

**LONDON BOROUGH OF TOWER HAMLETS**

**MINUTES OF THE LICENSING SUB COMMITTEE**

**HELD AT 6.30 P.M. ON TUESDAY, 20 OCTOBER 2009**

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

**Members Present:**

Councillor Peter Golds (Chair)

Councillor Rupert Eckhardt  
Councillor Rachael Saunders

**Other Councillors Present:**

Councillor Tim Archer  
Councillor Stephanie Eaton

**Officers Present:**

Simmi Yesmin – (Senior Committee Officer)  
Zakir Hussain – (Solicitor)  
Jackie Randall-Peltier – (Acting Licensing Services Manager)

**Applicants In Attendance:**

Right Honourable David Mellor - River Lounge  
Alun Thomas - River Lounge (Counsel – Davenport Lyons)  
Lewis Opton - River Lounge (Davenport Lyons)  
David Leonard - River Lounge  
Mike Hossam - River Lounge  
Grant Stevens - River Lounge  
Paul Garwood - River Lounge  
Colin Mitchell - River Lounge  
Penny Coham - River Lounge  
Hushiar Ali - Mangos Restaurant  
Muktar Miah - Mangos Restaurant

**Objectors In Attendance:**

David Dadds - River Lounge (Counsel)  
Randheer Kalsi - River Lounge  
Mrs Kalsi - River Lounge  
Mr Anderson - River Lounge  
Mr Aylott - River Lounge  
Ms Byford - River Lounge

**1. APOLOGIES FOR ABSENCE**

There were no apologies for absence.

**2. DECLARATIONS OF INTEREST**

Councillor Peter Golds declared a personal interest in agenda item 5.1, Application to review the premises licence for River Lounge, 50 St Katherine's Way, London E1w 1LA on the basis that he had previously been on a site visit in the area.

**3. RULES OF PROCEDURE**

The rules of procedure were noted.

**4. UNRESTRICTED MINUTES**

The unrestricted minutes of the Licensing Sub Committee meeting held on 24<sup>th</sup> September 2009 and 30<sup>th</sup> September 2009 were agreed as a correct record.

**5. ITEMS FOR CONSIDERATION****5.1 Application for a Review of the Premises Licence for The River Lounge, 50 St Katharine's Dock, London, E1W 1LA (LSC 029/910)**

At the request of the Chair, Jackie Randall, Acting Licensing Services Manager introduced the report which detailed the application to review the premise licence for River Lounge, 50 St Katherine's Way, London E1w 1LA. It was noted that the application had been received by the Right Honourable David Mellor (local resident) and supporting the review were local residents.

Mr Alun Thomas, Counsel for the Applicant (Mr David Mellor) stated that supporting documents submitted by the Premises License Holder were late submissions and therefore should not be accepted. However the Sub Committee agreed that these should be considered as these had been submitted 24 hours before the meeting and made available to all parties.

Mr David Dadds Counsel for the Premises License Holder (Mr Kalsi) stated that he would be speaking on behalf of Mr Kalsi and did not wish to discuss any issues relating to covenants, or lease arrangements as these were not relevant to the licensing application.

Mr Thomas briefly explained the history of the area, and the events which had lead to the review. He also explained the noise nuisance which had occurred and still continues to occur and the impact it had on his client and local residents. Mr Thomas further explained that despite many attempts made by Mr Mellor to discuss matters, Mr Kalsi had not reciprocated. Mr Thomas

stated that the River Lounge was currently not trading as a Members Club which is what its premises license required and he then highlighted the conditions on the licence which were listed on page 96 of the agenda.

Mr Thomas explained that the 48 hour membership rule was currently not being adhered to; he drew members' attention to photographs which highlighted the location of the premises and its close proximity to the homes of local residents. This was disputed by Mr Dadds, who did not feel that the photographs were a true reflection of where certain properties were located. It was noted that there had been 21 private parties in one month, It was further noted that the premises was not constructed to be used as a pub/bar as there was no lobby or sound insulation and this premises was now believed to be used as a pub by using Temporary Events Notices (TEN).

Mr David Mellor gave a brief background of the local area, how long he'd live there and the public nuisance he and his partner had experienced. He explained that when these premises were run by previous owners there had been no complaints as it only catered for a quiet drink and a meal. Mr Mellor stated that when Mr Kalsi took over the premises he attracted a younger clientele who had no concept of residential areas. He then described the events which occurred on 1<sup>st</sup> May 2009 where the noise levels were audible all over his house. He then referred Members to page 138 of the agenda which listed a chronology of events in relation to noise nuisance and when complaints had been made. Mr Mellor explained that on 30<sup>th</sup> July 2009 there had been 37 people on the balcony causing noise nuisance which was later confirmed by CCTV cameras which Area Security had access to and due to this a letter was served by the landlord to Mr Kalsi. He concluded by saying that throughout summer there had been excessive use of the balcony causing public nuisance. It was also noted that a large bouncer is on the door and this causes apprehension to local residents.

The Chair then invited the residents, who wished to address the Committee, Johan Denekamp, Colin Mitchell, Paul Garwood and Grant Stevens were among the residents who spoke in support of the application, each addressing similar concerns in relation to public nuisance, noise nuisance, and anti-social behaviour, and referred to their representations within the agenda.

The Chair then invited Mr Dadds, Council for Mr Kalsi to address the Sub-Committee. Mr Dadds began by explaining that the premise was run professionally and it was believed that both the Police and Environmental Health also shared the same view, and referred members to emails from the Police and Environmental Health. He explained that it was a food lead business which meets the licensing objectives and continues to meet it

He stated that having assessed the current conditions and the concerns of local residents they were happy to accept a condition for a noise limiter on the license. He also explained that there had been an incident where his client had felt threatened by Mr Mellor and had to call the police and it was felt that after this incident, all these complaints had started and that a clear assertion had been made by Mr Mellor that the premises would be closed down.

Mr Dadds went on to explain that in actual fact the premises had a premises license and not a club license and therefore the Premises Licence Holder, Mr Kalsi could operate and regularise his rules of membership how he wishes to and therefore management could change the rules as they see fit. He explained that the Metropolitan Police and the Local Authority were notified of the change to the membership rules. He also explained that the 21 parties that had been referred to, all had TEN applications and the police had not objected to this.

He then referred to the maps they had submitted which identified where the objectors and supporters were located in relation to the premises, he also highlighted other businesses/premises in the local area which were of close proximity to the River Lounge. Mr Dadds stated that he was unaware that Area Security had CCTV cameras in operation.

Mr Dadds made reference to letters of support from local residents and customers. He then addressed the complaints logged by Mr Mellor. He stated that they were happy to apply further conditions to the license by way of introducing the following; CCTV cameras, SIA door supervisors, noise limiter installed, limit the use of the balcony to certain times, limit the number of people allowed to access it at any one time, and also limit the music equipment to only the sound system with no additional equipment.

Mr Dadds then called upon Mr Anderson, Acoustic Engineer who gave the results of the assessment of the premises. Mr Aylott was also called as an observer who presented his observations of the premises and gave evidence that the membership rules had been adhered to and that noise was not audible.

Members then asked questions of both parties.

In response to a question Mr Dadds explained the current licence of the premises by which the licence holder can regulate its own membership criteria. Members also asked questions about the events on 30<sup>th</sup> July 2009, the security currently in place, why monitoring from Environmental Health was refused, and the number of TENs applications applied for.

The chair asked for concluding remarks from both parties.

Mr Dadds briefly summarised his submission and stated the proposals put forward on behalf of the Premises Licence Holder.

Mr Thomas summarised the applicant's submission and particularly highlighted the noise nuisance caused to local residents and insisted that the premises should be operated with the previous membership rule. He concluded that the premises was not suitable to operate and urged members to revoke the license.

Under standing orders, the Chair extended the meeting by a further 30 minutes in accordance with Part 4 section 9.1 of the Council's Constitution.

The Chair advised that the Sub Committee would at 9.16pm adjourn to consider the evidence presented. The Members reconvened at 9.37pm, the Chair reported that the Sub Committee had unanimously;

### **Resolved**

That the premises licence for River Lounge, 50 St Katherine's Way, London E1w 1LA be **REVOKED**.

## **5.2 Application for a New Premises Licence for Mango Restaurant, 90 Brick Lane, London E1 6RL (LSC 030/910)**

At the request of the Chair, Jackie Randal, introduced the report which detailed the application for a new premise licence for Mango Restaurant, 90 Brick Lane, London E1 6RL. It was noted that an objection had been received from a local resident.

Mr Muktar Miah, addressed the committee on behalf of the applicant, he briefly explained the local trade in Brick Lane and stated that alcohol would only be served with food, and therefore intoxication would be limited. It was also noted that conditions had been agreed both with Environmental Health and Police.

In response to questions it was noted that new ownership had commenced from 27<sup>th</sup> July 2009 and the restaurant was currently operating with TEN applications. It was also confirmed that no touts had been employed.

The Chair advised that the Sub Committee would at 9.50pm adjourn to consider the evidence presented. The Members reconvened at 9.58pm, the Chair reported that the Sub Committee had unanimously;

### **Resolved**

That the application for a new premises licence for Mango Restaurant, 90 Brick Lane, London E1 6RL be **GRANTED** and include the following conditions;

#### **Sale of Alcohol**

Monday to Saturday	from 12:00 hrs to 23:30 hrs
Sunday	from 12:00 hrs to 23:00 hrs

#### **The Provision of Late Night Refreshment:**

Monday to Saturday	until 00:00 hrs (last orders 23:30 hrs)
Sunday	until 23:30 hrs (last orders 23:00 hrs)

#### **Hours premises are open to the public:**

Monday to Saturday	from 12:00 hrs to 00:00 hrs
Sunday	from 12:00 hrs to 23:30 hrs

Additional Conditions

- Waste materials shall not be placed in the external bins during the night hours (23:00 hrs to 07:00 hrs the following day)
- There shall be no collection or deliveries between 23:00 hrs and 07:00 hrs.
- CCTV to be installed or maintained (one to be positioned outside the main door). The CCTV system shall incorporate a recording facility and any recording shall be retained and stored in a suitable and secure manner for a minimum of 31 days. A system shall be in place to maintain the quality of the recorded image and a complete audit trail maintained. The system will comply with other essential legislation, and all signs as required will be clearly displayed. The system will be maintained and fully operational throughout the hours that the premises are open for licensable activity. There must also be someone on the premises who can download the images and present them immediately on request by a police officer or other regulatory authority.
- The Premises Licence Holder or the DPS or any person who controls the premises or any persons concerned in the management of the premises shall not cause or permit a person to solicit for custom for the premises in any street or public place.
- To adhere to licensing objectives, the DPS, the Premises Licence Holder or a manager who has written permission, which can be supplied to the police or other responsible authority, to be on the premise.
- To prohibit touting for the premises.

**5.3 Application for a New Premises Licence for the Golden Heart, 110 Commercial Street, London E1 6LZ (LSC 031/910)**

This item was deferred at the request of the Applicant and would be considered at the Extraordinary Licensing Sub Committee due to be held on 28th October 2009.

**6. EXCLUSION OF PRESS AND PUBLIC**

The Sub Committee **RESOLVED**

That, under the provision of Section 100A of the Local Government Act, 1972 as amended by the Local Government (Access to Information) Act 1985, the Press and Public be excluded from the meeting on the grounds that it contains information defined as exempt in Part 1 of Schedule 12A to the Local Government Act 1972.

**7. RESTRICTED MINUTES**

The restricted minutes of the Licensing Sub Committee meeting held on 3<sup>rd</sup> September 2009, 24<sup>th</sup> September 2009 and 30<sup>th</sup> September 2009 were agreed as a correct record.

The meeting ended at 10.00 p.m.

Chair, Councillor Peter Golds  
Licensing Sub Committee