

LONDON BOROUGH OF TOWER HAMLETS

MINUTES OF THE LICENSING SUB COMMITTEE

HELD AT 2.00 P.M. ON THURSDAY, 8 JANUARY 2015

**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

Officers Present:

Alex Lisowski	- (Licensing Officer)
Kirsty Panton	- (Legal Services)
Ian Wareing	- (Environmental Protection)
Simmi Yesmin	- (Senior Committee Officer, Democratic Services)

Applicants In Attendance:

PC Mark Perry - (Item 4.2)

Objectors In Attendance:

Philip Somarakis	- (Item 4.2)
Oliver Sheridan	- (item 4.2)
Piers Warne	- (Item 4.2)
Leonard Deering	- (Item 4.2)
Sandra Duncan	- (Item 4.2)
Andrew Ager	- (Item 4.2)
Adrian Studd	- (item 4.2)

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 2nd December 2014 were agreed and approved as a correct record.

4. ITEMS FOR CONSIDERATION**4.1 Application for a New Premises Licence for Bella Cosa, Drewry House, 213 Marsh Wall, London E14 9FJ**

This item was resolved prior to the meeting.

4.2 Application to Review the Premises Licence for The Westferry Arms, 43 West India Dock Road, London, E14 8EZ

At the request of the Chair, Mr Alex Lisowski, Licensing Officer, introduced the report which detailed the application for a review of the premises licence for The Westferry Arms, 43 West India Dock Road, London E14 8EZ. It was noted that the review had been triggered by the Metropolitan Police and supported by Environmental Health. There were also representations made in support of the Premises.

At this point Mr Philip Somarakis, Legal Representative for Mr Oliver Sheridan, Leaseholder, asked Members to consider some late supporting documents submitted less than 24 hours before the meeting, they included photos, invoices, showing the level of investment being made, character references and a report from an Independent Licensing Consultant. After much discussion Members agreed to accept the late supporting documents.

At the request of the Chair, PC Mark Perry, Metropolitan Police, explained that the Police have serious concerns about the Westferry Arms pub, despite several interventions by the Police, and conditions added to the licence the premises continued to come to notice for both drugs and violence.

He further explained that this had been further exacerbated by poor management, and a lack of control of customers. It was noted that the pub had attracted a number of customers who use the pub to take class A and class B drugs and also use the premises for selling stolen property. As a result of this police have been approached by people who have worked in the pub and local residents who have given statements about their concerns relating to the pub.

PC Perry then went on to refer to his statement contained on pages 77-85 of the agenda detailing incidents concerning the premises. In particular he

mentioned that on the 18th June 2013 at 1.15pm whilst in the yard of the Limehouse Police Station, Police Officers smelt a strong smell of cannabis in the air coming from the direction of the Westferry Arms Public House. Police drove out of the police station and around outside the Westferry Arms where they saw a group of three smoking outside the pub. Police drove into Birchfield Street where they witnessed the group of three go back into the Westferry Arms.

He also described incidents which occurred on 5th July 2013 and 26th April 2014 when police carried out visits at the premises. Drugs swipes were taken from the toilets of the Pub, testing for the presence of cocaine. In the presence of the then DPS Mr Husted, positive traces of cocaine were found in all toilets. He then highlighted other similar incidents and asked Members to note the statements from residents, customers and ex staff describing how drug dealing was openly done.

It was also noted that the Police had met with the Premises Licence Holder, Punch Traven and agreed to a set of conditions by way of a minor variation to help address concerns. These were also emailed to Mr Lee, DPS at the time, on 7th May 2014 and then later heard that Mr Lee had left on 9th May 2014 as he had been a victim of assault at the premises. PC Perry concluded that no matter who was in charge this premises attracted drug use and despite CCTV cameras, SIA door staff and other conditions criminality and drug use would still continue.

Members then heard from Mr Ian Wareing, Environmental Health who referred to his statement in the agenda and stated that initially they were called out to the premises due to loud music from karaoke nights, however when the premises was visited there was a strong smell of drugs and signs of obvious drug use. It was noted that there had been a number of noise complaints between 2013 and 2014.

Mr Wareing stated that the Police had done everything in their power to bring an end to the issues described, however due to the hostile customer base formed the only resolution to the public nuisance, crime and disorder was revocation.

At the request of the Chair, Mr Piers Warne, Legal Representative for Punch Traven explained that they didn't manage the premises however held the premises licence and that they leased the licence to Mr Oliver Sheridan. He explained that they had worked with the police and added extra conditions to the licence to help promote the licensing objectives.

At the request of the Chair Mr Philip Somarakis, Legal Representative for the Leaseholder owner Mr Oliver Sheridan, explained that Mr Sheridan had 20 years of experience which involved management roles in different pubs. It was noted that the lease had been taken over in January 2013 and since the new Designated Premises Supervisor, Sandra Duncan, had started in May 2014 things had improved over the last 6 months. It was noted that the conditions added to the premise licence had helped decrease the number of incidents occurring at the premises.

He explained that following Police visits to the premises a number of changes had been made, that the premises now had a robust system in place, with a drugs policy, CCTV cameras in operation, door staff etc. It was also noted that Mr Sheridan had built a designated area outside the premises specifically for smokers to smoke in rather than spilling out on to the streets.

It was noted that the person selling counterfeit goods on the premises had been identified and banned from the premises, they were happy to have a condition for the concerns over noise nuisance to keep doors and windows shut during regulated entertainment except for when in use for access and egress and have regular sound checks every 30 minutes and these records to be kept and made available on request from responsible authorities.

Mr Somarakis questioned a number of allegations made by the police and stated that they had CCTV footages to prove that these incidents did not occur.

Members then heard from Sandra Duncan, Leonard Deering, Adrian Studd and Andrew Ager who all shared similar views about the premises that there was no violence, that it was a community pub and that they didn't feel threatened when in the premises. It was noted that drug use had stopped and it was now a nicer environment since the new DPS had taken over. There were also concerns that the off licence nearby contributed to the anti-social behaviour in the area.

Mr Adrian Studd, Independent Licensing Consultant, stated that his review had concluded that the premises was a well managed pub, the area outside had no tables and chairs and during his visit he only saw no more than 3 people at any one time. He said also that Mr Sheridan should have dealt with the incident/ situation earlier however credit was given to Ms Sandra Duncan who had been managing the premises and that a lot of the problems had been addressed.

Members then heard from Mr Oliver Sheridan, Leaseholder of the premises who accepted that there had been problems in the past and that these should have been addressed earlier. However he explained that significant changes had been made to the premises and that there had been vast improvements since Ms Sandra Duncan, the new DPS, had taken over. It was also noted that CCTV recordings would be kept for 2 months, that he employed SIA door staff, had anti-drug measures in place and were working on noise concerns. He said that they had introduced a drugs policy and regular toilet checks, recent developments to the kitchen area, increase in prices, and wider CCTV coverage. He concluded that he would be happy to follow up any recommendations made by the Sub Committee.

In response to questions from Members the following was noted;

- That there was evidence of drug use at the premises, as well as witness statements from residents/customers and ex staff.
- That Police Officers last visited the premises in August 2014.

- That the pub was under investigation by Police Special Squad and then passed on to the local Police who met with the premise licence holders and added further conditions on to the licence through a minor variation.
- That the previous DPS had left due to fear of safety and the criminality that took place at the premises.
- That there had been no arrests or court proceedings despite all the incidents and issues the Police had raised.

All interested parties were then invited to briefly sum up their representations.

Philip Somarakis, accepted that the premises was a difficult pub to take over however changes had been made over the last 6 months and there had been no evidence of drugs since the new DPS, Sandra Duncan had taken over. He explained that the steps agreed with the Police had been working and believed that it would be reasonable and proportionate to add further conditions on the licence to help promote the licensing objectives, such as keeping windows and doors shut during regulated entertainment, having regular sound checks to control noise nuisance, and to agree a drugs policy with the Police. He also mentioned that a suspension of the licence for 7 days or more would lead to a default in the leaseholder contract and mean that Mr Shirdan would lose lease on the premises.

Mr Piers Warne stated that the premises was located in a challenging area and was right next to the Police Station. He stated that Punch Traven would continue to work with the Police and Responsible Authorities to help address concerns. He asked Members to note the improvements and progress that Mr Sheridan had made over the last 6 months.

PC Mark Perry said that despite all the effort made by the Police and Environment Health problems of drugs and violence still continues. He said that there were statements from ex-staff who worked under the new DPS stating there were serious problems. He also highlighted the statement from Environmental Health which clearly states that patrons who were smoking drugs outside the premises were going straight into the premises afterwards. It was noted that the new DPS had started in May 2014, however in August 2014 there were still problems and no signs of improvements and that there were still reports of incidents occurring as close as 2nd December 2014. PC Perry accepted that efforts had been made but felt that there were no conditions left to promote the licensing objectives other than suspension of the licence. He concluded by suggesting that an ID scanner be installed and operated at the premises and records to be made available to Officers and a Security Plan be agreed with the Police. He also suggested that if Members were not minded to suspend the licence that they consider reducing the hours for sale of alcohol to 11pm on Fridays and Saturdays.

Lastly Members heard from Mr Ian Wareing who stated that due to the number of people frequenting the premises the condition to keep windows and doors would not work. He also suggested that a condition be placed on the licence that there be no karaoke or live music.

The Chair advised that the Sub Committee would at 3.30pm adjourn to consider the evidence presented. The Members reconvened at 3.50pm. The Chair reported that;

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 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 representation from all interested parties.

Members reached a decision and the decision was unanimous. Whilst making the decision Members had regard to section 51 of the Licensing Act 2003 and paragraph 11 of the statutory guidance relating to reviews. The Chair stated that in light of the evidence before them, Members were surprised that there had been no arrests or legal proceedings against the premise licence holder. It was also noted that the Police had last visited the premises in August 2014.

It was noted that in light of the number of witness statements from officers, residents and ex staff of the Westferry Arms, Members did consider revocation or a suspension of the licence, however, Members were very concerned about the lack of action taken by the Police despite the premises being just meters away from the Limehouse Police Station and also noted the improvements over the last six months. Therefore the Sub Committee decided to impose further conditions on the licence to help promote the licensing objectives.

The Chair stated that it was the Sub Committee's (although they could not bind other Sub-Committees) view that this was a final opportunity for the premise licence holder to put matters right, responsibly manage the premises and abide with conditions of the license.

Decision

Accordingly, the Sub-Committee unanimously –

RESOLVED

That the application for a Review of the Premises Licence for, The Westferry Arms, 43 West India Dock Road, London E14 8EZ be **GRANTED in part** with conditions imposed on the premise licence.

Conditions

1. All doors and windows are to be kept shut during regulated entertainment except for access and egress.
2. No more than 7 smokers allowed to smoke outside the premises at any one time.
3. No drinks allowed to be taken outside or consumed outside the premises.
4. Regular sound checks to be carried out every 30 minutes during regulated entertainment. Sound check records to be kept and made available to Officers from Responsible Authorities upon request.
5. A Security Plan and Drugs Policy to be agreed with the Police.
6. An ID Scanner to be installed, operated, checked and maintained. Records to be kept and made available to Officers from Responsible Authorities upon request.

5. ANY OTHER BUSINESS THAT THE CHAIR CONSIDERS URGENT

There was no other business.

The meeting ended at 4.00 p.m.

Chair, Councillor Peter Golds
Licensing Sub Committee