

LONDON BOROUGH OF TOWER HAMLETS

MINUTES OF THE LICENSING SUB COMMITTEE

HELD AT 6.30 P.M. ON THURSDAY, 31 JULY 2008

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

Members Present:

Councillor Fazlul Haque (Chair)
Councillor Azizur Rahman Khan
Councillor M. M. Rashid

Officers Present:

John Cruse	Licensing Officer
Paul Greeno	Legal Officer
Margaret Sampson	Democratic Services)

Applicants In Attendance:

Mr A. Murrell	Solicitor, Beefeater
Mr U. Bermini	Gen. Manager, Beefeater
F. Boonchan	Rosa Restaurant
A. Moore	Rosa Restaurant

Objectors In Attendance:

J. Curtis	Wilkes Street
S. Rowlands	Wilkes Street
J. & S. Critchley	Wilkes Street
D. Breeze	Ivory House
H. Corben	Ivory House
M. Wilshire	Ivory House

Members of the Public In Attendance:

There were no members of the public in attendance.

1. APOLOGIES FOR ABSENCE

None.

2. DECLARATIONS OF INTEREST

Councillor Haque advised that he was a resident of Spitalfields & Banglatown Ward but did not have an interest in the application (Item 4.1).

3. RULES OF PROCEDURE

Noted.

4. ITEMS FOR CONSIDERATION

At the request of officers, the Chair agreed to vary the order of business and take Item 4.2 first.

4.1 Application for New Premises Licence: Rosa Restaurant, 12 Hanbury Street, London E1 6QR (LSC009/809)

Mr Greeno advised that there had been discussion between the parties before the meeting resulting in one area of dispute remaining: the terminal hour of the premises on Friday and Saturday. The applicant sought to close at 2am whilst residents wished to see the premises close no later than 1am.

A minor variation had also been agreed; that refreshment would be provided indoors only. No off-sales were proposed and there would be no public access to the roof terrace at the rear. The sale of alcohol would only be with food and the premises licence covered the ground floor and basement area only.

Mr Greeno also confirmed that the hours for the sale of alcohol were until 11pm on Monday to Thursday with the premises closing 30 minutes later. The remaining concern of Environmental Health and residents was therefore the potential nuisance to residents by the proposed terminal hour on Friday and Saturday.

Mr Cruse drew Members attention to Appendix 2, which detailed the observations of the Police and conditions proposed by them, also that the application had substantially reduced the weekend opening hours proposed in the original application. Police conditions should be considered in the context of the original proposal.

Mrs Curtis reported that the terminal hour was considered too late due to the potential noise nuisance to residential properties which were located in close proximity to the premises. Noise nuisance to these properties was well documented through other licensing hearings and the problem was the licensee's inability to manage the behaviour of patrons once they had left a premise. The bar opposite closed at 11pm throughout the week in order to protect resident's amenity and there was no other premise in the immediate locality that opened as late as proposed by this application.

Mr Tamba, Environmental Health, concurred with Mrs Curtis' comments. Concern remained as to the noise and disturbance caused by patrons dispersing at a time when background noise levels were lower. There was also residential property directly above the premises.

Members were advised that the capacity of the premises was 50 covers and that it had previously operated as a café that had not been open in the evening. Mr Greeno outlined the original application that had been submitted and which had included regulated entertainment. He advised that following negotiations with the Police and EH, the application had been revised as detailed in the report.

Mr Greeno also advised that the condition clause 'no nudity' referred to the change in the Licensing Policy; where no adult entertainment was specified but regulated entertainment was sought; a no nudity clause would be a condition of the licence.

There being no further questions, the Chair reported that the Sub Committee would now, at 7.50pm, adjourn to consider the evidence presented.

The Sub Committee reconvened at 8.05pm and the Chair reported that Members had resolved:

That the application for a new Premises Licence for Rosa Restaurant, 12 Hanbury Street, London E1 6QR, be **GRANTED** subject to amendment and the following conditions:

Hours Premises is open to the public: 11:00 to 23:30 Sunday to Thursday, 11:00 to 00:30 Friday and Saturday

Sale of Alcohol (on sales only): 11:00 to 23:00 Sunday to Thursday, 11:00 to 00:00 Friday and Saturday

Late Night Refreshment: from 23:00 on all days

Hours for the Provision of Regulated Entertainment: 11:00 to 23:00 Sunday to Thursday, 11:00 to 00:00 Friday and Saturday

No nudity

Waste materials shall not be placed in the external bins during night hours (23:00 to 07:00)

If a Temporary Event Notice is in place allowing regulated entertainment then the doors to the premises shall not be kept in the open position whilst regulated entertainment is in progress

All reasonable steps and regular monitoring by the landlord and his staff shall take place to ensure that customers entering and leaving the premises do so in an orderly manner so as not to cause disturbance to nearby residential properties or annoyance to people passing the premises

Full details as to the construction of the restaurant ceiling be provided to the nominated EHO within 28 days. If the make up of the ceiling is determined inadequate in terms of acoustic qualities then the nominated EHO will recommend further works. If these works cannot be agreed then the matter is

to be remitted back to a Licensing Sub Committee for determination of the works.

4.2 Variation of Premises Licence: Beefeater at the Tower, Ivory House, St. Katharine's Dock, London E1 1LB (LSC010/809)

Mr Greeno, Legal Officer, advised that he and Mr Cruse had spoken to both the applicant and objectors as there appeared to be a misunderstanding as to the nature of the variation applied for. The application sought to tidy up the licence but also included two potential operational changes:

1. To allow alcohol to be sold between the hour of 11pm and 12am without the person needing to eat a meal, and
2. allow alcohol and late night refreshment to be sold for an extra 30 minutes to 12am on Sundays.

Following discussion, the applicant had agreed to withdraw the second point detailed and had confirmed agreement on the first condition that alcohol could only be sold when the person is consuming food.

A further condition referred to in the report and relating to the tidying up process, referred to capacity which was a matter now dealt by the LFEPA. The applicant had confirmed that this had been raised with the LFEPA and no objections had been raised by them. It would not be possible to increase the capacity of a premise beyond the LFEPA limits.

Mr Moore, representing the applicant, confirmed Mr Greeno's summary of the application and the applicant's agreement.

Mr Greeno further reported that he had advised the residents who were present as to the availability of the review process if there were operational issues with the premises and that as the variation application did not relate to hours or nuisance, their objections could not have been taken. The applicant and objectors had been speaking and were now aware that no practical operational change was proposed.

The residents present confirmed to the Chair that they now understood the nature of the variation that had been applied for and the agreement that had been reached. They also confirmed that they were aware of the ability to seek a review should this be the case at some point in the future.

In light of the above, the Sub Committee resolved:

That the application for a Variation of the Premises Licence for Beefeater at The Tower, Ivory House, St. Katharine's Dock, London E1 1LB be **GRANTED** as amended:

Between the hour of 23:00 and 00:00 the retail sale of alcohol will only be to customers who are having late night refreshment.

Capacity of the premises remains unchanged.

It was noted that the variation for the extra 30 minutes on a Sunday had been withdrawn.

The meeting ended at 8.10 p.m.

Chair, Councillor Fazlul Haque
Licensing Sub Committee