

LONDON BOROUGH OF TOWER HAMLETS

MINUTES OF THE LICENSING SUB COMMITTEE

HELD AT 6.30 P.M. ON TUESDAY, 7 FEBRUARY 2006

**ROOM 72, THE TOWN HALL, MULBERRY PLACE, 5 CLOVE CRESCENT,
LONDON, E14 2BG**

Members Present:

(none)

Councillor Betheline Chattopadhyay
Councillor Ray Gipson
Councillor Marian Williams

(none)

Other Councillors Present:

(none)

Officers Present:

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1. APOLOGIES FOR ABSENCE

None were received.

2. DECLARATIONS OF INTEREST

None were made.

3. RULES OF PROCEDURE

The Rules of Procedure were noted.

4. MINUTES

The minutes of the Licensing Sub Committee meetings held on 5th and 9th of January 2006 were agreed as an accurate record.

5. ITEMS FOR CONSIDERATION

5.1 Application for New Premises Licence: Boundary house, 2-4 Boundary Street, London E2 7JE (Report no LSC103/506)

Colin Perrins introduced the report which assessed an application for a licence for a new development intended to provide a small cinema, hotel and brasserie-style restaurant. The applicants Soho House UK Ltd, had obtained planning permission with a number of conditions, and copies of this were laid round.

Initial objections had come from local residents, Environmental Protection (noise pollution), Health & Safety and the fire brigade. However subsequent to a letter received from the applicant's solicitor dated 3rd February which proposed a number of conditions to be included in the licence, the latter two had withdrawn their objections. Copies of this letter and associated acoustic and noise surveys, were also laid round.

Gabriele Popp stressed that the surrounding area was currently mostly a quiet residential one with little evening use or noise. The proposed development was bound to lead to this changing and in particular to additional noise and disruption from patrons' cars and taxis. She was also worried about disruption from staff arriving and leaving, refuse collection and deliveries. Finally she was concerned at the potential for overlooking from the hotel rooms.

Kerry Sewell supported the previous objections and pointed out that the applicants also intended to develop a nearby site across the borough boundary with Hackney. She feared it would lead to a substantial increase in noise especially when the sliding doors at the front were open or tables on the street, and if customers were talking loudly on mobile phones.

Councillor Louise Alexander warned that there was a danger of the area turning gradually into nearby Shoreditch with its 24-hour bar culture. She was also concerned that these premises would not be accessible to the area's Muslim community and to residents of the Boundary Estate.

Alkesh Solanki stated that although the applicants were clearly making efforts to avoid noise escaping from inside the building, Environmental Protection remained concerned that it would be extremely difficult to regulate the behaviour of customers upon egress and that additional nuisance would inevitably be caused.

The Chair and Legal Advisor pointed out that many of the matters being raised were dealt with principally under other regulatory regimes, eg planning and highways, and could only be addressed to a limited extent within the context of a licensing application.

Julian Stevens for the applicant, referred to the conditions already attached to the planning permission which he hoped would help address many of the fears expressed. For example conditions 2 & 3 regulated the times of building work and during which deliveries should

take place respectively, while condition 4 covered the operating hours of the restaurant and cinema.

Most importantly, Condition 6 required that the applicant submit “a management plan detailing proposed means of ensuring that patrons leaving the premises do not cause undue disturbance to neighbouring occupiers”. This had to be approved by the local planning authority before the development could even start. Finally condition 7 required that noise arising from any new equipment be designed to be 10 decibels below the current lowest measured background noise.

Notwithstanding these, his clients were proposing 11 conditions to be added to the premises licence in an attempt to address any outstanding issues. He stressed that Soho House were an established and respected operator of similar businesses and aimed to co-operate harmoniously with their neighbours. All facilities would be open to and aiming to attract custom from every section of the community. In conclusion he reminded the committee of the four licensing objectives, and contended that his clients had done all they could to address them.

The Legal Advisor confirmed that all planning conditions would have to be complied with, and that a breach of conditions notice could be served speedily if they were not. He also reminded the applicant that any use of the footway would require separate consent under highways powers.

The sub-committee adjourned at 7.55pm and reconvened at 8.10pm.

The Chair advised that the committee had listened carefully to all the views expressed and taken into account all the evidence received. However they were required to address principally the four licensing objectives – in this case particularly ‘the prevention of public nuisance’. They were satisfied that with the additional conditions agreed upon, the applicants were doing everything they could at this time to comply with these objectives. However he reminded the objectors that they could seek a review at any time should they not live up to their obligations.

The sub-committee then

RESOLVED that the application for a new Premise Licence for Boundary House, 2-4 Boundary Street, London E2 7JE be GRANTED subject to the following conditions:

- 1) All licensable activities to commence no earlier than 8 am, as required in the planning permission.**
- 2) The premises will be constructed to standards and recommendations set out in the guidance issued under Section 182 of the Licensing Act 2003.**

- 3) **The premises licence will have no effect until the premises is technically assessed as satisfactory by the LFEPA and the council's health and safety team.**
- 4) **Before the premises opens to the public, the plans as deposited with this application should be checked by the health and safety team to ensure that they are an accurate reflection of the premises constructed. Where the premises layout changes during the course of construction, new plans will be provided to the Licensing Authority.**
- 5) **A sound limiting device will be fitted to the music or amplification system and set at a level determined by and to the satisfaction of an authorised officer of the environmental health noise and nuisance team, to ensure that no noise nuisance is caused to local residents. The operation panel of the sound limiter shall be secured to the satisfaction of environmental health. The limiter shall not be altered without the prior agreement of the environmental health service.**
- 6) **A comprehensive CCTV system will be installed and maintained at the premises. All cameras shall continually record whilst the premises are open to the public and the recordings (video or digital) shall be kept available for a minimum of 31 days with time and date stamping. Tape/digital recordings shall be made available to an authorised officer or police officer together with facilities for viewing. Recordings outside this period shall be made available on 24 hours notice.**
- 7) **Noise and vibration will not be allowed to emanate from the premises so as to cause a nuisance to the nearest noise-sensitive property.**
- 8) **The maximum number of persons including staff to be present in the licensed premises shall not exceed numbers specified from time to time by the LFEPA.**
- 9) **A taxi service will be available for the collection of patrons from the premises.**
- 10) **Appropriate signage reminding patrons to leave quietly, to be erected and maintained in public areas of the premises.**
- 11) **A direct landline telephone number for members of management at the premises will be made available to local residents associations and to any person wishing to comment on the operation of the premises.**

- 12) **Any tables and chairs on the pavement outside the premises to be removed, and the sliding doors closed, by 9.30pm on any evening.**
- 13) **No off-sales permitted at any time.**
- 14) **Additional non-standard licences shall be restricted to a maximum of 12 occasions each year, with the police and the licensing authority to be informed in writing at least ten days before each and the written consent of the police obtained. Every effort shall be made to also inform local residents association on any such occasions.**

The meeting ended at 8.20 p.m.

Chair, (none)
Licensing Sub Committee