

LONDON BOROUGH OF TOWER HAMLETS

MINUTES OF THE LICENSING SUB COMMITTEE

HELD AT 2.00 P.M. ON TUESDAY, 24 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 Rajib Ahmed

Officers Present:

Agnes Adrien	– (Team Leader, Enforcement & Litigation, Legal Services,)
Alex Lisowski	– (Licensing Officer)
Ian Moseley	– (Trading Standards Officer)
Simmi Yesmin	– (Senior Committee Officer, Democratic Services)

Applicants In Attendance:

Jeremy Bark	
Tom Panton	Item 3.1
Fiede Schillmoeller	Item 3.1
PC Mark Perry	Item 3.1 Item 3.2 & 3.3

Objectors In Attendance:

Brad Lachore	Item 3.1
Jonathan Kent	Item 3.1
Munuwar Hussain	Item 3.2
Gary Smith	Item 3.2
Terry Beyer	Item 3.2
Jay Patel	Item 3.3
Geoff Cooper	Item 3.3
Sheraz Ahmed	Item 3.3

1. DECLARATIONS OF DISCLOSABLE PECUNIARY INTEREST

There were no declarations of disclosable pecuniary interest.

2. RULES OF PROCEDURE

The Rules of Procedures were noted.

3. ITEMS FOR CONSIDERATION

3.1 Application for Premises Licence for Sonos Studios, 7-9 Old Nichol Street, London E2 7HR

At the request of the Chair, Mr Alex Lisowski, Licensing Officer, introduced the report which detailed the application for a new premises licence for Sonos Studios, 7-9 Old Nichol Street, London E2 7HR. It was noted that there had been an objections from local residents and a Local Resident Group.

At the request of the Chair, Mr Jeremy Bark, Legal Representative on behalf of the Applicant made amendments to the application by reducing the number of live events from 24 to 12 per calendar year and reducing the maximum capacity of 175 instead of 200. As well as this there were further reductions in the number of events for other activities.

He explained that Sonos Studios was a studio and art centre. That it was for regulated entertainment only with no ability to sell alcohol. He explained that regulated entertainment was ancillary to the main purpose of the premises which was for promotion and sale of hi-fi equipment and technology and to help promote the brand.

He explained that careful thought went into the process and design of the premises, the location of the venue etc. he explained that they were on border line of whether to apply for a licence, whether it was needed or not but as a precautionary measure a licence was applied for and having a licence would help keep safeguards in place. It was noted that that having consulted with the Police and Licensing Authority, conditions had been agreed.

It was noted that the premise was in the cumulative impact zone however this did not apply to the application as there was no application for late night refreshments or sale of alcohol. Mr Tom Panton, Applicant had met with residents and made amendments to the application, these amendments were not necessary but more of a goodwill gesture for residents. It was noted that planning permission was granted in November 2014 and certain issues raised by residents had been dealt with and conditioned via Planning permission.

Mr Bark explained that conditions had been proposed to control every eventuality, he said that they would operate a non-smoking policy. Where customers will be asked not to smoke and if they wanted to smoke they would not be allowed re-entry to the premises. He said that the conditions were comprehensive and level of thought, care and control was given to them.

Members then heard from Mr Brad Lochore, local resident who stated that he had lived and worked in the area for 20 years and was involved in the

community. He explained that the premise was opposite the Boundary Estate, a residential area. He expressed concerns about the area being used as a car park, noise nuisance especially when people are leaving the premises, and potential for anti-social behaviour, he explained that as a result of anti-social behaviour, good families were leaving the area. He also expressed concerns about the number of events and number of people attending the premises.

Members then heard from Mr Johnathan Kent, local resident who explained that he also lived close to the premises, that the area was a residential area with many families. He explained that the proposed application would have a profound impact on local residents and the amenity of the local area.

In response to questions the following was noted;

- That there were no bars or clubs on Old Nichol Street
- That residents, felt that a closing time of 6.30pm was appropriate.
- That Sonas was the first UK store/studio and therefore had carefully selected this venue.
- That there would be a noise limiter in place.
- That the dispersal of patrons would be staggered, and there would be transport boards on display with dispersal routes
- That the premises would not sell alcohol and visitors to the premises would be limited.
- That there were CCTV cameras throughout the premises
- There had been no objections from responsible authorities
- That hours and conditions had been agreed with responsible authorities.

Members retired to consider their decision at 3.00pm and reconvened at 3.15pm.

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. Members decided to grant the application as amended together with conditions. It was noted that there were no representations from Responsible Authorities and there was no actual evidence of crime and disorder or anti-social behaviour specifically linked to the premises.

Members noted the concerns of local residents and felt that the imposing of conditions would help address the concerns raised and promote the licensing objectives.

Decision

Accordingly, the Sub-Committee unanimously –

RESOLVED

That the application for a New Premises Licence for, Sonas Studios, 7-9 Old Nichol Street, London E2 7HR be **GRANTED** with conditions.

The Provision of Regulated Entertainment consisting of Plays, Films, Live Music, Recorded Music, Performance of dance and anything of similar nature

- Monday to Sunday from 10:00 hours to 18:30 hours

Hours premises are open to the public:

- Monday to Sunday from 10:00 hours to 18:30 hours
- Non Standard Timings – as below

Conditions

1. A CCTV system shall be installed at the premises covering the areas of the premises including main exit/entrance to the premises, the areas where licensable activities takes place and the holding area. Recordings of the CCTV shall be made and kept for a period of 31 days and made available to the police and licensing authority upon reasonable request. Normally a person shall be present on the premises who is able to play back recordings should the police or licensing authority have an urgent need to review the same.
2. The total capacity of the venue shall be 200 (excluding staff).
3. The venue shall implement a site management plan and adhere to the same. Such plan shall specifically deal with any events to be held at the premises.
4. The non-standard timings in respect of opening times and hours for and terms upon which regulated entertainment may take place shall be as follows:-
 - a. In relation to live performance events they may take place between the hours of 18.30 and 22.00 where the regulated entertainment shall have ceased by no later than 21.30. There shall be a maximum of 175 guests attending and there shall only be 12 such events taking place in a calendar year (with

no more than 2 in any calendar month) and the main feature of the event will comprise of a live music performance;

- b. In relation to Film events these may take place between the hours of 18.30 and 22.00 where the regulated entertainment shall have ceased by 21.30. There shall be a maximum of 100 guests attending such an event and the main feature of the event shall be the screening of a film;
- c. In relation to Listening Events these events may take place between 18.30 and 22.00 where the regulated entertainment shall have ceased by no later than 21.30. There shall be a maximum of 100 guests attending and the main feature of the event will be the music played before an audience; and
- d. In relation to Dinner Events these events may take place between the hours of 18.30 and 22.00. There shall be a maximum of 50 guests attending and a key feature of the event will be a sit down meal.

In relation to Events then within a calendar year there shall be no more than 36 Events of the type set out in b and c above in total and no more than 24 of the Event type set out in d above.

5. In relation to any Event held on a non standard timing basis, as set out in condition 4 above the general public at large shall not be invited to them and only pre-invited guests shall be admitted to such events.
6. The premises licence holder shall assess the need for SIA security in relation any Event held on a non-standard basis and shall ensure that such security as may be required is employed for a given event. For a live performance event then there shall be a minimum of [6] SIA security operatives employed.
7. The premises licence holder will implement a dispersal policy to ensure that any person attending an Event on a non-standard timing basis can leave the area quickly and quietly.
8. The premises licence holder shall ensure that it has arrangements in place with a local taxi firm so that there is a dedicated service available to any guests attending an Event.
9. The premises licence holder shall ensure that no nuisance from licensable activities is caused to neighbouring properties and where amplified music is played at a Live Performance Event then the noise limiting equipment installed at the premises shall be used on the amplification system used.
10. The premises licence holder has a no smoking policy in relation to any Event held on a non-standard timing basis to smoke. Where a person wishes to smoke they will be requested not to and if they

chose to leave the venue to smoke then they shall not be readmitted to the premises.

11. The venue will ensure that it places suitable notices at the exits to the premises requesting those attending the premises to leave the area quietly and respectfully.
12. The premises will make available to those attending the premises in an appropriate form information relating to public transport locations in the immediate area.

3.2 Application to Review the Premises Licence for The New Globe, 359 Mile End Road, London, E3 4QS

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 New Globe, 359 Mile End Road, London E3 4QS. It was noted that the review had been triggered by the Metropolitan Police.

At the request of the Chair, PC Mark Perry, Metropolitan Police explained that there had been a serious number of assaults and disorder in and round the premises. It was noted that the premises is always very busy and all assaults take place after 11pm at night. PC Perry had requested management for a reduction in the licensable hours, but management had said no as most of their trade was after 11pm.

He explained that this was a late night venue where people go to after events. It was noted that events of disorder on 15th April and 15th June 2014 were under a previous management. He then detailed the specific incidents of disorder and suggested that it was clear from reports that suspects and witnesses were often from the pub. However management were refusing to accept responsibility.

PC Perry concluded that to remedy the issues the hours should be reduced to framework hours and conditions imposed, it was noted that if the hours were not changed then there would be more assaults and more serious incidents.

Members then heard from Mr Munuwar Hussain, Premises Licence Holder who agreed that some incidents had occurred but not all and they were certainly not promoting incidents of disorder. He said that he was co-operating with the police and have called them when there have been incidents. He explained that steps had been taken and management controls were in place. They had also stopped karaoke nights, and would not allow entry after 12 midnight and no alcohol to be taken outside the premises. He explained that since the steps have been in place there have been no incidents over the past 3 months. Mr Hussain stated that there was a 24 hour off licence and that's where anti-social behaviour was starting from.

Members also heard from Mr Gary Smith and Mr Terry Beyer, Managers of the premises who explained that the area was a hotspot for disorder, that they had helped the police by supplying CCTV footage when requested, that if any person is caught causing problems they were barred from the premises. That there were new controls in place, these improvements have made changes and there hasn't been any problems since these controls have been in place.

In response to questions it was noted that inebriated customers are not served, that majority of the students came in after 10pm and therefore there was a need to stay open beyond 12 midnight.

Members retired to consider their decision at 4.00pm and reconvened at 4.10pm.

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 PC Mark Perry and from the Premises Licence Holder and staff. Members decided to grant the review application in part with a reduction in licensing hours in accordance with the Council's Framework Hours and conditions proposed and agreed by the Premise Licence Holder. Members believed that reduced hours and conditions imposed would alleviate the concerns raised by the Metropolitan Police and help promote the licensing objectives.

Decision

Accordingly, the Sub-Committee unanimously –

RESOLVED

That the application for a Review of the Premises Licence for, The New Globe, 359 Mile End Road, London E3 4QS be **GRANTED with revised hours and conditions.**

Sale of Alcohol

Sunday to Thursday from 06:00 hours to 23:30 hours
Friday and Saturday from 06:00 hours to 00:00 hours (midnight)

The Provision for Regulated Entertainment

Sunday to Thursday from 06:00 hours to 23:30 hours

Friday and Saturday from 06:00 hours to 00:00 hours (midnight)

Hours premises are open to the public:

Sunday to Thursday from 06:00 hours to 00:00 hours (midnight)

Friday and Saturday from 06:00 hours to 00:30 hours (the following day)

Conditions

1. The premises shall install and maintain a comprehensive CCTV camera system. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Recordings shall be made available immediately upon the request of police or authorised officer throughout the preceding 31 day period.
2. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open to the public. The staff member shall be able to download the images and present them immediately on request with the absolute minimum of delay when requested.
3. The CCTV camera system and coverage thereof must cover both internal and external to the premises.
4. No drinks to be taken outside the pub.
5. A incident reporting and refusals book to be kept and maintained, this will record all incidents at the premises including, people refused service, customers ejected, property reported lost or stolen, property found, any incidents of violence or disorder.
6. A minimum of two SIA security staff shall be employed on a Thursday, Friday and Saturday nights from 7.00pm until the premises has closed.

3.3 Application to Review the Premises Licence for Shiraz Food and Wine, 178 Hackney Road, London, E2 7QL

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 Shiraz Food and Wine, 178 Hackney Road, London E2 7QL. It was noted that the review had been triggered by the Metropolitan Police and supported by Trading Standards and a local resident.

At the request of the Chair, PC Mark Perry, Metropolitan Police stated that on 10th December 2014 as part of Operation Equinox, the Police, Trading Standards and HM Customs and Excise conducted a series of inspections on several off licences in Tower Hamlets.

The purpose of the visits was to make sure that premises were abiding by the conditions of their licence, that there were no smuggled or counterfeit goods in the premises and to remind both staff and management of their responsibilities under the Licensing Act 2003, in particular with regard to Operation Equinox not to sell alcohol to people who are drunk.

It was noted that they entered Shiraz Food and Wine at about 12.00pm and found 70cl bottles of Italian wines, the bottles were marked up for sale as "2 for £5" which immediately raised suspicions as it was almost impossible to make money from selling imported wines at that price.

Upon inspection the bottles of wine had no individual prices on them, invoices for the wine were asked for to prove they were purchased legitimately but no invoices were provided, upon further inspection of the premises they found a large quantity of Italian wine and spirits in the store room. In total 351 bottles were seized as they were believed to be smuggled. A large quantity of these spirits were found in the stock room behind a curtain, in what the police believe was a deliberate attempt to hide them. It was noted that the amount of counterfeit and smuggled goods seized was the largest seizure in Tower Hamlets for many years, and what is believed to be the largest ever seizure of counterfeit goods from an off licence.

It was also noted that the bottles were identified as counterfeit and management accepted that these were brought illegally and were a one off purchase. PC Perry believed that the amount of alcohol found were vast to accept as a one off purchase. PC Perry brought Members attention to Section 182 Guidance under the Licensing Act released in October 2014. This stated that where there is certain criminal activity that may arise in connection with licensed premises this should be treated particularly seriously. This includes the use of licensed premises for the sale or storage of smuggled alcohol. It was noted that once a review is triggered it is expected that revocation of the licences, even in the first instance should be considered.

It was also noted there had also been complaints from a local resident that the premises was selling alcohol to street drinkers who were then causing anti-social behaviour and disrupting local residents who live in close proximity to the premises.

PC Perry also highlighted the evidence submitted by the local resident in terms of anti-social behaviour related issues concerning the premises.

Members then heard from Mr Ian Moseley, Trading Standards who referred to his statement contained in the agenda. He explained that the alcohol was clearly duty evaded and the premise licence holder had accepted that they were brought without due diligence. He also expressed his concerns over the management of the premises.

At the request of the Chair, Mr Jay Patel, Licensing Representative explained that Mr Sheraz Ahmed, Premise Licence Holder wanted to promote the licensing objectives. He asked members to note the statement from Mr Ahmed, and explained that there were no other representations apart from Mr Jorde. He stated that it was a one off incident and there was no conclusive evidence. He asked Members to note the conditions proposed in the supporting document pack on pages 22-23. He also explained that they had contacted local hostels on how to deal with street drinkers.

Mr Patel said that revocation would be unreasonable in this situation and closing the premises would simply mean the problems would move on to another premises. He said that there were new management controls and conditions in place which was working well and will be promoting the licensing objectives.

It was also noted that the Mr Ahmed wanted to meet with Mr Jorde, local resident however he declined the offer.

Members then heard from Mr Geoff Cooper who stated that from all the incidents detailed in the representation from Mr Jorde, only one incident was linked the premises and the evidential value was low. He also stated that the anti-social behaviour was coming from Hackney and not directly linked to the premises.

Mr Ahmed stated that they had already put measures in place, one of which was not selling alcohol which had a strength of 6.8 abv or above as street drinkers often drink high strength alcohol.

In response to questions the following was noted;

- That Mr Ahmed had been a premise licence holder since 2012.
- That HRMC are tackling wholesalers who were possibly supplying counterfeit alcohol.
- That there were serious concerns over the amount of alcohol found on the premises.

Members retired to consider their decision at 4.45pm and reconvened at 4.55pm.

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 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 11 of the Guidance Issued by the Home Office under Section 182 of the Licensing Act 2003 and in particular paragraph 11.28 of the statutory guidance relating to reviews;

“for the sale of smuggled tobacco and alcohol it is envisaged that licensing authorities, the police and other law enforcement agencies, which are responsible authorities, will use the review procedures effectively to deter such activities and crime. Where reviews arise and the licensing authority determines that the crime prevention objective is being undermined through the premises being used to further crimes, it is expected that revocation of the licence- even in the first instance- should be seriously considered”.

The Chair stated that in light of the evidence provided, selling counterfeit alcohol was in itself a criminal offence. The Chair stated that it was the Sub Committee’s view that there were clear problems of crime and disorder and therefore felt it was necessary and proportionate to revoke the licence.

Decision

Accordingly, the Sub-Committee unanimously –

RESOLVED

That the application for a review of the premises licence for, Shiraz Food & Wine, 178 Hackney Road, London E2 7QL be **GRANTED** with the Revocation of the Premises Licence.

The meeting ended at 5.00 p.m.

Chair, Councillor Peter Golds
Licensing Sub Committee