

LONDON BOROUGH OF TOWER HAMLETS

At a meeting of the LICENSING SUB COMMITTEE
held on THURSDAY 11TH AUGUST 2005 at 6.30 PM
in ROOM M72, THE TOWN HALL, MULBERRY
PLACE, 5 CLOVE CRESCENT, LONDON, E14 2BG

PRESENT

Members of the Committee:

Councillor R. Gipson (Chair)
Councillor H. Abbas
Councillor M.A. Salique

Applicants

Ms Melisa Murphy	Solicitor, A Matter of Time PH
Mr Mark Francis	Punch Taverns, A Matter of Time PH
Mr G. Smith	Manager, A Matter of Time
Mr Piers Warne	Solicitor, Bar Risa/Jongleurs
Ms Nicola Nightingale	Manager, Bar Risa/Jongleurs
Ms Paula Mareri	Solicitor, Victorai PH
Mr K. Bush	Victoria PH
Mr Chris Nicholls	Victoria PH

Objectors

None were in attendance

Officers

Jackie Randall-Peltier	Trading Standards
Kathy Butler	Trading Standards
Susan Nugent	Legal Services
Josef Cannon	External Legal Advisor for LBTH
Paul Ward	Clerk to the Committee

Members of the Public in Attendance

There were no members of the public present.

The Chair opened the meeting, welcoming everyone to the meeting and asked those present to introduce themselves. He stated that this was a Licensing Sub Committee hearing under the new Licensing Act 2003. He 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

Apologies for absence were received on behalf of Environmental Health, Environmental Protection.

2. DECLARATIONS OF INTEREST

Councillor Salique declared that he was a ward member for Item 5.1 A Matter of Time, but he had no prior knowledge of the premise application.

3. RULES OF PROCEDURE

The Rules of Procedure were noted.

4. MINUTES

There were no minutes to be considered.

5. ITEMS FOR CONSDERATION

5.1 Licensing Act 2003 Application to Vary the Premises Licence: A Matter of Time, 588 Mile End Road, London E3 4HP (LSC008/506)

At the request of the Chair, Ms Jackie Randall-Peltier, introduced the report, which sought a premises licence and a variation of the premises licence for A Matter of Time PH, 588 Mile End Road, London E3 4HP. The days and hours applied for were those of Monday to Wednesday 11.00 hours until 12 midnight, Thursday 11.00 to 00.30 hours, Friday and Saturday 11.00 until 01.00 hours and Sunday 12 noon until 23.00 hours.

Appropriate consultation had been carried out with objections received from Environmental Health. The objections were on the grounds that the premises did not effectively contain noise breakout. However there was no Environmental Health officer present.

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

Ms Murphy, Solicitor for the applicants, commented that the premise was on the busy Mile End Road frequented by local people and commuters. The hours that premise were applying for were for an extra one hour, Monday to Wednesday, one and half hours on Thursdays, two hours on Fridays and Saturdays and half hour on Sundays. There would be an additional 30 minutes drinking up time on each day. Last entry into the premises would be 12 midnight.

The only objection was from Environmental Health, with none received from the Police or local residents. From Environmental Health's submission there had been no complaints regarding the premise since March 2003.

Although Environmental Health were not in attendance, the applicants were prepared to reduce the hours for live music to 23.00 hours Monday to Thursday, 12 midnight Friday and Saturday and 23.00 hours on Sundays. In addition, no drinks would be allowed to be taken into the beer garden after 23.00 hours every day, with the beer garden vacated by 23.20 hours.

However the applicants did not accept that there would be any disturbance from the premise. They had not ignored the potential for noise nuisance as they already had a noise limiter set by Environmental Health. This was inspected three weeks ago with no problems reported.

In conclusion Ms Murphy stated that the hours applied for were consistent with Government guidelines and the Council's own policy. Should there be any problems, the Council could always review the hours.

The Chair asked if there were any questions for the applicants.

In response to questions from members Ms Murphy stated that they were not aware of the nature of the Statutory Nuisance witnessed in March 2003 and Environmental Health had not provided any evidence. They were prepared to have no drinks in the beer garden on Sundays after 22.30 hours.

The Chair thanked everyone for their contributions and advised that the Committee would be proceeding into private session to considering the evidence submitted.

The meeting adjourned at 6.55pm and reconvened at 7.01pm.

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

That the application for the variation of the Premises Licence under the Licensing Act 2003, for A Matter of Time, 588 Mile End Road, London E3 4PH, be **GRANTED** for the following hours and subject to the following amendments to the application: -

Supply of Alcohol

Monday to Wednesday 11.00 until 00.00 hours;
Thursday 11.00 until 00.30 hours;
Friday to Saturday 11.00 until 01.00 hours; and
Sunday 12.00 until 23.00 hours

Hours Premises are Open to the Public

Monday to Wednesday 11.00 until 00.30 hours;
Thursday 11.00 until 01.00 hours;
Friday to Saturday 11.00 until 01.30 hours; and
Sunday 12.00 until 23.30 hours.

AMENDMENTS TO APPLICATION

- That the beer garden be closed to patrons from 23.00 hours Monday to Saturday and 22.30 hours on Sunday with patrons clearing the beer garden within 20 minutes;
- That the playing of live music be until 23.00 hours Monday to Thursday, 00.00 hours Friday and Saturday and 23.00 hours Sundays.

Mr Cannon reported that he had advised the Committee that in making their decision, less weight should be attached to the Environmental Health objection as they were not in attendance and that Councillors could not take into account their own personal knowledge or any information not in the objectors letter.

5.2 Licensing Act 2003 Application to Vary the Premises Licence: Bar Risa/Jongleurs, Bow Wharf, London E3 5SN (LSC009/506)

At the request of the Chair, Ms Jackie Randall-Peltier, introduced the report, which sought a premises licence and a variation of the premises licence for Bar Risa/Jongleurs, Bow Wharf, London E3 5SN. The current hours were 11.00 until 23.00 hours Monday to Saturday, 12 noon until 22.30 hours Sunday, with the first floor bar open until 02.00 hours on Fridays and Saturdays. The days and hours applied for were those of Monday to Saturday 11.00 until 02.00 hours and Sunday 12 noon until 22.30 hours.

Appropriate consultation had been carried out with objections received from the Police, which had since been withdrawn, and Environmental Health. The objections were on the grounds that substantial noise nuisance was likely to be caused by the use of the premises for the hours requested. However there was no Environmental Health officer present.

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

Mr Piers Warne, Solicitor for the applicants, stated that the application concerned a two floor property, the ground floor operating as a normal public house whilst the first floor operated as a comedy/night club, hence the later hours on Fridays and Saturdays. The application was as outlined by officers. However there was an amendment in that the non standard times, except St Patricks Day, were no longer being applied for.

A large company operated the premise, which was open until 02.00 hours on Fridays and Saturdays already. These hours had not been the subject of previous complaints from residents or Environmental Health. The only objection was one sentence from Environmental Health that provided no detail and who were not present. As such, he did not consider this to be a relevant representation.

As there were no evidence regarding past or possible future noise nuisance, he considered that it would be very difficult for the Sub Committee to impose conditions and therefore the application should be granted.

The Chair asked if there were any questions for the applicants.

In response to questions from members Mr Warne stated that they held several events and would use the 02.00 hours licence on a regular basis. However the premises could close earlier if there was no clientele. They employed door supervisors, which was already part of their conditions.

The Chair thanked everyone for their contributions and advised that the Committee would be proceeding into private session to considering the evidence submitted.

The meeting adjourned at 7.18pm and reconvened at 7.21pm.

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

That the application for the variation of the Premises Licence under the Licensing Act 2003, for Bar Risa/Jongleurs, Bow Wharf, London E3 5SN, be **GRANTED** for the following hours: -

Supply of Alcohol

Monday to Saturday 11.00 until 02.00 hours; and
Sunday 12.00 noon until 22.30 hours

Hours Premises are Open to the Public

Monday to Saturday 11.00 until 02.30 hours; and
Sunday 12.00 noon until 23.00 hours.

Mr Cannon reported that he had advised the Committee that in making their decision, that although less weight should be attached to the Environmental Health objection as they were not in attendance, the objection was none the less a relevant objection.

5.3 Licensing Act 2003 Application to Vary the Premises Licence: The Henry Addington, Canary Wharf, London E14 (LSC010/506)

Withdrawn.

5.4 Licensing Act 2003 Application to Vary the Premises Licence: Victoria PH, 110 Grove Road, London E3 5TH (LSC012/506)

At the request of the Chair, Ms Jackie Randall-Peltier, introduced the report, which sought a premises licence and a variation of the premises licence for the Victoria PH, 110 Grove Road, London E3 5TH. The days and hours applied for were those of Monday to Saturday 11.00 until 12 midnight and Sunday 12 noon until 23.30 hours. The premises had a supper hours certificate until 00.00 hours.

Appropriate consultation had been carried out with an objections received from a local resident. The objections related to noise disturbance from music, particularly that broadcast in the premise garden.

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

Ms Mareri, Solicitor for the applicants, stated that the applicants were applying for the same operating hours they currently had. The difference was to extend the sale of alcohol to the same as the supper hours certificate.

The objector was concerned with music in the garden yet not the premise did not have speakers in the garden. They were not the closest resident to the premise and were separated from the premise by a small alleyway. Those residents whose gardens did adjoin the premise had not objected. There were also no objections from Environmental Health who had no previous noise complaints concerning the premise.

Ms Mareri concluded by stating that the premise would close their rear doors to the garden from 23.00 hours onwards.

The Chair asked if there were any questions for the applicants.

In response to questions from members Ms Mareri confirmed that the building was detached and that the rear doors were only used as an emergency exit.

The Chair thanked everyone for their contributions and advised that the Committee would be proceeding into private session to considering the evidence submitted.

The meeting adjourned at 7.35pm and reconvened at 7.37pm.

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

That the application for the variation of the Premises Licence under the Licensing Act 2003, for the Victoria PH, 110 Grove Road, London E3 5TH, be **GRANTED** for the following hours and subject to the following amendments to the application: -

Supply of Alcohol

Monday to Saturday 11.00 until 00.00 hours; and
Sunday 12.00 until 23.30 hours

Hours Premises are Open to the Public

Monday to Saturday 11.00 until 00.30 hours; and
Sunday 12.00 until 00.00 hours.

AMENDMENTS TO APPLICATION

- That the rear doors to the garden be closed to patrons and only used for emergency access/egress from 23.00 hours Monday to Sunday.

Mr Cannon reported that he had advised the Committee that in making their decision, although less weight should be attached to the residents objection as they were not in attendance, that the objection should be taken into account.

5.5 Licensing Act 2003 Application to Vary the Premises Licence: The Dog & Truck PH, 72 Backchurch Lane, London E1 1LX (LSC013/506)

Withdrawn.

The meeting closed at 7.44pm.

CHAIR_____