

LONDON BOROUGH OF TOWER HAMLETS**MINUTES OF THE LICENSING SUB COMMITTEE
HELD AT 6.30 P.M. ON TUESDAY, 16 JUNE 2015****MP701, 7TH FLOOR. TOWN HALL, MULBERRY PLACE, 5 CLOVE CRESCENT,
LONDON, E14 2BG****Members Present:**

Cllr Amy Whitelock Gibbs	- (Chair)
Councillor Khaled Uddin Ahmed	- (Member)
Councillor Peter Golds	- (Member)

Other Councillors Present:

None.

Apologies

None

Officers Present:

Mohshin Ali,	- (Principal Licensing Officer)
Vivienne Walker	- (Senior Advocate, Legal Services)
Elizabeth Dowuona	- (Senior Committee Officer)

Applicants In Attendance:

Lonzi Calder-Kevorik	
James Dalglish	- (Item 3.1)
Andrew Kerr	- (Item 3.2)
	- (Item 3.4)

Objectors In Attendance:

PC Mark Perry	- Metropolitan Police (Item 3.1)
Ian Wareing	- Environmental Health (Item 3.1)
Piers Gibbon	- (Item 3.1)
Kim Williamson	- (Item 3.1)
Sam Collins	- (Item 3.1)
Harry Sugiarto	- (Item 3.1)
Stan Bhageerutty	- (Item 3.1)
Herman Bhageerutty	- (Item 3.1)

Supporters In Attendance:

Helen Loveless	- (Item 3.1)
Anika Jamieson Clarke	- (Item 3.1)
Rohallah Kamawan	- (Item 3.1)

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. ITEMS FOR CONSIDERATION

3.1 Application for Variation of a Premises Licence for Art Euphoria, 186 Hackney Road, London E2 7QL

At the request of the Chair, Mr Mohshin Ali, Licensing Officer, introduced the report which detailed the application for Art Euphoria, 186 Hackney Road, London E2 7QL. It was noted that representations had been made by the Metropolitan Police, the Environmental Health and local residents and Residents Associations.

At the request of the Chair, Mr James Daghish, representing the Applicant, Mr Frank Perkins described the premises. He explained that the premise was a small drinking establishment with a capacity of 60 persons. The application was for a variation of the licence for the sale of alcohol. The premises had recently (9 months ago) been opened for business, however, soundproofing to the premises had not been completed. Due to lack of funding for the works, the sound installation was being finished in stages. Mr Calder-Kevorik's aim was to finish the works to a high standard and as a result he was confident that the concerns regarding noise nuisance would be resolved as soon as possible. Mr Calder-Kevorik described the management of the premises as robust, ensuring that the conditions on the premises licence was strictly adhered to. He described his clientele as middle income, local residents and discerning who did not binge drink. The premises were used for community events during the day and his desire was to work with the community to provide entertainment for local people. In response to concerns raised the following points were noted:

- He had reached an arrangement, following talks with his neighbours work to with them in regulating and controlling the management of the smoking by his clientele outside the premises.
- His proposal was to allow a maximum of 10 outside after midnight and only on the Hassard Street side, NOT in the main Hackney road side near to adjoining residents' bedroom windows).
- He currently operated a no drinks policy outside the premises after 9pm rule and had clear and concise signs on all exits and around the

external areas of the premises requesting clientele to keep noise to a minimum for adjoining residents.

- There were also signage at all exits informing the customer of the use of a dedicated local safe and quick mini-car option and details of local night buses and trains to take them home.
- He proposed one SIA door Friday's and Saturdays and two SIA staff for busier events and bookings between 20:30 - 02:30 hours.
- CCTV had been fully installed and had a 30 day recording facility as instructed by PC Cruickshank.
- In response to concerns about noise disturbance from music, the music equipment and speakers had been moved and was currently in a more favourable position.

The Sub-Committee heard from Helen Loveless, Anika Jamieson Clarke (local residents) and Rohallah Kamawan, (a local business owner), in support of the application. In their view, the premises added to the much needed entertainment venue within the community and an improvement to the regeneration in this thriving part of East London.

The Sub-Committee heard from objectors of the application - PC Mark Perry whose concerns related to the prevention of crime and disorder and the prevention of public nuisance and Kim Williamson, Sam Collins, Harry Sugiarto, local residents expressed their concerns about the loss of their residential amenity (noise and vibration, littering and loitering and noise from smokers outside the premises late at night) and Stan and Herman Bhageerutty local business owners concerned about the impact on their business.

Both parties were asked to briefly sum up there submission.

Members retired to consider their decision at 8.30 pm and reconvened at 9.00 pm.

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 representations from the Applicant's representative and supporting residents, from residents objecting and PC Mark Perry. The representations related to the prevention of crime and disorder and the prevention of public nuisance.

With regard to the impact of the proposed license on the commercial viability of Stan and Herman Bhageerutty's local business, the Sub-Committee determined that commercial viability was not a licensing consideration.

Members reached a decision and the decision was unanimous. Members decided to grant the application with conditions agreed with the Police. Members noted that the majority of residents' concerns focused on noise disturbance and they gave specific examples of incidents. They noted the concerns of the police though there were no evidence of crime and disorder attributable to the premises.

They noted that the premises had been opened less than a year and sound proofing was yet to be completed. They also noted the concerns regarding management of the premises however, Members were satisfied that having seen the evidence prior to and at the meeting, the Applicant had done as much as he could to mitigate further impact on the amenity of the adjoining residential premises. Members resolved to grant limited extension of hours given the densely populated area and evidence of noise disturbance to local residents. They hoped that the applicant would manage the extension in a sensible, proportionate and appropriate way, to promote the licensing objectives.

Decision

Accordingly, the Sub-Committee unanimously –

RESOLVED

That the application for a Variation the Premises Licence for, Art Euphoria, 186 Hackney Road, London E2 7QL be **GRANTED** with conditions.

Sale of Alcohol (on sales)

Monday to Wednesday from 11:00 hours to 00:00 hours
Thursday to Saturday from 11:00 hours to 00:30 hours
Sunday from 11:00 hours to 23:30 hours

With 30 minutes drinking up time.

The Provision of Late Night Refreshments

Monday to Wednesday from 11:00 hours to 00:00 hours
Thursday to Saturday from 11:00 hours to 00:30 hours
Sunday from 11:00 hours to 23:30 hours

Hours Premises is open to the Public

Monday to Wednesday from 11:00 hours to 00:30 hours
Thursday to Saturday from 11:00 hours to 01:00 hours
Sunday from 11:00 hours to 00:00 hours

Additional Conditions

1. CCTV camera system covering both internal and external to the premises is to be installed. (One camera to be placed outside the entrance and on entry. The CCTV system should incorporate a recording facility and any recording shall be retained and stored in a suitable and secure manner for a minimum of 31 days. The CCTV system should be in place to maintain the quality of the recorded image and a complete audit trail maintained. The system should comply with other essential legislation and all signs as required should be clearly displayed. The system should be maintained and fully operational throughout the hours that the premises are open for licensable activity. At all times when the premises are open, a person who can operate the CCTV system must be present on the premises and present the recordings upon request to either a Police Officer or other Responsible Authority.
2. Two Security Industry Authority (SIA) trained staff be deployed on Friday and Saturday from 19:00 hours to 01:00 hours.
3. No drinks to be permitted outside at any time including outside the licensable area.
4. All doors to be closed after 22:00 hours.
5. A maximum of 4 people be allowed to smoke outside the premises at any time.
6. Sound proofing system to be installed and completed at the premises to the satisfaction of the Council's Environmental Health officers.
7. Contact details of the Applicant be provided to neighbouring residents by the owner of the premises.
8. A dispersal plan be formulated by the applicant and agreed by the Police.

3.2 Application for a Premises Licence for Towpath Bars Limited - Easting: 537232 / Northing: 184404

At the request of the Chair, Mr Mohshin Ali, Licensing Officer, introduced the report which detailed the application for Towpath Bars Limited - Easting: 537232 / Northing: 184404. It was noted that representations had been made by local residents and Residents Associations and related to the prevention of crime and disorder, public safety, the prevention of public nuisance and the protection of children from harm.

At the request of the Chair, Mr James Daglish, Licensing Representative on behalf of the Applicant, Mr Frank Perkins described the nature of the application as: The sale of alcohol; providing late night refreshment and

providing regulated entertainment. He explained that the premise was a small high quality, café, bar, restaurant adjacent to the Hertford Union Canal. It was noted that the variation sought was for an additional time required for late night refreshment. The applicant was happy to offer 30 minutes wind down time when there would be no sale of alcohol. In response to questions he stated that the music played at the premises was low background music and there were soundproofing conditions on the planning permission and conditions on the premises license.

Mr Daglish underlined that the applicant was a responsible family and his business had been a longstanding business with no complaints. The applicant had consulted and taken the advice of the Council's Environmental Health officers with regard to conditions. No responsible authorities had objected to the application. Mr Daglish was confident that the Applicant's proposed conditions and those agreed with the Council's Environmental Health officers promoted the licensing objectives.

The Sub-Committee then heard from Mr Piers Gibbon representing local residents who had commented on the application. He stated that the residents' had not been consulted on the application. Further, the display of the notice used to advertise the application had not complied with the necessary regulations. Other objections centred on potential noise issued emanating from the premises, potential anti-social behaviour from patrons on the premises and leaving the premises, close proximity to residential properties and potential noise disturbance due to the early opening hours.

Both parties were asked to briefly sum up there submission.

Members retired to consider their decision at 7.30 pm and reconvened at 7.45 pm.

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 the license application 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 including the oral submissions from the Applicants and their representative and from objectors.

Members noted the concerns expressed by Mr Gibbon. With respect to the consultation and advertisement of the application, the Sub-Committee determined that the issue was not open for debate given that the Licensing Authority was satisfied that the notice complied with the necessary Regulations, and in addition, representations were received from objectors

who had responded to the consultation as a direct result of seeing the notice.

The Sub-Committee noted the concerns relating to public nuisance and crime and disorder. The Sub-Committee recognised very real concerns regarding noise disturbance to neighbours given the proximity of the premises to the canal and residential properties. However, Members found that the objections against the application did not show evidence of the premises causing crime and disorder or public nuisance. The objections related to other premises which Members considered were not relevant in the consideration of the application. Further, it was noted that the Police and Environmental Health responsible authorities were satisfied with the amended hours and conditions as set out on Page 99 of the report. Members considered therefore that there were no grounds for a refusal of the application.

Decision

Accordingly, the Sub-Committee unanimously –

RESOLVED

1. That the Application to for a New Premises Licence for Towpath Bars Limited, Easting: 537232 / Northing: 184404, Hackney Wick be **GRANTED** with conditions:

Sale of Alcohol (on sales only)

- Monday to Thursday from 11:00hrs to 23:00hrs
- Friday from 11:00hrs to 00:00hrs (midnight)
- Saturday from 11:00hrs to 01:00hrs (the following day)
- Sunday from 11:00hrs to 22:00hrs

The Provision of Late Night Refreshment (indoors):

- Friday from 23:00hrs to 00:00hrs (midnight)
- Saturday from 23:00hrs to 00:00hrs

The Provision of Regulated Entertainment in the form of Recorded Music outdoors):

- Monday to Thursday from 11:00hrs to 23:00hrs
- Friday from 11:00hrs to 00:00hrs (midnight)
- Saturday from 11:00hrs to 01:00hrs (the following day)
- Sunday from 11:00hrs to 22:00hrs

Hours premises were open to the public:

- Monday to Thursday from 11:00hrs to 23:30hrs
- Friday from 11:00hrs to 00:30hrs (the following day)
- Saturday from 11:00hrs to 01:30hrs (the following day)
- Sunday from 11:00hrs to 22:30hrs

Non-standard times:

- Sundays before Bank Holidays 11:00hrs to 01:00hrs
- New Year's Eve 11:00hrs to 09:00hrs (the following day)

- Morning British Standard Time commences to allow clock going back on hour

Additional conditions to the Operating Schedule:

1. A CCTV camera system covering both internal and external to the premise is to be installed. 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;
2. That an incident report book be kept and record all incidents of crime and disorder associated with the premises.
3. Signs be prominently displayed both inside and in the outside asking customers to respect local residents and to be quiet when leaving the premises
4. A Challenge 25 Policy to be in place.
5. Regulated entertainment shall not be audible at the façade or within any affected business or residential property (as relevant) so as to cause a nuisance;
6. The outside area is only used until 20:00hrs.

3.3 Application for a Temporary Event Notice for The Arch Gallery - 289 Cambridge Heath Road, London, E2 0EL

The application was withdrawn by the applicant.

3.4 Application for Variation of a Premises Licence for Liberty Lounge at 1a Bell Lane, London, E1 7LA

At the request of the Chair, Mr Mohshin Ali, Licensing Officer, introduced the report which detailed the application for Liberty Lounge at 1a Bell Lane, London, E1 7LA.

It was noted that representations had been made by a local resident and a local business owner and related to the prevention of crime and disorder, prevention of public nuisance.

At the request of the Chair, Ms. Anne Baker, Licensing Representative on behalf of the Applicant, Mr Andrew Kerr described the nature of the application. It was noted that the premises was a drinking establishment serving high end cocktails for a discerning clientele. There were no other establishments in the vicinity of that nature. The premises had a capacity of 60 seated persons and employed the services of SIA trained doormen 3 days a week with an additional doorman on a Wednesday. The applicant has described the nature of the variation as extending the opening hours and the provision of the sale of alcohol, late night refreshment and regulated entertainment.

The proposed new hours were noted as follows:

The sale of Alcohol and the Provision of Regulated Entertainment in the forms of Live and Recorded Music:

- Sunday to Tuesday from 12:00hrs (midday) to 23:30)
- Wednesday to Saturday from 12:00hrs (midday) to 01:00hrs (the following day)

Late Night Refreshment:

- Sunday to Tuesday from 23:00hrs to 23:40hrs
- Wednesday to Saturday from 23:00hrs to 01:00hrs (the following day)

Opening Hours:

- Sunday to Tuesday from 12:00hrs (midday) to 23:30)
- Wednesday to Saturday from 12:00hrs (midday) to 01:00hrs (the following day)

Additional Conditions:

- SIA Door Staff x 1 Wednesday to Saturday from 20:00hrs to closing;
- No drinks to be taken outside;
- No more than 6 smokers outside at one time;
- Regulated entertainment shall not be audible at the façade or within any affected business or residential property (as relevant) so as not to cause a nuisance.
- Live Music shall not be amplified.

The Licensing Representative went on to describe the management of the premises and the day to day running of the establishment. She underlined the fact that the management of the premises had never received a complaint from the objectors.

In the absence of the objectors, Members noted that the written objections 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 this case the premises were in the Spitalfields and Banglatown cumulative zone.

The Sub-Committee noted that there was no specific evidence of how the premises would contribute to the cumulative impact. Members were informed the premises raised no cause for concerns in relation to alcohol sold or the concerns in relation public nuisance such as littering and outdoor drinking.

Members retired to consider their decision at 8.00pm and reconvened at 8.15pm.

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 representations from the Applicant's representative and, from a representative of the objectors. The representations related to the prevention of crime and disorder and the prevention of public nuisance.

Members acknowledged that there were real issues relating to loss of amenity to local residents in the Bell Lane area and concerns of the residents with the request for the applicant to be granted the core hours. They however noted that the majority of residents' concerns related to the general area, not the premises under determination.

Members noted the concerns that the premises was within the cumulative impact zone. It was also noted that having regard to paragraph 8.4 of the Licensing Policy, there was a rebuttable presumption in respect of granting an application where a representation was made. Having regard to the hours applied for, the location of the premises and the conditions offered, Members were satisfied that the operation of the premises would not add to the cumulative impact zone. Members also noted that the Police was satisfied with the proposed reduced hours and conditions.

Members expressed satisfaction with the assurances from the applicant regarding the nature and management of the premises, however given the proximity residential properties they resolved to grant limited extension of hours and an additional condition to ensure that the licensing objectives relating to the prevention of crime and disorder and the prevention of public nuisance were not undermined.

Decision

Accordingly, the Sub-Committee unanimously –

RESOLVED

That the application for a Variation of the Premise Licence for Liberty Lounge, 1a Bell Lane, London E1 7LA be **GRANTED** with an additional condition.

Sale of Alcohol (on sales only)

Sunday to Tuesday from 12:00 hours to 23:30 hours
Wednesday to Thursday from 12:00 hours to 00:00 hours
Friday to Saturday from 12:00 hours to 01:00 hours

The Provision of Regulated Entertainment in the form of Live Music

Sunday to Tuesday from 12:00 hours to 23:30 hours
Wednesday to Thursday from 12:00 hours to 00:00 hours
Friday to Saturday from 12:00 hours to 01:00 hours

Late Night Refreshment:

Sunday to Tuesday from 23:00hours to 23:30hours
Wednesday to Thursday from 23:30 hours to 00:00 hours
Friday to Saturday from 23:30 hours to 01:00 hours

Opening Hours:

Sunday to Tuesday from 12:00 hours to 23:30 hours
Wednesday to Thursday from 12:00 hours to 00:00 hours
Friday to Saturday from 12:00 hours to 01:00 hours

Non-Standard Times:

Sundays before Bank Holidays 12:00hrs to 01:00hrs
New Year's Eve 12:00hrs to 09:00hrs (the following day)
Morning British Standard Time commences to allow clock going back on hour

Additional Condition:

- No more than 5 smokers outside the premises at any time;

4. ANY OTHER BUSINESS THAT THE CHAIR CONSIDERS URGENT

The meeting ended at 8.45 p.m.

Chair, Cllr Amy Whitelock Gibbs
Licensing Sub Committee

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