

**LONDON BOROUGH OF TOWER HAMLETS**  
**MINUTES OF THE LICENSING SUB COMMITTEE**  
**HELD AT 6.35 P.M. ON THURSDAY, 8 MAY 2008**

**ROOM C1, 1ST FLOOR, TOWN HALL, MULBERRY PLACE, 5 CLOVE  
CRESCENT, LONDON, E14 2BG**

**Members Present:**

Councillor Carli Harper-Penman (Chair)

Councillor Alexander Heslop  
Councillor M. Mamun Rashid

**Other Councillors Present:**

None

**Officers Present:**

Zakir Hussain – Legal Officer  
Jackie Randall – Principal Environmental Health Officer

Alan Ingram – (Democratic Services)  
Paul Ward – (Democratic Services)

**Applicants In Attendance:**

Mick Drameh - Secrets Management  
Gina Gallagher - Secrets Management  
Mr Hepher - Secrets Solicitor  
James Hines – Secrets Barrister

**Objectors In Attendance:**

Ben Cockfield

**Members of the Public In Attendance:**

Simon Hickson  
Moline Wong

The Chair welcomed every one to the meeting and asked those present to introduce themselves. She stated that this was a Licensing Sub-Committee hearing under the new Licensing Act 2003. She then drew attention to the Rules and Procedures that governed the procedure for hearing licensing applications, pointing out that a summary of the procedure could be found as item 3 on the agenda.

**1. APOLOGIES FOR ABSENCE**

None.

**2. DECLARATIONS OF INTEREST**

Councillor Alexander Heslop declared a personal interest in that he had received a telephone call the previous evening from Councillor Rajib Ahmed in connection with agenda item 5.1 – “Application to vary the Premises Licence: Secrets (St Katherines) Ltd, 43-45 East Smithfield, London, E1W 9AP”. However, he had declined to discuss the matter. Mr Zakir Hussain, Legal Officer, confirmed that Councillor Heslop continued to be eligible to hear the application.

**3. RULES OF PROCEDURE**

The Rules of Procedure were noted.

**4. UNRESTRICTED MINUTES**

The unrestricted minutes of the meeting of the Licensing Sub-Committee held on 10<sup>th</sup> April 2008 were agreed and approved as a correct record.

**5. ITEMS FOR CONSIDERATION****5.1 Application to Vary the Premises Licence: Secrets (St Katherines) Ltd, 43-45 East Smithfield, London E1W 9AP LSC055/708)**

At the request of the Chair, Ms Jacqueline Randall introduced the report which sought a variation of the premises licence for Secrets (St Katherines) Ltd., 43-45 East Smithfield, London, E1W 9AP. The days and hours sought for the sale of alcohol were those of Monday to Saturday from 10.00 hours until 03.30 hours the next day. The days and hours sought for the provision of regulated entertainment were Monday to Saturday from 10.00 hours until 04.00 hours the next day. The days and hours for the provision of late night refreshment were Monday to Saturday from 10.00 hours until 04.00 hours the next day.

Appropriate consultation had been carried out with objections received from local residents. The objections were on the grounds that granting the application would result in anti-social behaviour from patrons leaving the premises; disturbance from patrons leaving the premises on foot and disturbance from patrons leaving the premises by car.

As there were no questions for Officers, the Chair asked the applicants to present their case.

Mr James Hines, Barrister for Secrets, referred to the location of the premises as indicated on maps circulated with the agenda and pointed out that East

Smithfield was a busy road, with 14 residential flats in the K Building above the Secrets club.

Secrets (St Katherines) Ltd was the longest operating premises in the Secrets chain, having been open for more than 10 years, with no problems. Due to the location of the premises, its clientele was settled and had a particular style. The club had previously been operating until 3.00 a.m. and the proposal was to extend the sale of alcohol to 3.30 a.m., with other licensable activities until 4.00 a.m. Built into the time was provision for a wining-down period so that clients would exit the premises calmly. The age requirement for admission was 18 years upwards, but patrons were typically more mature as facilities were relatively expensive and the fact that draught beer was not provided tended to deter younger people.

The average weekly number of patrons was 200, which was quite low, with only 12 or so on Mondays, rising to just over 70 on Thursdays, however, the premises could still operate profitably on that basis. Opening times had been until 3.00 a.m. from 2004 and an extension had been sought in 2006. This had been withdrawn as it had been hoped to build up trust with local residents but this had been unsuccessful. The premises had not received a single complaint about early hours operations from residents of the building or the public. There had been no need for Police involvement and no contact had been made by LBTH noise enforcement staff.

There had been 15 extensions for Temporary Events Notices for the sale of alcohol until 4.30 a.m. and entertainments until 4.40 a.m., all of which had been conducted without incident and this was considered to have proved a successful trial for extended hours.

Mr Hines proceeded to address the complaints that had been received, in particular to the letter received from Mr Ben Cockfield. Two break-ins to the K Building had been reported but these did not relate to Secrets' operations and there was nothing to link them with Secrets' customers, especially as one had been reported on Sunday, 20<sup>th</sup> January 2008, when the premises were closed.

Two car related thefts had also been reported in 2007 but there was nothing to attribute these to Secrets patrons. Secrets CCTV records had been examined to try and assist investigations into a break-in of a local resident's car in 2005 but again, there was nothing to associate this with the premises.

With regard to traffic problems, parking by patrons or staff was positively discouraged outside the premises although parking was allowed on the other side of East Smithfield after 7.00 p.m. Arrangements had been made with a local mini-cab firm for collection of patrons leaving Secrets. There was no demand from Secrets patrons for touting mini-cabs and this was not considered an issue.

The lighting of the premises had been reviewed recently by Council Officers and no problems identified, similarly CCTV provision had been approved.

The Police had suggested additional conditions regarding CCTV, with which Secrets was already complying.

Mr Hines concluded by expressing the view that provision of an extra half hour for the supply of alcohol and an extra hour for the supply of food would not be detrimental to the licensing policies. He added that an analysis of customers going in and out of the premises showed that the most leaving at any one time tended not to exceed three in number.

The Chair then asked the objectors to present their case.

Mr Ben Cockfield, speaking for the objectors, stated that East Smithfield was a busy road, with a single-lane red route on each side. However, there was a difference between road noise, which was effectively white noise, and noise made by patrons who had left Secrets after having consumed alcohol. This branch of Secrets may have been considered the least problematic but its location needed to be considered in the context of noise.

He did not agree with the details of clients, particularly at peak periods, and people leaving were much more vocal than those arriving. He had witnessed the numbers of patrons coming and going, and did not agree that a maximum of three exited at any one time. Residents of the K Building did not know how to communicate with Secrets and there had been a severe breakdown of trust.

Under prevention of public nuisance, people left the premises and caused noise throughout the night, unlike a pub where there was a particular closing time. There could easily be ten people at the roadside smoking, talking and being jovial in the early hours. Mr Cockfield witnessed cabs stopping to pick up clients and had also witnessed six or so cabs parked on the pavement outside the premises. In addition, he was positive that patrons parked near the building along the street.

The matter of two break-ins to residential flats was the biggest concern by far. The break-in reported on Sunday, 20<sup>th</sup> January 2008 had probably occurred earlier on the Saturday night. Secrets' CCTV did not cover all entrances and had not recorded where the break-in had taken place. There was clearly a communications issue and trust with the local people had long been eroded. Mr Cockfield refuted the information given about noise and the numbers of people exiting the premises. He made the point that the area was otherwise very residential and quiet, being only seven metres from a Heritage area.

The Chair invited questions from Members to the applicants, who gave the following responses to queries:-

- Residents were written to in March 2005, when they were given phone numbers for Secrets manager, head of security and two other senior staff. The premises frontage had a canopy bearing the phone number in two places. Secrets would be happy to write further to residents addressing concerns.

- Door staff were on duty from 8.00 p.m. and finished at such time as the manager left. Usually three were present, and always at least one on reception.
- The capacity of the club was about 175 with the busiest night being Thursday with some 72 clients and a maximum of 210 for the whole week.
- A customer dispersal policy was already in place and any problems with customers outside were not known about when the application had been made. Trained door staff and management checked the premises frontage and at least one on the senior management team visited the premises each night. CCTV had been recently upgraded and could be checked from one office. A registered mini-cab firm was employed to ensure clients had a legal ride home and these parked away from the club premises. The cab supervisor stayed in the premises from 10 p.m. to 3.30 a.m. and clients awaiting cabs stayed inside the club lobby.
- There were notices in the clubs asking patrons to leave quietly and the DJ also asked them to respect local residents.

The Chair asked if any nights were particularly troublesome to residents and Mr Cockfield indicated that problems were sporadic. When the club was operating quietly there was little noise and no problem with music. It arose in the main from people entering and leaving the building.

The meeting adjourned at 7.17 p.m. and reconvened at 7.25 p.m.

The Chair commented that the Sub-Committee felt that there was a need for Secrets management to renew dialogue with residents on the basis of a 'good neighbour' and hopefully to resolve their concerns about groups of clients smoking and talking outside, the potential for unlicensed cabs touting, etc.

The Chair reported that, having considered the report and the evidence and comments presented, the Sub-Committee had **RESOLVED**

That the application for a Variation of the Premises Licence for Secrets (St Katherines) Ltd., 43-45 East Smithfield, London, E1W 9AP be **REFUSED** as the Sub-Committee had serious concerns that there were not sufficient managerial measures in place to address the prevention of public nuisance Licensing Objective of the 2003 Licensing Act.

## 6. EXCLUSION OF THE PRESS AND PUBLIC

In the light of the remaining business on the agenda, it was **RESOLVED**

That, under Section 100(a) of the Local Government Act 1972, as amended by the Local Government (Access to Information) Act 1985, the press and public be excluded from the meeting for the consideration of the Section 2 business on the grounds that it contains information defined as exempt in Part 1 of Schedule 12A of the Local Government Act 1972, as detailed."

## 7. EXEMPT MINUTES

The exempt minutes of the meetings of the Licensing Sub-Committee held on 13<sup>th</sup> December 2007, 8<sup>th</sup> January 2008, 5<sup>th</sup> March 2008, 17<sup>th</sup> March 2008 and 31<sup>st</sup> March 2008 were agreed and approved as a correct record.

The meeting ended at 7.30 p.m.

Chair, Councillor Carli Harper-Penman  
Licensing Sub Committee