

LONDON BOROUGH OF TOWER HAMLETS

MINUTES OF THE LICENSING SUB COMMITTEE

HELD AT 6.30 P.M. ON TUESDAY, 31 JANUARY 2023

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

Members Present in Person:

Councillor Peter Golds (Leader of the Conservative Group)
Councillor Saied Ahmed
Councillor Suluk Ahmed

Farzana Chowdhury Democratic Services Officer (Committees)

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 Second Home Ltd, 68-80
Hanbury Street, London E1 5JL - WITHDRAWN**

This application was Withdrawn.

**3.2 Application for variation of a Premises Licence for Versuvio Italian Cafe,
Unit 3a, 139 Three Colt Street, London E14 8AP**

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 and in particular to have regard to the promotion of the four licencing objectives:

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

Consideration

Each application must be considered on its own merits. The Chair confirmed that the Sub-Committee had carefully considered all of the evidence before them and heard the oral representations at the meeting in person from the Applicant, and the written representations which were submitted in the agenda pack by residents.

The Sub-Committee considered an application for a variation of a premises licence by the Applicant, Ms Linda Cross, in respect of Vesuvio Italian Café Unit 3a, 139 Three Colt Street London E14 8AP to vary the sale of alcohol for on and off sale, and to add regulated entertainment namely live music. The Applicant was seeking the following:

The applicant has described the nature of the variation as addition of sales of alcohol and addition of live music:

The hours that have been applied for are as follows:

Sale of Alcohol (on and off sales)

Monday to Friday from 08:00 hours to 18:00 hours

Saturday from 08:00 to 21:00 Hours

Live Music (indoors)

Saturday from 18:00 hours to 21:00 hours

Hours premises is open to the public:

Monday to Friday 08:00 hours to 19:00 hours

Saturday from 08:00 hours to 22:00 hours

Sunday from 10:00 hours to 19:00 hours

Applicant

Ms Linda Cross addressed the Sub-Committee and said that she bought the premises in 2020, the café closed on the 21 March 2020 and reopened for takeaway on the 7th May 2020. Ms Cross explained that she was not eligible at the time for the government schemes to financially support business during the pandemic, however she was eligible in July 2021. The reason

The Sub-Committee took into account the written representations of the objectors, who had previously emailed Committee Services to confirm that although they were not able to attend the hearing but wanted their written representations to stand.

The Sub-Committee noted from those representations that the café is small, with a capacity for 25 covers.

The Sub-Committee noted that the Applicant has 14 tables used outside in the public square, which added to the covers inside, totalled potentially 48 covers.

The Sub-Committee noted the representations that when the café was busy, the general noise level disturbs neighbours.

The Sub-Committee noted the objectors' acknowledgement that the café operator had started to stack away furniture inside the café overnight, which had been an improvement regarding the impact of the café on the public square. The Sub-Committee noted the objectors' concerns that the business leaves three unsightly red and white plastic high chairs outside 24/7, and after closing up, there was usually other clutter from the café left outside e.g. menu boards, rubbish bin, and brooms etc.

The Sub-Committee noted from the objections that the objectors would be amenable, if above was dealt with after closing time, and the proposed music is dealt with as described in the application, i.e. is played inside the cafe on limited occasions and not amplified, and the hours were not over the agreed hours.

The Sub-Committee noted the Applicant saying that the level of sound in relation to music would be at a level comfortable to patrons in the café. The Sub-Committee were assured on the balance of probability, that this would result in a level of noise from live music which would not cause disturbance to nearby residents. The Sub-Committee also noted the Applicant's comment that live music might not even be provided in the Summer.

Paragraphs 2.15 and 2.17 of the Secretary of State's guidance given under S182 of the Licensing Act 2003 points licensing authorities to the need to ensure that any conditions attached with regard to the prevention of public nuisance should be proportionate in upholding that licensing objective.

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

Accordingly, the Sub-Committee unanimously;

Decision

That the application for a variation of a premises license in respect of **Vesuvio** Italian Café, Unit 3a, 139 Three Colt Street, London E14 8AP
be **GRANTED with conditions:** -

Conditions imposed by the Licensing Sub-Committee

1. That live music provided be from no more than one musician at any one time.

2. That live music provided not be provided from any platform.

Conditions Agreed with Licensing Authority

3. The premises shall install and maintain a comprehensive CCTV 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. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the entire 31 day period.
4. 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 are open. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.
5. An incident log shall be kept at the premises, and be available on request to the Police or an authorised officer. It must be completed within 24 hours of any incident and will record the following:
 - a) all crimes reported to the venue;
 - b) all ejections of patrons;
 - c) any complaints received concerning crime and disorder
 - d) any incidents of disorder;
 - e) all seizures of drugs or offensive weapons;
 - f) any faults in the CCTV system, searching equipment or scanning equipment;
 - g) any refusal of the sale of alcohol;
 - h) any visit by a relevant authority or emergency service.
6. A Challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.
6. The supply of alcohol at the premises, for consumption on the premises, shall only be to a person seated taking a table meal there and for consumption by such a person as ancillary to their meal.
7. Live and recorded music shall only take place inside the premises and not in any outside areas.

Conditions agreed with Environmental Health

8. Loudspeakers shall not be in the entrance lobby, or outside the premise building nor on ceilings. And anti-vibration mounts used if speakers attached to the walls
9. All windows and external doors shall be kept closed when regulated entertainment takes place, except for the immediate access & egress of persons.

10. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises, which gives rise to a public nuisance.

3.3 **Application for a variation of a premises licence for (Soda and Friends), Unit 2a, 20 Hopewell Square, London E14 0SY**

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

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

Consideration

Each application must be considered on its own merits. The Chair confirmed that the Sub-Committee had carefully considered all of the evidence before them and heard the oral representations at the meeting in person from the Applicant, and Resident.

The Sub-Committee considered an application for a variation of a premises licence by the Applicant, Soda Bars Limited, represented by the Designated Premises Supervisor, Mr Nathan Brown, in respect of Soda and Friends Unit 2a, 20 Hopewell Street Square London E14 0SY to vary the sale of alcohol for on and off sale to add regulated entertainment namely live music The Applicant was seeking the following:

The sale by retail of alcohol (on and off sales)

- Monday to Thursday, from 07:00 hrs to 23:00 hrs (No change)
- Friday and Saturday, from 07:00 hrs to 00:00 hrs (midnight)
- Sunday, from 07:00 hrs to 22:30 hrs (No change)

The provision of regulated entertainment – Indoors

(Recorded music)

- Monday to Thursday, from 07:00 hrs to 23:00 hrs
- Friday and Saturday, from 07:00 hrs to 00:00 hrs (midnight)
- Sunday, from 07:00 hrs to 22:30 hrs)

The provision of late night refreshment – Indoors and outdoors

- Monday to Thursday, from 07:00 hrs to 23:00 hrs (LNR not required)
- Friday and Saturday, from 07:00 hrs to 00:00 hrs (midnight)
- Sunday, from 07:00 hrs to 22:30 hrs (LNR not required)

LICENSING OFFICER COMMENTS: The provision of late night refreshment starts at 23:00 hrs. The applicant has stated "Background music only" under late night refreshment.

The opening hours of the premises

- Monday to Thursday, from 07:00 hrs to 23:30 hrs
- Friday and Saturday, from 07:00 hrs to 00:30 hrs the following day
- Sunday, from 07:00 hrs to 22:30 hrs

Applicant

The Sub-Committee noted from Mr Harris, resident who made the objection, that on Saturday 28th February, the Noise Team had visited the property and confirmed that there was a disturbance and that it was extremely loud hitting ninety decibels.

Paragraphs 2.15 and 2.17 of the Secretary of State's guidance given under S182 of the Licensing Act 2003 points licensing authorities to the need to ensure that any conditions attached with regard to the prevention of public nuisance should be proportionate in upholding that licensing objective.

A condition which is disproportionate for a greater number of hours, can be more proportionate for a shorter number of hours, by being less onerous over a shorter period of time on any given day.

The Sub-Committee took into account the licensing objective of preventing public nuisance.

The Sub-Committee considered that a condition regarding the installation and operation of a sound limiter, would not be disproportionate, if it only applied after 23:00 hours.

The Sub-Committee considered that between the hours of 23:00 hours to 24:00 hours, public nuisance would be caused by transmission of music through the flats and the risk of excessive noise. Therefore, the Sub-Committee decided to refuse regulated entertainment and this to be stopped at 23:00 hours. The Members made a decision to Grant the application with the installation of a sound limiter and for those reasons only.

Accordingly, the Sub-Committee unanimously;

Decisison

That the application for a variation of a premises license in respect of Soda and Friends Unit 2a, 20 Hopewell Street Square London E14 0SY

be **GRANTED** with conditions: -

Conditions imposed by the Licensing Sub-Committee

1. A noise limiter must be fitted to the musical amplification system set at a level determined by and to the satisfaction of an authorised officer of the Environmental Health Service, so as to ensure that no noise nuisance is caused to local residents or businesses. The operational panel of the noise limiter shall then be secured by key or password to the satisfaction of officers from the Environmental Health Service and access shall only be by persons authorised by the Premises Licence holder. The limiter shall not be altered without prior agreement with the Environmental Health Service. No alteration or modification to any existing sound system(s) should be effected without prior knowledge of an authorised Officer of the Environmental Health Service. No additional sound generating equipment shall be used on the premises without being routed through the sound limiter device.
2. The noise limiter shall be operated from 23:00 hours to 00:00 hours, whenever any music is being played during that hour.

Conditions offered by the Applicant

3. No open alcoholic containers shall leave the premises.
4. All employees will sign declaration of awareness of social and legal responsibilities regarding sale of alcohol.
5. There shall be no external speakers.

Conditions agreed with the Licensing Authority

6. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Tower Hamlets Police Licensing Team. 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. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the entire 31 day period. (To replace condition 3 of Annex 2 on the current premises)

7. 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 are open. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.
8. When the designated premise supervisor is not on the premises any or all persons authorised to sell alcohol will be authorised by the designated premises supervisor in writing. This shall be available on request by the Police or any authorised officer.
9. Alcohol shall only be delivered to a residential or business address and not to a public place or vehicle.

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:
Broadwick Venues Oval Studios 29-32 The Oval London E2 9DT	14/02/23
The Shell French Seafood Restaurant Discovery Dock, 3 Discovery East, South East Quay Square, London E14 9RY	14/02/23

The meeting ended at 8.10 p.m.

Chair, Councillor Suluk Ahmed
Licensing Sub Committee