

## **MINUTES OF LICENSING SUB-COMMITTEE**

Thursday, 11 November 2021  
(12:10 - 1:55 pm)

**Present:** Cllr Faraaz Shaukat (Deputy Chair), Cllr Adegboyega Oluwole and Cllr Lynda Rice

### **3. Declaration of Members' Interests**

There were no declarations of interest.

### **4. Licensing Act 2003 - Sweet London, 62a Longbridge Road, Barking IG11 8RT**

On 11 November the Sub-Committee heard an application made under Section 34 of the Licensing Act 2003 for a variation of an existing premises license at 62A Longbridge Road, Barking IG11 8RT trading as Sweet London. The premises licence is held by Mr Rraman Gjana who is also the Designated Premises Supervisor.

Representations on the application relating to two of the statutory Licensing Objectives (*Prevention of Crime & Disorder and Public Nuisance*) were made by Mr Richard Parkins, the Council's Licensing Authority Responsible Authority Officer, and PC Owen Dunn, the Metropolitan Police Licensing Officer. Representations were also made by the Council's Health & Safety Officer and Environmental Health Enforcement Officer.

The Sub-Committee also heard a submission from Mr Rraman Gjana in support of the application.

The applicant sought to vary the existing premises licence to include the following changes:

1. Amend the licensed hours for the retail sale of alcohol both on and off the premises to begin at 08.00 and continue through to 02.00 each day of the week (adding three hours at the beginning of each day),
2. Amend the licensed hours for recorded music to begin at 08.00 and continue through to 02.00 each day of the week (adding three hours at the beginning of the day and an additional hour in the middle of the day),
3. Add the licensable activity of live music from 08.00 through to 02.00 each day of the week (previously not on the licence),
4. Add the licensable activity of performance of dance from 08.00 through to 02.00 each day of the week (previously not on the licence),
5. The provision of late-night refreshment through to 02.00 each day of the week (as per the current licence),
6. Amend the opening hours from 08.00 to 02.00 each day of the week (bringing back the opening hour by two hours but enabling the premises to stay open during the middle of the day), and
7. Apply the proposed licensable activities and operating hours set out above to the rear extension of the premises.

The description provided on the application of what was being proposed was *“Late night refreshments, recorded music and alcohol serving throughout all premises including rear extension of the building within its opening hours Monday-Sunday 08:00-02:00”*.

With respect of Live music, the application stated *“We will be having live music played strictly at the rear extension of the building. Live music will not happen on a daily occasion and only during specific days or private bookings”*.

With respect to the performance of dance, the application stated *“We will be having belly dancing shows strictly at the rear extension of the business. It will consist of live belly dancers. It will not be on a daily basis and only on specific occasions or private bookings”*.

The Sub-Committee noted that the premises already currently holds licence for the following:

1. The retail sale of alcohol for consumption both on and off the premises from 11.00 to 02.00 on the day following each day of the week,
2. Recorded music from 11.00 to 15.00 and then from 16.00 to 02.00 on the day following seven days each day of the week,
3. Late night refreshment from 23.00 to 02.00 on the day following each day of the week, and
4. Opening hours from 06.00 to 14.00 and then from 17.00 to 02.00 on the day following each day of the week.

During the hearing representations were made by both Richard Parkins and PC Owen Dunn. Mr Parkins commented that the rear extension had been constructed for the purpose of shisha and smoking and as such included a 1.5m gap around three of the walls to allow for ventilation. Consequently, the break in the structure would allow for sound escape.

He added that whilst the rear extension was currently being used by the management for non-licensable activities (smoking / shisha) without complaint, the addition of alcohol, live music and increased numbers would change the use and nature of this part of the premises and increase the potential for nuisance and disturbance both from noise generated by the customers and the entertainment. The use of the rear extension for such activities had never been ‘tested’ under Temporary Events Notices (TENs) and therefore it was not possible to gauge what possible negative impacts might be generated.

Mr Parkins also raised concerns over the fire safety report submitted by the applicant which indicated fire safety deficiencies in the arrangements at the premises including the emergency escape provision. The Licensing Team had asked for details of the programme of intended works to rectify these without reply and therefore the officer requested that should Members be mindful to allow the variation application, it should be made a requirement of any licence granted, together with confirmation of arrangements made in the meantime to ensure that the exit to the rear means of escape could be maintained readily available for use in the event of an emergency.

PC Dunn also expressed concern that the variation sought had the potential to cause significant public nuisance as well as crime and disorder. He was of the view that the application should be refused, but as an alternative course of action the applicant should be encouraged to apply to use TEN's in the first instance to demonstrate whether the premises could be run without negative impact on the local community.

Both Mr Parkins and PC Dunn were of the view however that should Members be mindful to approve the application, the licensable activities in the rear extension should be restricted to 23.00 end with Mr Parkins adding that a condition should be added to restrict the consumption of alcohol past this time. It was also felt that the start time should remain as currently permitted namely 11.00. These proposals were also supported by the Council's Environmental Noise Enforcement Officer.

PC Dunn also expressed concern as to the lack of prior planning and consultation from the applicant with the Police to ensure both the prevention of crime and disorder and public safety.

Reference was also made to the fact that whilst the rear extension had been built in accordance with the planning permission granted, concerns remained by the Council's Health and Safety Officer as to whether the extension and its layout were in breach of the smokefree workplace regulations. The Sub-Committee noted that this representation had not been made under one of the four licencing objectives.

The Sub-Committee also noted and raised questions in respect of a Directions Notice served at the premises in April 2021 when it was found to be operating in breach of coronavirus regulations at that time, causing an imminent threat to public health by not observing social distancing and failing to put in place safe grouped seating arrangements. On this point the applicant thought that as the rear extension was effectively an open structure, he had done nothing wrong in supplying shisha to his customers.

The applicant then made representations at the hearing, stating that there had not been any issues at the premises for the past five years and there had been no complaints against him. It was confirmed that he had met all the statutory requirements regarding advertising this application although he acknowledged that he had not enquired with residents and neighbours as to any objections they might have to his application. He did however cite good relations with his immediate neighbours, noting that he owned/operated an adjoining business and the flat above.

The Sub-Committee asked the applicant as to what measures he would put in place to ensure that the increased number of patrons coupled with the increased consumption of alcohol and the live music did not breach the licensing objectives. He stated that it was not his intention to have live music and/or entertainment every day and that the variation sought in the licensing hours was to reflect the needs of his customers on an occasional basis. In an attempt to assure Members of his intentions he stated for the record that were the application to be granted and should there be one subsequent complaint, he would accept any subsequent decision to revert back to the current licensing hours.

The Sub-Committee then retired to consider its decision in private at 13.20 and reconvened at 13. 50.

## **Decision**

Having carefully considered all of the evidence presented including written and oral representations the Sub-Committee **RESOLVED** to refuse the application to vary the existing premises license, including proposals to licence the exterior covered area.

In reaching the decision the Sub-Committee considered the Licensing Act 2003, the statutory guidance, Section 17 of the Crime and Disorder Act 1998, the Council's Statement of Licensing Policy and relevant articles of the Human Rights Act 1998, and in so doing took into account the following:

- (1) The variation in the licensed activities sought, which primarily related to the use of the rear extension, was likely to undermine the licencing objectives. Furthermore, whilst there had been minimal issues and little complaint at the premises since it began operating in 2017, this was not regarded as relevant to the circumstances and the variation sought under the application.
- (2) There had been inadequate preparation and consideration by the applicant towards promoting the overriding licensing objectives to address the concerns raised by the responsible authorities, including no mention of employing SIA registered door supervisors and additional staff levels to help control the increased numbers of intoxicated patrons that the venue would likely have to deal with.
- (3) The general lack of engagement with the Police and the Licencing Authority was evident to the extent that the Police in particular felt that given the applicant's vision they appeared to have for the building, they had no confidence that the applicant would be able to operate the premises without breaching the licensing objectives.
- (4) It was noted that issues remained unresolved as to whether the rear extension was fit for purpose as a shisha bar as it was intended for, let alone as an area to undertake the additional licensable activities being requested, which themselves had given rise to concerns regarding public safety.
- (5) The license variations being requested, which primarily centred around the rear extension, were likely to cause public nuisance as this structure had minimal sound proofing and was in fact built for the purpose of maintaining wide open areas for ventilation, and
- (6) The increased capacity in the rear extension which opens onto a residential road, combined with the supply of alcohol and performance of live music, would likely cause public nuisance and would pose a significant risk of crime and disorder to the local residents and community, particularly during the hours for which the variation had been sought.