

LONDON BOROUGH OF TOWER HAMLETS

MINUTES OF THE LICENSING SUB COMMITTEE

HELD AT 6.55 P.M. ON TUESDAY, 13 DECEMBER 2022

**THE COUNCIL CHAMBER, TOWN HALL, MULBERRY PLACE, 5 CLOVE
CRESCENT, LONDON, E14 2BG**

Members Present in Person:

Councillor Peter Golds
Councillor Amin Rahman
Councillor Kamrul Hussain

Members In Attendance and Virtually:

Guy Hicks Dadds solicitors
Mehmet Recep Applicant's Representative
Nicola Cadzow Environmental Protection
PC Mark Perry
Mohshin Ali Licensing Authority
Linda Cross Applicant
Thiel Randal SPIRE Chair Objector

1. DECLARATIONS OF INTEREST

There were no Declarations of Interest.

2. RULES OF PROCEDURE

The rules of procedure were noted.

3. ITEMS FOR CONSIDERATION

**3.1 Application for a new premises Licence for Jack the Chipper, 96
Whitechapel High Street, London E1 7RA**

This matter was adjourned because difficulty had arisen over one of the Members attending, and whilst a substitute Member had attended, he had not read through the papers, hence the consensus was it was in the interests of justice to adjourn this matter. Whilst the Licensing Sub-Committee on 20th December 2022 was mentioned, that has become subject to change because of scheduling issues, and Committee Services will notify parties of the fresh adjourned date.

3.2 Application for a variation of a premises licence for Marios, Unit 3a, 139 Three Colt Street London E14 8AP

Same as for 3.1 above.

3.3 Application for a Temporary Events Notice for Spirits of East, 508 Commercial Road LONDON E1 0HY**Applicant**

There was no communication from the Applicant direct as to why he was not present either virtually or in person.

Mr. Mehmet Recep, who attended virtually, presented himself as the brother of the Applicant. However, when asked, he could not produce verification that he was the Applicant's brother, authorised to speak for the Applicant. The Sub-Committee therefore did not consider that Mr. Recep was in any legal position to be heard, and indicated this to him, whilst adding that he was welcome to stay online as an observer, along with other members of the public joining the meeting.

Environmental Protection

The Sub-Committee heard from Ms Cadzow who expressed concern in particular to the potential impact of public nuisance. She was concerned about there being insufficient measures to prevent noise generated from within the premises or outside it which could cause disturbance to people in the vicinity during the proposed hours, which were well beyond the existing hours of the licence. The Sub-Committee noted that those hours were:

- Sunday to Thursday 0600 hours to 2330 hours; and
- Friday & Saturday 0600 hours to midnight.

The Sub-Committee also noted that the hours sought were:

- Monday 26th December to Thursday 29th December 2022 & Sunday 1st January 2023 from 23:30 hours to 05:59 hours (extension of 6 hours 29 minutes)
- Friday 30th & Saturday 31st January from midnight until 05:59 hours (extension of 5 hours 59 minutes).

Ms Cadzow reflected that there were residential and commercial premises in close proximity to the Applicant's premises. Ms Cadzow believed that this application failed to comply with the licensing objective relating to public nuisance for the following reasons: there would be noise breakout from the venue affecting neighbouring residents, access & egress to and from the venue, of patrons, especially due to patrons likely to be high spirits; and the hours of operation would exacerbate the impact of the noise breakout. Ms Cadzow stated that she was willing to consider withdrawing her

representation if the Applicant was willing to reduce the hours to 01:00 hours not as proposed 05:00 hours in the morning, but as she had not had further communication from the Applicant, the objection was still valid.

The Sub-Committee were unable to ask the Applicant for his position on this, since he was absent.

Metropolitan Police

PC Mark Perry on behalf of the police expressed concerns relating to the prevention of crime and disorder. The festive period was a particular period in which large numbers of people would be out, frequenting parties, pubs and clubs. This increased the likelihood of already intoxicated individuals going on to the Applicant's premises. PC Perry was concerned that this would likely lead to alcohol fuelled crime and disorder, including anti-social behaviour.

PC Perry's concerns were added to by the Applicant's premises being proximate to the Troxy, a venue which would have many late night shows and events around the festive period, and whose patrons were likely to attend the Applicant's premises, were the application to be granted.

Decision

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 and in particular to have regard to the promotion of the licensing objectives:

- The Prevention of Crime and Disorder
- The Prevention of Public Nuisance
- Public Safety
- The Protection of Children from Harm

Each application must be considered on its own merits. The Sub-Committee carefully considered all of the evidence before them and heard the oral representations at the meeting virtually and in person from the Applicant, Environmental Protection, and the Metropolitan Police.

The Sub-Committee considered what was reasonable and proportionate for the promotion of the licensing objectives, in particular, the prevention of public nuisance and the prevention of crime and disorder.

Paragraph 10.13 of the Secretary of State's Guidance under S182 of the Licensing Act 2003 says that that Act "gives the licensing authority power to make decisions about the hours during which premises can conduct licensable activities as part of the implementation of its licensing policy statement. Licensing authorities are best placed to make decisions about appropriate opening hours in their areas based on their local knowledge and in consultation with responsible authorities."

The Sub-Committee took into account what the Applicant, Mr Ali Cihan Kanidagli had written in support of his application. The Sub-Committee did not hear any representations from a Mr Mehmet Recep, who attended virtually and presented himself as the Applicant's brother, because he could not provide, when asked, verification that he was the Applicant's brother and that he was authorised to speak to this matter on the Applicant's behalf. The Sub-Committee noted that nothing had been heard direct from the Applicant to explain his absence, and that whilst Mr Recep said that the Applicant was abroad, there was nothing to verify this, nor to explain why the Applicant had not sought to join the meeting virtually.

Regulation 20 of the Licensing Act 2003 (Hearings) Regulations 2004 provides that where a party has not indicated that he will attend, the Authority may hold the hearing in that party's absence.

In so doing, Members reflected that the Applicant had given no reason direct for his absence, had not sought to join virtually, and had not provided any authorisation for anyone else, such as Mr Recep, to represent him. Thus, Members felt it was in the interests of justice to proceed in the Applicant's absence.

Members noted the objections of the Metropolitan Police, expressed by PC Mark Perry on the grounds of the prevention of crime and disorder, and prevention of public nuisance. Members took into account Police concerns that if the application were granted, the vast majority of patrons would have already attended pubs, clubs, and parties celebrating the New Year, and were therefore likely to be intoxicated entering and leaving.

The Sub-Committee noted that the Applicant's premises were close to The Troxy, a venue that has many late-night shows and events around Christmas and New Year, so that patrons of The Troxy were more than likely to go into an off licence like the Applicant's premises, and likely to engage in alcohol fuelled crime and disorder and anti-social behaviour.

PC Mark Perry was happy to speak to the Applicant but had no further communication with them and sought the Sub-Committee to refuse the application.

The Sub-Committee were concerned that granting the application would not uphold the licensing objectives of preventing public nuisance and preventing crime and disorder.

Therefore, Members made a unanimous decision to refuse the application.

Accordingly, the Sub-Committee unanimously;

RESOLVED

That the application for a Temporary Events Notice in respect of Spirits of East, 508 Commercial Road London E1 0HY be **REFUSED**

4. EXTENSION OF DECISION DEADLINE: LICENSING ACT 2003

Members agreed to extend the decision deadlines for the applications below to the dates stated; Licensing applications were extended due to the impact of the pandemic, and were adjourned under regulation 11 of the Licensing Act 2003 (Hearings) Regulations 2005, it was in the public interest to do so, and did not require representation from parties to the applications.

Premises	Extended to:
Chaiwala 55 Brick Lane E1 6PU	14/02/23
Oval Venues Ltd – Oval Café, 11-12 The Oval.	14/02/23

The meeting ended at 8.00 p.m.

Chair,
Licensing Sub Committee