

**LONDON BOROUGH OF TOWER HAMLETS**

**MINUTES OF THE LICENSING SUB COMMITTEE**

**HELD AT 10.30 A.M. ON TUESDAY, 11 APRIL 2006**

**ROOM C1, TOWN HALL, MULBERRY PLACE, 5 CLOVE CRESCENT, LONDON,  
E14 2BG**

**Members Present:**

Councillor Ray Gipson (Chair)  
Councillor Motin Uz-Zaman  
Councillor Marian Williams

**Other Councillors Present:**

None.

**Officers Present:**

|               |                          |
|---------------|--------------------------|
| Kathy Butler  | - Trading Standards      |
| Zakir Hussain | - Councils Legal Advisor |
| Paul Ward     | - Clerk to the Committee |

**Applicants In Attendance:**

|            |                         |
|------------|-------------------------|
| Paul Mason | - Solicitor, City Spice |
|------------|-------------------------|

**Objectors In Attendance:**

|                |                        |
|----------------|------------------------|
| Colin Dewis    | - LFEPA                |
| Alkesh Solanki | - Environmental health |

**Members of the Public In Attendance:**

None were present.

**1. APOLOGIES FOR ABSENCE**

None were received.

**2. DECLARATIONS OF INTEREST**

None were received.

**3. RULES OF PROCEDURE**

The Rules of Procedure were noted.

#### **4. UNRESTRICTED MINUTES**

Councillor Williams stated that item 5.1, paragraph 2 should read that all doors and windows would be kept closed except for access and egress purposes.

The minutes of the Licensing Sub Committee meeting held on 29<sup>th</sup> March 2006, were agreed, subject to the above amendment, as an accurate record of the proceedings.

#### **5. ITEMS FOR CONSIDERATION**

##### **5.1 Application for New Premises Licence: City Spice, 138 Brick Lane, London E1 6RU**

At the request of the Chair, Ms Kathy Butler introduced the report, which sought a new premises licence for City Spice, 138 Brick Lane, London E1 6RU. The days and hours sought for the sale of alcohol, regulated entertainment and to be open to the public were those of Sunday to Thursday 10.00 until 01.00 hours and Friday to Saturday 10.00 until 02.00 hours. The days and hours sought to provide late night refreshment were those of Sunday to Thursday 23.00 until 01.00 hours and Friday to Saturday 23.00 until 02.00 hours.

Appropriate consultation had been carried out with an objection received from London Fire & Emergency Planning Authority. The objections were on the grounds that the public safety objective of the licensing act may not have been properly addressed.

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

Mr Mason, applicants Solicitor, stated that the hours applied for were not dissimilar to those already operated in the area by other premises. Although the hours for licensable activities were the same as those for opening the premise, the intention was to cease the sale of alcohol and food 30 minutes prior to closing.

In relation to the LFEPa objection, the confirmations and information required would be submitted to them as soon as possible. There had been a delay in this due to the applicant being on holiday and not returning until 17<sup>th</sup> April 2006. However he could confirm that the capacity of the premise would be limited to 50 persons and only increased through negotiations with the LFEPa.

The Chair asked the objector to present his case.

Mr Dewis, LFEPa, commented that following a visit to the premise, although he had found no works were needed, he required the certificates and confirmations detailed in his objection to be supplied in writing before they could withdraw their objection.

The Chair asked if there were any questions for the applicant or objectors.

In response to questions from Members, Mr Mason commented that the premise was currently closed. He would accept as a condition the cessation of licensable activities 30 minutes before closing time. The selling of alcohol was ancillary to the provision of food. They were also applying for alcohol to be taken off the premise which would only be in sealed bottles/tins. There would be no touting for business, patrons could remain in the premise whilst taxis were ordered for them and signage reminding patrons to leave quietly would be displayed.

Ms Butler clarified that under the 2003 Licensing Act alcohol did not need to be ancillary to a meal. It was a condition of the license that any alcohol taken off the premise was sealed. There were a number of other premises in Brick Lane that operated similar hours to those applied for.

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

The meeting adjourned at 10.53am and reconvened at 11.02am.

The Chair stated that they required clarification as to whether the applicant would be willing to amend the application to closing at midnight on Sundays.

Mr Mason stated that in order to accept the change of hours on Sundays he would have to explain this to his client. As there was a demand for food on Sundays and that that other premises in the area were open later and therefore could have a commercial advantage, he could not justify this to his client.

The meeting adjourned at 11.13am and reconvened at 11.16am.

The Chair reported that having considered the report and the evidence and comments presented, the Sub Committee had **RESOLVED** That the application for a New Premises Licence under the Licensing Act 2003, for City Spice, 138 Brick Lane, London E1 6RU be **GRANTED** for the following hours, subject to the following conditions: -

#### Supply of Alcohol and Regulated Entertainment

Sunday to Thursday 10.00 until 00.30 hours; and  
Friday to Saturday 10.00 until 01.30 hours.

#### Late Night Refreshment

Sunday to Thursday 23.00 until 00.30 hours; and  
Friday to Saturday 23.00 until 01.30 hours.

#### Hours Premises are Open to the Public

Sunday to Thursday 10.00 until 01.00 hours; and

Friday to Saturday 10.00 until 02.00 hours.

### CONDITIONS

- That non standard timings be restricted to 2.00am, Sundays before Bank Holiday Mondays only; and
- That the London Fire & Emergency Planning Authority concerns be fully addressed before the licence be implemented.

## **5.2 Application for New Premises Licence: Rise & Shine, 59-61 Vyner Street, London E2 9DQ**

At the request of the Chair, Ms Kathy Butler introduced the report, which sought a new premises licence for the Rise and Shine, 59-61 Vyner Street, London E2 9DQ. The days and hours sought for the sale of alcohol and regulated entertainment were those of Monday to Friday 19.00 to 05.00 hours, Saturday 10.00 to 05.00 hours and Sunday 14.00 to 05.00 hours. The days and hours sought for late night refreshment were those of Monday to Sunday 23.00 to 05.00 hours. The days and hours sought for the premise being open to the public were those of Monday to Friday 19.00 to 05.30 hours, Saturday 10.00 to 05.00 hours and Sunday 14.00 to 05.00 hours.

Appropriate consultation had been carried out with an objection received from Environmental Health. The objection was on the grounds that granting the application would lead to noise nuisance and public nuisance from patrons leaving the premises.

As there were no questions for the officers and the applicant was not in attendance, the Chair asked the objector to present his case.

Mr Solanki, Environmental Health, stated that he had met the applicant and undertaken an inspection of the premise and found the structure to be wholly inadequate for having regulated entertainment, particularly for the late hours applied for. The premise had poor sound insulation and was therefore likely to disturb the surrounding residents. He did not consider that the public nuisance objective of the Licensing Act could be met.

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

In response to questions from Members Mr Solanki commented that the premise was currently empty with a clothing factory above. At the meeting with the applicant, the applicant had informed him that he was seeking a change of use of the premise in order to create a nightclub and community hall on the ground floor with a church upstairs. This would be totally inappropriate due to the premise being located in a highly residential area.

Ms Butler added that there was a public house in the area but that this was only licensed till midnight.

The Chair thanked everyone for their contributions.

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

That the application for a New Premises Licence under the Licensing Act 2003, for the Rise and Shine, 59-61 Vyner Street, London E2 9DQ be **REFUSED** as the Sub Committee were not satisfied that there was adequate measures in place to prevent noise breakout from the premise and that the public nuisance objective of the Licensing Act had been met.

## 6. EXCLUSION OF PRESS AND PUBLIC

In light of the remaining business on the agenda the Sub Committee **RESOLVED**

That, under Section 100 (a) 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 for the consideration of the Section 2 business on the grounds that it contains information defined as exempt in Part 1 of Schedule 12A of the Local Government Act 1972, as detailed.

## 7. EXEMPT MINUTES

The exempt minutes of the Licensing Sub Committee meeting held on 29<sup>th</sup> March 2006, were agreed as an accurate record of the proceedings.

The meeting ended at 11.35 a.m.

Chair, Councillor Ray Gipson  
Licensing Sub Committee