

LONDON BOROUGH OF TOWER HAMLETS**MINUTES OF THE LICENSING SUB COMMITTEE****HELD AT 6.30 P.M. ON WEDNESDAY, 15 NOVEMBER 2017****THE COUNCIL CHAMBER, TOWN HALL, MULBERRY PLACE, 5 CLOVE
CRESCENT, LONDON, E14 2BG****Members Present:**

Councillor Candida Ronald (Chair)

Councillor Khaled Uddin Ahmed

Councillor Suluk Ahmed

Officers Present:

Corinne Holland

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Vivienne Walker

– (Senior Prosecution Lawyer)

Simmi Yesmin

– (Senior Committee Officer,
Democratic Services)**Representing applicants**

Laura Lythall

Item Number

4.1

Role

Applicant

Tom Luu

4.2

Representative

Jacky Huyna

4.2

Applicant

Phuong Hoang

4.2

Member of staff

Representing objectors

Konstantinos Prepals

Item Number

4.1

Role

Local Resident

1. DECLARATIONS OF DISCLOSABLE PECUNIARY INTEREST

Councillor Candida Ronald declared a personal on agenda item 4.1, Application for a new premises licence for The Ship, 290 Westferry Road, London E14 3AG on the basis that she has been a customer at the premises.

2. RULES OF PROCEDURE

The rules of procedure were noted.

3. MINUTES OF THE PREVIOUS MEETING(S)

The minutes of the meeting were agreed and approved as a correct record.

4. ITEMS FOR CONSIDERATION

4.1 Application for a New Premises Licence for The Ship, 290 Westferry Road, London E14 3AG

At the request of the Chair, Ms Corinne Holland, Licensing Officer, introduced the report which detailed the application for a new premises licence for The Ship, 290 Westferry Road, London E14 3AG. It was noted that the licence had lapsed due to the death of the premises licence holder and the transfer had not been submitted within the 28 day period therefore a new premises licence had to be applied for. It was noted that objections had been received on behalf of local residents.

At the request of the Chair, Ms Laura Lythall, Applicant, addressed the Sub-Committee and explained that the application was seeking to continue with the same hours as they previously had and that due to bereavement after her father had died she had missed the deadline to transfer the licence. Ms Lythall explained that she had worked very hard to change the image of the pub from a drinking establishment to a food led restaurant with a more family orientated environment.

In order to help prevent public nuisance she said that there were a number of signs displayed all around the premises, asking customers to keep the noise to a minimum, to leave quietly and to respect the needs of local residents. It was also noted that they closed the beer garden by 10pm and staff police and monitored customers to ensure the noise was kept to a minimum. Ms Lythall explained that she had barred approximately 35 people over the past year from the premises that had been too loud. She also stated that they would be operating a 30min drinking up time to stagger egress of customers when leaving the premises. Ms Lythall stated that she would put up more signs, around the premises and in the beer garden, offer training to staff and personally monitor the noise levels emanating from the premises. It was noted that she had already provided her personal number to local residents to raise any concerns they many have and that she would continue to work with local residents.

Mr Lythall explained that the beer garden had very high walls and therefore would be difficult for residents to be able to see the customers. It was also noted that there had been no noise complaints since 2013 and there had been no objections from neighbours directly opposite the premises or any responsible authorities.

One objector was present at the meeting but did not wish to speak therefore the written objections was noted and considered.

In response to questions the following was noted;

- That the beer garden had been in operation since the last 7 years.
- The smoking area had no tables or chairs, drinks were allowed and a maximum of 8-10 people used it at any one time but there no limits as to how many people could use it.

- That there were five tables in the beer garden
- That there had been no direct complaints made to the premises

Members adjourned the meeting at 7.10pm for deliberations and reconvened at 7.25pm.

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:

1. The Prevention of Crime and Disorder;
2. Public Safety;
3. Prevention of Public Nuisance; and
4. The Protection of Children from Harm

Consideration

Each application must be considered on its own merits and the Chair stated that the Sub Committee had carefully considered all of the evidence before them and had heard representation from the Applicant and noted the written objections made by local residents, one of whom was present at the meeting but did not wish to speak at the meeting.

Members recognised that the area was a residential area and therefore accepted that a late licence could cause potential nuisance for residents. However Members also welcomed the efforts made by the Applicant to alleviate the concerns of residents by displaying notices around the premises requesting customers to respect the needs of local residents and to leave the area quietly.

Members believed that the reduction in hours for the outside area and restricting the use of the smoking area would help alleviate the concerns of local residents and help promote the licensing objectives.

Members reached a decision and the decision was unanimous. Members granted the application subject to conditions to help prevent public nuisance.

Decision

Accordingly, the Sub-Committee unanimously –

RESOLVED

That the application for a New Premises Licence for, The Ship, 290 Westferry Road, London E14 3AG be **GRANTED with conditions**.

Sale of Alcohol (on and off sales)

Monday to Sunday from 12:00 hours to 23:30 hours

The Provision for Regulated Entertainment (recorded music)

Monday to Saturday from 12:00 hours to 23:30 hours

Sunday from 12:00 hours to 23:00 hours

Hours premises is open to the public

Monday to Sunday from 12:00 hours to 00:00 hours (midnight)

Conditions

1. No drinks allowed outside the premises or the designated smoking area (detailed as the outside drinking area on the layout plan - right of the premises) except for the Beer garden.
2. No more than 7 smokers allowed to smoke outside the premises at any one time.
3. No drinks allowed to be taken outside to the Beer Garden after 22:00 hours.
4. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and leave the area quietly.
5. The premises shall install and maintain a comprehensive CCTV system . All entry and exit points will be covered enabling frontal identification with a "head and shoulder" image of every person entering , in any light condition. The CCTV system shall continually record whilst the premises are 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. Recordings shall be made available upon request of Police or authorised officer throughout the preceding 31-day period (subject to data protection legislation).
6. 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 to the public. This staff member must be able to show a Police or authorised council officer recent data or footage with the absolute minimum of delay when requested .
7. Loudspeakers shall not be located in the entrance lobby or outside the premises building.
8. All windows and external doors shall be kept closed after **22:00 hours**, or at any time when

regulated entertainment takes place, except for the immediate access and egress of persons. Also the premises licence holder shall ensure that noise or vibration is not audible at the nearest noise sensitive premises

4.2 Application for a New Premises Licence for Pho Village, 50 Fashion Street, London, E1 6PX

At the request of the Chair, Ms Corinne Holland, Licensing Officer, introduced the report which detailed the application for a new premises licence for PHO Village, 50 Fashion Street, London E1 6PX. It was noted that objections had been received on behalf of a local resident.

At the request of the Chair, Mr Tom Luu, representative on behalf of the Applicant explained that it was a small Vietnamese café, opened since July 2017. It was noted that they didn't intend to open in the evenings or sell alcohol but due to customer demands the application had been made. The intention was to sell a beer with food only. He stated that although longer hours had been applied for, the hours would not be used and would only be there to allow them flexibility.

He briefly summarised the Applicant's experiences to date and stated that it was not a drinking establishment, but more a food led premises with customers having the ability to have an alcoholic drink with their food.

The objector was not present at the meeting therefore the written objection was noted and considered.

In response to questions it was noted that the applicant only intended to sell alcohol with food only and that they wanted to primarily sell Vietnamese Beer to accompany the Vietnamese food they sold. It was also noted that the objection relating to mopeds used for deliveries was in fact related to the takaway shop opposite their premises.

Members adjourned the meeting at 7.45pm for deliberations and reconvened at 7.55pm.

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:

1. The Prevention of Crime and Disorder;
2. Public Safety;
3. Prevention of Public Nuisance; and
4. The Protection of Children from Harm

Consideration

Each application must be considered on its own merits and the Chair stated that the Sub Committee in the absence of the objector had carefully considered the written objections in the agenda and listened to the representations made on behalf of the Applicant by his Representative.

Members noted the fact that the premises currently opened only during the weekdays and closed relatively early on most days but wanted the longer hours on the licence to allow flexibility if they felt the need to stay open for longer. Members felt that a condition to restrict the sale of alcohol ancillary to food only would help alleviate the concerns that the premises would not become a drinking establishment if a licence was granted.

Members reached a decision and the decision was unanimous. Members granted the application subject to a condition to help prevent public nuisance.

Decision

Accordingly, the Sub-Committee unanimously –

RESOLVED

That the application for a New Premises Licence for, PHO, 50 Fashion Street, London E1 6PX be **GRANTED with condition.**

Sale of Alcohol (on and off sales)

Monday to Saturday from 12:00 hours to 22:30 hours
Sunday from 12:00 hours to 22:00 hours

Hours premises is open to the public

Monday to Sunday from 11:00 hours to 23:00 hours

Condition

1. Sale of alcohol ancillary to food only.
2. The premises licence holder shall ensure that reasonable and adequate staff training shall be carried out and properly documented and made available to Police and Responsible Authority officers upon request.
3. The premises licence holder shall operate a 'Challenge 25' scheme at the premises whereby anyone who appears to be under the age of 25 shall be asked to provide proof of age that he or she is over 18. Proof of age shall only comprise of a passport, a photo-card driving licence or an industry approved proof of age identity card bearing the PASS hologram.

4. Clear signage stating the premises operating hours to be displayed
5. Delivery of goods, necessary for the business, to be delivered in a manner so not to cause a nuisance to residents.

5. EXTENSION OF DECISION DEADLINE: LICENSING ACT 2003

The meeting ended at 8.00 p.m.

Chair, Councillor Candida Ronald
Licensing Sub Committee