

LONDON BOROUGH OF TOWER HAMLETS

MINUTES OF THE LICENSING SUB COMMITTEE

HELD AT 6.35 P.M. ON TUESDAY, 17 FEBRUARY 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 Candida Ronald

Other Councillors Present:

Councillor Amy Whitelock-Gibbs
Councillor Sirajul Islam

Apologies

None

Officers Present:

Agnes Adrien	– (Team Leader, Enforcement & Litigation, Legal Services,)
Mohshin Ali	– (Senior Licensing Officer)
Kirsty Panton	– (Legal Services)
Simmi Yesmin	– (Senior Committee Officer, Democratic Services)

Applicants In Attendance:

Egil Johnsen	Item 4.1
Grant Whitlock	Item 4.1
Peter McKay	Item 4.2
Douglas Blain	Item 4.2
Caroline Conaty	Item 4.2
Mathew Hearne	Item 4.2

Objectors In Attendance:

Adam Holmes-Davies	Item 4.1
Anne Appelbaum	Item 4.1
Olwen Evans	Item 4.2

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 16th & December 2014 and 8th January 2015 were agreed and approved as a correct record.

4. ITEMS FOR CONSIDERATION

4.1 Application for a New Premises Licence for The Horn of Plenty, 36 Globe Road, London, E1 4DU

At the request of the Chair, Mr Mohshin Ali, Licensing Officer, introduced the report which detailed the application for a new premises licence for The Horn of Plenty, 36 Globe Road, London E1 4DU. It was noted that there had been objections from Local Residents, and Ward Councillors. It was further noted that there was a licence in place at the premises previously however it was surrendered on 31st July 2014 by the previous owner. This application was a new application by new operators.

At the request of the Chair, Mr Egil Johansen, Applicant, gave Members a brief summary of his experiences, he said that he ran a similar pub in Homerton called the Kenton where he operates a zero tolerance policy to drugs and anti-social behaviour. He explained how he had transformed the pub around from what it previously was and in the 6 years of doing so he had won 4 awards including 'Best Pub' and 'Best New Comer'. He explained that he would like to do the same with the Horn of Plenty, apply the same management style and in time change the perception of the premises.

Members then heard from Mr Grant Whitlock, Applicant, who explained that they wished to make the Horn of Plenty similar to the Kenton, by providing substantial food, having quiz nights, theme nights etc. he explained that having had consultation with the Police and Environmental Health the hours in the application had been reduced and would now make the small courtyard into a smoking area for patrons. It was also noted that they would install a noise limiter, allow no smoking or drinking outside the premises, would not empty bottles or rubbish between the hours of 10pm and 8am, would install CCTV cameras and keep the pub area well lit in order to deter anti-social behaviour and have zero tolerance to drugs.

Members then invited the objectors to make their submissions, Mr Adam Holmes-Davies, local resident explained that a licence for this premises would undermine the licensing objectives of public nuisance and crime and disorder. He explained that the premises was 20ft from the Care Home and wished

there to be restrictive conditions to regulate it the licence. He explained that the previous landlords used to leave doors open so noise was audible from resident's homes and suggested that doors should be kept shut except when in use for access and egress.

Mr Holmes-Davies also expressed general concerns that the pavement was narrow and there should be a limit on the number of smokers allowed to stand outside at any one time. He acknowledged that the Kenton Pub was a good pub, however this premises was located in a more densely populated area and very close to residential properties. Mr Holmes-Davies concluded by asking how the Applicant's would monitor that drinks aren't taken out and number of smokers are limited.

Members then heard from Cllr Amy Whitelock-Gibbs, Ward Councillor, she stated that she and local residents were not against a licence being granted, but due to previously being badly managed, objectors are more cautious and would like safeguards in place in order to prevent previous incidents reoccurring. Cllr Whitelock-Gibbs welcomed the conditions proposed by the Applicants and questioned how the outside courtyard would be managed. She also expressed concerns about the hours applied for and suggested that Members consider framework hours with half an hour included within the framework hours for drinking up time. She explained that there was a need for more balanced hours to meet the need of local residents. She concluded that they were relieved by the reassurance from the Applicants, however the amended hours were still excessive.

In response to questions the following was noted;

- that the framework hours listed on the website required clarification and should clearly state that the Framework Hours were for licensable activities and did not include drinking up time.
- That the Applicants initially applied for longer hours however in consultation with responsible authorities and to meet the needs of local residents they had amended the hours applied for
- That there would be no smoking or drinking outside the premises
- Smoking would only be allowed in the courtyard with a maximum of 10 people at any one time.
- That the courtyard overlooked and was enclosed by a garage, that there would be CCTV cameras and signage displayed in the courtyard and would be monitored by staff.
- That staff would monitor that no drinking or smoking would be allowed outside the premises, this would also be monitored by CCTV cameras.
- The application was for on and off sales, to allow the flexibility for customers to buy a bottle of champagne or wine to take away, it was noted that alcohol was readily available in the area and the Applicants were happy to remove off sales if Members found it helpful.
- That the doors to the premises on Alderney Road would be kept shut except during access and egress.

Members retired to consider their decision at 7.15.pm and reconvened at 7.25pm.

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 after careful consideration the Chair stated that the Sub Committee had carefully listened to both interested parties. Members noted the Applicant's efforts in alleviating the concerns of objectors by agreeing to reduce hours for the sale of alcohol in accordance with the Council's Framework Hours and accepting conditions proposed by the Metropolitan Police and Environmental Health.

Members also noted the premises close proximity to the Care Home and other residential properties and therefore believed that conditions restricting drinking and smoking outside the premises, keeping the doors on Alderney Road closed and no rubbish or waste to be disposed between the hours of 22:00 hours and 08:00 hours would go as far addressing and alleviating the concerns raised by objectors and help promote the licensing objectives of crime and disorder and public nuisance.

Decision

Accordingly, the Sub-Committee unanimously –

RESOLVED

That the application for a New Premises Licence for, The Horn of Plenty, 36 Globe Road, London E1 4DU be **GRANTED** with conditions.

Sale of Alcohol (on and off sales)

Monday to Thursday from 11:00 hours to 23:30 hours
Friday and Saturday from 11:00 hours to 00:00 hours (midnight)
Sunday from 11:00 hours to 22:30 hours

The Provision for Late Night Refreshments

Monday to Saturday from 23:00 hours to 23:30 hours

The Provision of Regulated Entertainment in the form of Live Music

Monday to Sunday from 13:00 hours to 22:00 hours

The Provision of Regulated Entertainment in the form of Recorded Music

Monday to Thursday from 11:00 hours to 23:00 hours
Friday and Saturday from 11:00 hours to 00:00 hours (midnight)
Sunday from 11:00 hours to 22:30 hours

The Provision of Regulated Entertainment in the form of Films

Monday to Saturday from 14:00 hours to 23:00 hours
Sunday from 14:00 hours to 22:30 hours

Hours premises are open to the public:

Monday to Thursday from 11:00 hours to 00:00 hours (midnight)
Friday and Saturday from 11:00 hours to 00:30 hours (the following day)
Sunday from 11:00 hours to 23:00 hours

Conditions

1. CCTV camera system is to be installed and maintained.
2. The CCTV system shall incorporate a recording facility and 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 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 other responsible authority.

(one camera be placed at the entrance of the premises and one on entry to the premise)
3. Use of an incident and refusal book
4. Live and recorded music to be restricted to indoors only
5. No drinking or smoking outside the premises and signage is placed to indicate that no drinking or smoking is allowed outside.
6. No more than 10 people allowed to smoke outside in the courtyard in any one time.
7. A noise limiter is to be installed and set at a level agreed with Environmental Health.
8. Doors to the premises on Alderney Road to be kept shut during opening hours except when in use for access and egress.

9. No bottles or rubbish to be emptied or collected between the hours of 22:00 hours and 08:00 hours.

Due to the concerns raised by Residents and Councillor Amy Whitelock-Gibbs in regards to the inconsistencies in the Council's framework hours published on the Council's website, Ms Kirsty Panton, Legal Advisor apologised for the error on the website assured the Sub Committee and all interested parties that she would raise this with the Service Head of Legal Services and the Licensing Authority and would seek rectify this as soon as possible. Ms Panton then referred to the Licensing Policy under the Licensing Act 2003 which was adopted by the Council on 1st November 2013 and advised the Sub Committee that;

Any condition setting out the hours of premises refers to the hours during which alcohol may be sold or supplied or (as appropriate) the hours during which other licensable activities may take place pursuant to the premises licence or club premises certificate. In attaching conditions on hours the Licensing Authority will generally require that customers should not be allowed to remain on the premises later than half an hour after the cessation of licensable activities.

The Licensing Authority has had regard to the Guidance to the Act when determining this policy. The end times set out in the policy are not (and should not be regarded as) the 'usual' or 'normal' terminal hour for licensable activities in the Borough. Instead, the 'framework hours' serve to identify cases where the Licensing Authority will pay particular regard to the likely effect on the local neighbourhood of carrying out the proposed licensable activities during the hours applied for. Applications for hours up to the end of the Framework Hours will not automatically be granted. This policy will be applied only where relevant representations are made. Each case will be considered on its merits.

4.2 Application for a New Premises Licence for Batty Langley's, 12-14 Folgate Street, London, E1 6BX

At the request of the Chair, Mr Mohshin Ali, Licensing Officer, introduced the report which detailed the application for a new premises licence for Batty Langley's, 12-14 Folgate Street, London E1 6BX. It was noted that there had been an objection from one local resident.

At the request of the Chair, Mr Douglas Blain, Chairman of Batty Langley's acknowledged the concerns of the local resident, Ms Olwen Evans. He explained that initially the development included Ms Evans's home, however now the premises is next to her home. He explained that they were experienced hoteliers and ran a small chain of luxury and exclusive hotels. It was noted that they had never received a complaint, the hotel had 29 bedrooms, 3 sitting rooms, entry to the hotel was limited, drinks would be for

private consumption and served in bedrooms, that there was no bar, no cocktails on the menu and they would not take large bookings or conferences.

It was noted that Ms Evans had been shown around the hotel. Mr Blain further explained that they would not promote or encourage sales of alcohol and this was an ancillary to the hotel experience. He explained that access to the terrace was via the bedroom it was attached to and the room could only be accessed via booking of the room. It was further noted that the courtyard on the ground floor could only be accessed via reception and had a capacity for two people.

Mr Blain concluded that the premises was a luxury and exclusive hotel, attracting good customers, who have a serious purpose usually for rest and recuperation after meetings with average costs of £300 per night.

Members then heard from Ms Olwen Evans, resident objector she accepted that the premises was a well-run and exclusive hotel. She did not object to the hotel, however had concerns of alcohol and smoking outside on the terrace. She stated that this would cause extreme noise nuisance as it was very close to her living room and bedroom.

She stated that apart from guests of the hotel there will also be visitors frequenting the premises which could lead to further noise nuisance. She explained that the bedroom terrace was next to her bedroom and people would drink and smoke and could potentially cause nuisance until 1am.

She suggested that there should be conditions imposed with no drinking or smoking outside on the terrace. She stated that there were 7 other residential properties overlooking the hotel and would all be affected. Ms Evans concluded that she wished to have a good relationship with the owners but has concerns over the use of terrace for drinking and smoking.

There were no questions from Members.

Members retired to consider their decision at 8.15pm and reconvened at 8.20pm.

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 after careful consideration the Chair stated that the Sub Committee had decided to grant the application. Having heard the representation from the objector, Members did not hear any evidence of crime and disorder or public nuisance. Members

noted the condition agreed with the Metropolitan Police for CCTV cameras to be installed and believed that imposing this condition would also address the concerns raised by the objector and help promote the licensing objectives.

Decision

Accordingly, the Sub-Committee unanimously –

RESOLVED

That the application for a new premises licence for, Batty Langley's, 12-14 Folgate Street, London E1 6BX be **GRANTED**.

Sale of Alcohol (on sales)

Monday to Sunday from 10:00 hours to 01:00 hours (the following day)

The Provision for Late Night Refreshments

Monday to Sunday from 23:00 hours to 01:00 hours (the following day)

Hours premises are open to the public:

Monday to Sunday – 24 hours

Condition

1. CCTV camera system to be installed and maintained.
2. CCTV camera will be installed throughout the premises including internal HD cameras covering the guest entrance and goods entrance. 2 external HD cameras will cover both entrances, the foot of the property and the approach from both directions on Folgate Street. The system incorporates a recording facility and recordings are securely stored for a minimum of 31 days. The system will be audited on a weekly basis, in accordance with our internal operating policy, to ensure that it is operating correctly and an audit trail will be maintained. The system will comply with essential legislation including clearly displayed signage and as part of our internal operating policy the manager on duty will be trained to operate the system including the downloading of images. The system will be operational 24 hours.

5. ANY OTHER BUSINESS THAT THE CHAIR CONSIDERS URGENT

There was no other business considered urgent.

The meeting ended at 8.15 p.m.

Chair, Councillor Peter Golds
Licensing Sub Committee