Premises Licence for Ottolenghi, 11 Artillery Passage, London, E1 7LJ. It was noted that objections had been made by a local residents and the Metropolitan Police. A supplemental agenda for this item had been previous circulated.

The Chair then invited the applicant's representative Alun Thomas to make his representations accompanied by the applicant Noam Bar and he provided the following information in support of the application:

- That the Applicant had offered to amend the hours for the sale of alcohol (off sale) to 09:00-23:00 to be sold in a sealed container only.
- The variation also sought permission for no more than 15 customers to drink alcohol without a meal in a seated area up to 23:00. These customers would be encouraged to buy a meal. The premises would mainly be selling high quality wine.
- The Applicant would remove the license for regulated entertainment if granted.
- The proposed amendments should address the objections about late night nuisance.

- Explained the reasons for wishing to sell alcohol for consumption off site (in the interests of hospitality, to complement the services in the delicatessen area where the 'off sales' were to be sold).
- That the main entrance of the premises would be on Artillery Way not Artillery Passage. Therefore, there should be no smokers at that point.
- Given the nature of the restaurant and the proposed changes, there should be no additional impact on the Cumulative Impact Zone (CIZ). Case law suggested that such issues needed to be considered when looking at the impact on the CIZ.
- The Applicant would continue to engage with the residents

Members also heard from PC Alan Cruickshank, Metropolitan Police. Whilst noting the conditions offered by the Applicant and that it was unlikely that the plans should increase street drinking, he considered that the application should still be properly scrutinised to ensure that its impact on the CIZ and residents was acceptable

Members then heard from the local residents David Richards and Robin Moore.

- They welcomed the amendments to the application. However, expressed concern about disturbance from the people drinking in the bar without a meal. Such activity should only be permitted with a tabled meal until 11pm.
- Concern was also expressed about disturbance from smokers outside, particularly late at night. Steps should be taken to minimise this.

The Licensing Objectives

In considering the application, Members were required to consider the Licensing Act 2003 (as amended), the Licensing Objectives, the Home Office 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 for interested parties. Members heard representations and considered the licensing objective for the prevention of public nuisance and crime and disorder.

In reaching their decision, the Panel took into account the amendments offered by the Applicant: to limit hours for the sale of alcohol (off sales) to 23:00 Monday to Sunday to be sold in sealed containers only; that a maximum of 15 customers be permitted to drink alcohol without a meal in the bar area until 23:00 and to be seated and to withdraw the regulated entertainment licence. It was noted that these measure should help minimise late night disturbance. It was also noted that the sale of alcohol for consumption off premises would take place from the delicatessen area that closed at 21:00.

Nevertheless, Members were also mindful of the representations of the Metropolitan Police and residents about the impact on neighbouring amenity from activity from the premises given it was located in the cumulative impact zone (albeit at the fringe). Specifically, they noted the concerns about anti-social behaviour and disturbance outside the premises at night, particularly from the consumption of alcohol in the bar area and smoking outside.

In view of the above issues, the Panel agreed to grant the license but to reduce the hours for the sale of alcohol (off sale) to 21:00. The Panel also agreed to a number of other safeguarding conditions to prevent public nuisance and crime and disorder.

Decision

Accordingly, the Sub-Committee unanimously –

RESOLVED

That the application for a Variation of a Premises Licence for Ottolenghi, 11 Artillery Passage, London, E1 7LJ be **GRANTED** subject to the following:

Sale of Alcohol (on sales)

- Monday to Saturday from 08:00hrs to 00:00hrs (midnight)
- Sunday from 08:00hrs to 23:30hrs

Sale of Alcohol (off sales)

- Monday to Sunday from 10:00hrs to 21:00hrs

Removal of the following from the license.

- The provision of regulated entertainment in the form of Live Music, Recorded Music and Dancing

Conditions

- Sale of Alcohol (off sales) sold in sealed containers
- No consummation of alcohol in the outside area of the premises.
- Maximum of 15 customers be permitted to drink alcohol without a meal in the bar area until 23:00 and to be seated.
- No more than four smokers be permitted in the outside area after 21:00

3.3 Application for a New Premises Licence for (Tesco), 571 Manchester Road, Isle of Dogs, London E14 3NX

At the request of the Chair, Mr Alex Lisowski, Licensing Officer, introduced the report which detailed the application for a new premises licence for (Tesco), 571 Manchester Road, Isle of Dogs, London E14 3NX. Objections had been received from a Ward Councillor and local residents.

The Chair then invited the applicant's representative Jeremy Bark and Hardip Hoodle of Tesco to make their representations and he provided the following information in support of the application:

- That the hours sought were in accordance with the framework hours in Licensing Policy. There were very common hours for Tesco nationally.
- That it was a relatively small shop. Only a small amount of the sales would be alcohol, mainly wine and no strong alcohol.
- The Applicant had agreed additional conditions with the Police.
- No Statutory Authority had made objections. The policy stated that this should be given serious weight and that there should be strong evidence to restrict the application.
- Tesco was a responsible employer and had in place a comprehensive policy to prevent alcohol sales to underage customers and to ensure no alcohol was sold to customers of concern. Staff at all levels were trained on the policy.
- The shop had installed high quality CCTV, the layout of the premises was designed to prevent theft.
- All deliveries of alcohol would be mixed in with deliveries for other goods.
- Tesco worked with statutory agencies such as the Police to prevent crime and took crime prevention very seriously. They were actively involved in many responsible drinking initiatives.
- Highlighted the powers available to the relevant authorities to control alcohol consumption in public areas.
- Explained the delivery plan. The store would actively seek delivery times in social hours.

Members then heard from local resident Nadia Mahmood and Councillor Candida Ronald who reported the following points:

- Expressed concern about the impact on highway safety, noise, parking and the impact from deliveries from the proposal given the area was a densely populated residential area.
- That Councillor Ronald had been approached by residents living by the green, expressing concern that the plans would increase drinking and anti-social behaviour on the green. Many of these residents were vulnerable people.
- That the proposal would increase street drinking and anti-social behaviour in the surrounding area.

The Licensing Objectives

In considering the application, Members were required to consider the Licensing Act 2003 (as amended), the Licensing Objectives, the Home Office 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 for all interested parties.

Members heard representations and considered the licensing objective for the prevention of public nuisance and crime and disorder.

Members listened carefully to the case made on behalf of the applicant and the representations from the residents and the ward Councillor. Members noted that the concerns related to issues outside the Licensing regime (i.e. Planning, Highway and Health and Safety matters). Therefore, the Panel agreed to grant the licence subject to the conditions offered by the applicant in view of issues raised by the Police:

Decision

Accordingly, the Sub-Committee unanimously –

RESOLVED

That the application for a New Premises Licence for (Tesco), 571 Manchester Road, Isle of Dogs, London E14 3NX be **GRANTED** subject to the following:

The sale by retail of alcohol (Off sales only)

- Monday to Sunday, from 06:00 hours to 23:00 hours

Hours open to the public

- Monday to Sunday, from 06:00 hours to 23:00 hours

Conditions

- No sale of Beer or Cider with an ABV of above 5.5% unless this is "Craft Beer or Cider"
- Operate the "Challenge 25" scheme. All staff will be trained to request valid photographic ID from anyone who they believe to appear to look under the age of 25 years, when buying alcohol.

The following CCTV condition:

- A CCTV camera system covering many areas of the premise is to be installed. The areas shall include entrance/exit, Checkouts and main alcohol display area
- The CCTV recordings are to be maintained for 31 days and to be provided upon request to either a Police Officer or an officer of any other Responsible Authority. A system shall be in place to maintain the quality of the recorded image and a complete audit trail maintained. The system will be maintained and fully operational throughout the hours that the premises are open for any licensable activity. At all times the premises is open, a person who can operate the CCTV system must be present on the premises. who can download the images and present them immediately on request by a police officer or other responsible authority.

4. ANY OTHER BUSINESS THAT THE CHAIR CONSIDERS URGENT

None.

The meeting ended at 8.30 p.m.

Chair, Councillor Rachel Blake
Licensing Sub Committee